United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, FRIDAY, JUNE 24, 2005 No. 86

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 24, 2005.

I hereby appoint the Honorable CHARLES W. BOUSTANY, Jr. to act as Speaker pro tempore on this day.

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

PRAYER

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

Lord God of the heavens, without our realizing it, we are swirling around the sun on this revolving planet. We tend to think we are standing still and the sun is moving over us. The summer sun lengthens our days and, like an explosion, new life bursts around us.

Knowing how important summertime is to children, we ask You to protect them and help them to discover Your gracious presence in the midst of their fun. As Americans, we bless You for this time of year and thank You for family picnics, barbecues and baseball games.

Guide the Members of the U.S. House of Representatives in their work today. Grant them and their staffs a beautiful weekend filled with summer blessings, good times shared with family and friends.

In their recreation, their plentitude and their free time, renew them in Spirit and give them grateful and generous hearts. Ever mindful of Your constant love, may they offer You thanks now and forever. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. WILSON of South Carolina 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1812. An act to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

The message also announced that the Senate has agreed to without amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 163. Concurrent resolution honoring the Sigma Chi Fraternity on the occasion of its 150th Anniversary.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive five 1-minute requests on each side.

NEW PLAN ON SOCIAL SECURITY

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

Ms. FOXX. Mr. Speaker, I rise today to discuss the need to strengthen Social Security.

As a former president of a community college, and as a mother and grandmother, I have an obligation to ensure that our children and grandchildren are not putting their hard-earned money into a system that is going broke.

Social Security is sound for today's seniors and for those nearing retirement, but it needs to be improved for younger generations.

This week, my colleagues on the House Ways and Means Committee, the gentleman from Florida (Mr. SHAW), the gentleman from Texas (Mr. SAM JOHNSON), and the gentleman from Wisconsin (Mr. RYAN), laid out a good first step to help ensure that Social Security will be there for our children and grandchildren.

The GROW accounts which they described would be owned by individuals. Each worker would have an account with his or her name on it, and the accounts would be assets they can leave to their loved ones as part of their estate.

And for those of us who believe that Americans can spend their money better than the government can, this plan is welcome news, because when money is placed in one's own account, that money cannot be spent on other government programs.

My colleagues took a great first step. I am hopeful that the Democratic leadership will soon decide their obligations to the American public go far beyond these partisan halls.

UNWORTHY OF OUR DISCOURSE

(Mr. HOYER asked and was given permission to address the House for 1

Printed on recycled paper.

minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, on Wednesday the President's top political adviser stated, and I quote, ''Liberals saw the savagery of the 9/11 attacks and wanted to prepare indictments and offer therapy and understanding for our attackers.''

This statement is offensive, divisive, and patently false.

Three days after those barbaric attacks, this House voted 420 to 1 to use all necessary and appropriate force against those responsible.

The Senate passed the same measure 98 to 0.

I do not know whether Mr. Rove's statement was calculated to exploit collective national pain for partisan political gain, although his slash-and-burn track record speaks for itself.

But Mr. Rove should apologize and retract it. And the President of the United States, who represents not Republicans, not Democrats, but all Americans, should repudiate it today.

The President came to office stating he wanted to change the tone in Washington. Today, today he can demonstrate that he meant it.

FIFTH AMENDMENT OF THE UNITED STATES CONSTITUTION

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

Mr. POE. Mr. Speaker, I thought I would read part of the United States Constitution. Maybe the folks down the street at the Supreme Court will hear part of it.

No person shall be deprived of life, liberty or property without due process of law, nor shall private property be taken for public use without just compensation. This is the fifth amendment of the Constitution, Mr. Speaker.

This simple amendment does not permit government to take our homes and give it to some private entity, some private developer to build a parking lot. But yet the Supreme Court yesterday misinterpreted this simple provision in our Constitution; and now a private corporation, with the aid of government, can take our homes without our consent and build some shopping mall.

This amendment was to protect our homes from others who want to take our land. The purpose of this amendment was for public use, like a school. The Supreme Court once again has got it wrong and allows this modern-day land grabbing by government for big developers without our consent. The Supreme Court, once again, has lost its way.

COMMENTS OF KARL ROVE

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

Mr. ISRAEL. Mr. Speaker, Republicans began this week when one Member accused the gentleman from Wisconsin (Mr. OBEY), me, and Democrats in general of being anti-Christian. The gentleman retracted his comments.

They are ending this week with Karl Rove characterizing Democrats as weak in responding to 9/11 and endangering our troops. He needs to retract his remarks.

My district is 40 miles from Ground Zero. Democrats and Republicans died in that rubble. Democrats and Republicans are fighting and dying in Iraq and Afghanistan. Mr. Rove dishonors them by politicizing 9/11. He dishonors our troops by dividing them at a time of war.

Mr. Speaker, 2 weeks ago or 3 weeks ago we had the Armed Services markup on the defense authorization. Democrats offered amendment after amendment to strengthen our troops, better force protection, deeper investments, better quality of life for their families. Republicans opposed those amendments because we could not afford it. They said that the tax cuts that Mr. Rove engineered were more important.

Mr. Speaker, Mr. Rove must repudiate his comments. The President must ask Mr. Rove to repudiate his comments. This is the first administration that I know of that is every day seeking to divide the American people during a time of war.

WORKING TOGETHER TO STRENGTHEN SOCIAL SECURITY

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

Mr. WILSON of South Carolina. Mr. Speaker, President Bush and Republicans are working hard to protect Social Security for today's retirees and strengthen the program for future generations. This week Republicans offered several positive proposals that will help solve the problems plaguing Social Security.

However, to ensure that we find a lasting solution, Democrats should join us at the negotiating table. On Wednesday, The Washington Post editorial page questioned: ''Democrats need to ask themselves, now what? Is it enough to keep sticking their fingers in their ears while saying no? Failing to act now will make the problem harder to fix down the road. Cuts or tax increases will have to be steeper the longer the problem goes unaddressed.''

President Bush has invited Democrats to share their ideas on Social Security, but unfortunately his request has been met with silence or obstruction. While inaction may be politically safe, it does not help the millions of Americans who rely on Social Security.

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

H.R. 3010, LABOR-HHS-EDUCATION APPROPRIATIONS FOR FISCAL YEAR 2006

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

Mr. BISHOP of New York. Mr. Speaker, the Labor-HHS appropriations bill we will continue debating later today is a stunning example of the impact that this Congress's misplaced priorities can have on what most consider to be a basic human right, access to a quality education.

With this bill we have made a conscious choice. While we give away tax cuts worth $140,000 dollars a year to millionaires, families earning $30,000 a year will not be able to afford sending their children to college. It is an unconscionable choice that defies our values.

The bill turns its back on priorities like No Child Left Behind and IDEA, which have been cut by $40 billion and $4 billion respectively, as well as College Work Study and Supplemental Educational Opportunity Grants, which are frozen for the second year in a row.

Before I was elected to Congress, I spent 30 years as a college administrator. I came to understand just how difficult it is for students and their families to afford college.

Every day I worked with them to scrape up the money, grants, scholarships, whatever we could find to help them realize part of the American Dream, the opportunity to earn a college education.

Mr. Speaker, with this bill we have made a conscious choice to provide more comfort for the comfortable at the expense of those who are trying to make a better life for themselves. Our students deserve better.

NEW CITY OF SANDY SPRINGS, GEORGIA

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

Mr. PRICE of Georgia. Mr. Speaker, I rise to congratulate the new city of Sandy Springs. A celebration that has been 30 years in the making took place in Fulton County, Georgia, on Tuesday night as 94 percent of voters chose to incorporate into what will be Metropolitan Atlanta's second largest city.

Countless people worked long and hard to make this city a possibility. All those folks who put in the time and effort into making the city of Sandy Springs a reality are to be raised up as an example of the positive outcome from fervent belief and diligent commitment.

I have always believed that the government closest to the people is the most responsive. And it is only fair for these citizens to have their local tax dollars to better their own community and have their own city council, one much more attuned to their needs and concerns.

Mr. Speaker, take note: the birth of this new city is a landmark day for my district. I am confident that great things will come from their residents and their leaders. What a privilege it is for me to represent a constituency so involved and passionate about their destiny and that of our State and great Nation. Freedom rings in Sandy Springs.

COMMENTS OF KARL ROVE

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

Mr. OBEY. Mr. Speaker, in light of Karl Rove's savage attack on the patriotism of liberals in this country, I have a couple of questions. Two days after 9/11, the gentleman from Florida (Mr. YOUNG) and I, on a bipartisan basis, pushed a $20 billion package through this House in response to the attack. We had to sit in the Speaker's office and defend the President's request against people like Phil Graham and Don Nichols of the President's own party. Are those the liberals that Karl Rove was talking about?

One month after 9/11, the gentleman from Florida (Mr. YOUNG) and I went to the White House and urged the President to support a greatly increased homeland security budget. The President, without even looking at what we were proposing, said, ''If you add one dime to our budget for homeland security, I will veto the bill.'' Mr. Rove was sitting over his shoulder when President Bush made that remark. Is President Bush one of those out-of-line liberals that Mr. Rove is talking about?

I come from the State of Wisconsin. I know a third-rate Joe McCarthy when I see one, and I saw one in Mr. Rove's comments yesterday.

CENTERS FOR DISEASE CONTROL AND PREVENTION

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

Mr. LINDER. Mr. Speaker, this week I organized a subcommittee visit to the Centers for Disease Control and Prevention to help our Members learn about efforts to support the DHS mission to prevent bioattacks. We were briefed on aerosolized anthrax and botulinum toxin, among other things, and also the horrible things that terrorists could do with these deadly pathogens.

While the CDC is focusing on how our enemies could attack us, our military is focused on who may attack us. Among those who would attack are those held at Guantanamo Bay. These detainees are a far cry from the innocent millions who lost their lives at the hands of Stalin, Hitler, and the Khmer Rouge. These are terrorists who would put the botulinum toxin I saw on Monday in the food our families eat. If we had specific information this bioweapon was about to be used in one of our towns or cities, we would not hesitate to question and detain those we believed had information on such a plot. And that is exactly how we must always act because we are certain there are enemies out there that mean us grave harm. The American people expect us to be uncompromising in our mission to ensure the security of our citizens.

PRIVATIZING SOCIAL SECURITY

(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, Members of the House, I do not know what it is about the Republicans, but despite overwhelming opposition by the American people across the board against the privatization of Social Security, they bring out yet another plan to privatize Social Security. They bring out another plan to privatize Social Security, to raid the Social Security trust fund, and to undermine the solvency of Social Security.

Three points to their plan. Undermine the solvency of Social Security; raid what is left of the Social Security trust fund; and to privatize Social Security, all of which the American public overwhelmingly disagrees with and has disagreed with whether it is presented by the President or by the Republicans in Congress.

A Republican got up here a few minutes ago and said we want to do this because these people can spend their money better than the government. I would remind that young woman that she is the government. The Republicans control the White House, the House and the Senate. And since they have controlled those three bodies, they have taken $700 billion out of the Social Security trust fund; $700 billion they have raided to date, and now they want to close the deal and take the rest of the money out of the Social Security trust fund.

GENERAL LEAVE

Mr. REGULA. 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 the further consideration of H.R. 3010, and that I may include tabular material on the same.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 337 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. 3010.

□ 0918

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. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, with Mr. PUTNAM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 23, 2005, the amendment by the gentleman from New Hampshire (Mr. BRADLEY) had been disposed of and the bill had been read through page 69, line 19.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the chairman of the subcommittee for yielding.

Mr. Chairman, I have been concerned about a program known as Youth Build, which I know many Members are familiar with, which is a very good program which gets young people in urban areas and elsewhere to learn how to build houses. And the results are some very nice houses for deserving people, and an improvement of a neighborhood, and most importantly, skills for these young people.

Now, we ran into a little difficulty. It is not one of the more expensive of our programs although it has been, at $60 million, not nothing. The President in his budget proposed I think $50 million for it, but proposed that instead of being funded out of the HUD budget it be transferred to the Labor Department's budget. That led to, I guess, it falling between the cracks of the two appropriate subcommittees; so that while I understand there is support for the program and the gentleman from New York (Mr. WALSH), a former chairman of the HUD subcommittee, tells me that he strongly supports it, and I understand there was a very close vote in the Appropriations Committee on an amendment to put it back into the bill, both bills now come to the floor without that appropriation for Youth Build. And I think this is a case of something not being rejected on the merits, or not being something we cannot afford, but something that has sort of fallen through the cracks because of this proposed change in where it goes.

So I would ask the chairman of the subcommittee, given the, I believe, support, it was in the President's budget, there was virtually a tie vote in the Appropriations Committee, could the gentleman tell me, is there some hope

that we can give to these young people that this important program will survive?

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me thank the gentleman from Ohio for striking the last word so you could raise this.

Let me simply say to the gentleman from Massachusetts (Mr. FRANK), I fully agree with him about the value of the program. The President's budget wanted to transfer it to this bill. The subcommittee did not pick up the money in this bill. In my view, it should have. But I would say that because it has not, there will be another opportunity next week to try to deal with this when the Teasury-Transportation bill comes to the floor.

It would be disgraceful if the Congress allowed this program to fall through the cracks because neither committee included the funding for it and if Congress simply played Alfonse and Gaston on us between the two subcommittees.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield.

Mr. REGULA. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from Wisconsin.

I wonder if the gentleman from Ohio could give us some guidance on what the chances are for the ultimate survival of this very important program which the President supports, and I believe is supported on the merits. Could we get it in the bill next week? Or what is the prospects of this Youth Build program not dying because of kind of a shuffle here.

Mr. REGULA. Mr. Chairman, reclaiming my time, let me say that I agree with the gentleman. It is a great program. I am very familiar with it. Unfortunately, it is in no man's land. The way the OMB budget came up, the President's budget, it put it in Labor, which is this bill. But there is no authorization, which means it is still in the Transportation Treasury, and there is no money either place. But I hope we can resolve this because it is just what it says, it builds youth. And we have had real success in my district with it, and I think it is something we would want to retain as a national program.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman would yield further, does that mean, and maybe we can discuss this again in the Transportation HUD bill, but that, since it is not a large sum of money, the President supports it, it has a lot of support here, that we can expect at some point in the process before we finish the appropriations, this program could be funded?

Mr. REGULA. Well, I certainly hope so. And we will make every effort to find some way to fit it. It just happens that I am on both of the committees and will work with the Treasury, or Transportation Treasury. It is a worthwhile program. It ought to be funded and kept in place. I think the authorizers need to deal with it, too, to change the authorization to make it appropriate for Labor.

Mr. FRANK of Massachusetts. I thank the gentleman.

AMENDMENT NO. 5 OFFERED BY MR. KIRK

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. KIRK:

In title III in the item relating to ''SCHOOL IMPROVEMENT PROGRAMS'' insert before the period at the end the following: '': *Provided further*, That, of the funds made available under this heading, $11,100,000 is for carrying out subpart 6 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7253 et seq.) (relating to gifted and talented students)''.

Mr. ABERCROMBIE. Mr. Chairman——

The CHAIRMAN. The gentleman will suspend. Is there objection to returning to that point in the reading to consider the amendment?

Mr. ABERCROMBIE. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. KIRK. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. KIRK. Mr. Chairman, is it my understanding that the agreement worked between majority and minority to have the Kirk and Nadler amendments brought up is now being broken?

The CHAIRMAN. The order of the House did not address the reading of the bill.

Mr. KIRK. Thank you, Mr. Chairman.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, because of the rapid reading of the bill, the gentleman from New York (Mr. NADLER) and I were both unable to offer our amendments and worked out an agreement to offer it at this time. The amendment that I would have offered would have helped restore funding for the gifted education program under the Javitz program that funds programs in over 20 States and universities. It is this program that has helped out programs like the Bronx Project for creating urban excellence, serving 32,000 poor and minority students.

Not only did this program help the gifted students, for example, in that school district, but it improved math and science scores, a 20 percent improvement for the entire school, not just gifted students. The Javitz program has supported programs in 125 State and local education districts since 1989, reaching two million students nationwide. A complete list of the program is available from the Department of Education.

I am very concerned that this program was zeroed out. In my attempt to earmark the program, other programs under this title would have been seen as a potential cut, and my colleagues from Hawaii were very concerned about one program there. My concern now is that the program moves forward with zero for gifted education. And the attempted amendment was to correct that, because I do not think for the future of our country, for the future of science and math education that we should move forward with a zero appropriation for gifted education. But I yield to my chairman on this point.

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

AMENDMENT NO. 24 OFFERED BY MR. NADLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. NADLER:

In title III in the item relating to ''SCHOOL IMPROVEMENT PROGRAMS'', after the aggregate dollar amount, insert ''(increased by $35,600,000)''.

In title III in the item relating to ''DEPARTMENTAL MANAGEMENT—PROGRAM ADMINISTRATION'', after the aggregate dollar amount, insert ''(reduced by $35,600,000)''.

The CHAIRMAN. Is there objection to considering the amendment at this point?

Mr. KIRK. Mr. Chairman, reserving the right to object, I understand that we are breaking this agreement then?

I yield to the distinguished ranking minority member.

Mr. OBEY. Mr. Chairman, I would not describe it as breaking the agreement. If the gentleman would be kind enough to let me explain what I think has happened here. The gentleman from Illinois (Mr. KIRK) and the gentleman from New York (Mr. NADLER) both missed their opportunity to offer their amendments in regular order because the reading went fast and neither of them was on the floor. We had a unanimous consent agreement which was about to be propounded by the gentleman from Ohio.

When the gentleman from Illinois and the gentleman from New York discovered that they had missed their opportunity, the gentleman from Illinois asked for an opportunity to go back. At that point, I suggested that the unanimous consent agreement be rewritten to include your amendment and the gentleman's from New York. The committee majority preferred, and I can understand why, because it was time consuming, the committee preferred to simply rely on our ability to get unanimous consent to go back to consider yours and the gentleman from New York's amendment.

However, the gentleman from Hawaii (Mr. ABERCROMBIE) was not part of the arrangement. And since your amendment takes money out of a program in

his State, he felt required to object. So I do not think that anyone is ''breaking an agreement.''

This is what happens, number one, when Members are not on the floor when they need to be. Secondly, it is what happens when we do not include matters like that in the UC agreement. We were relying on an assumption that proved to be erroneous, and I am certain the gentleman from Ohio feels as badly about it as I do. But in my view, no one on the floor is breaking his word. This is just an unfortunate set of circumstances, and a Member has the right to protect his own State's interest if the opportunity presents itself.

Mr. KIRK. Mr. Chairman, given the fact that we are breaking this agreement, and given the fact that I am not able to offer my amendment, my normal course of action would be to object, but I hold the gentleman from New York in high regard, as the gentleman from Iowa, and so I am not going to be partisan and I am not going to do tit for tat, and I am not going to object, even though objection has been heard from the other side. So I withdraw my point of order.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to returning in the reading to consider the amendment?

There was no objection.

□ 0930

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

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

Mr. Chairman, let me begin by expressing my appreciation to the gentleman from Illinois for his magnanimity and largeness of thought in this matter.

Mr. Chairman, I rise in support of this amendment to restore the funding for Arts in Education programs to $35.6 million. Unfortunately, the underlying Labor-HHS appropriations bill zeros out this program, effectively eliminating it.

This year, 106 of our colleagues from both sides of the aisle, include my friends, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Iowa (Mr. LEACH), joined me in writing to the committee asking for $53 million in Arts in Education funding. Given the funding constraints in the bill, the amendment instead asked that we simply level fund the program, the number passed after conference last year.

This program provides funds to establish model programs at the Department of Education that brings arts education to schools across the country as well as funds to support the professional development of arts educators. The program also supports the ongoing national arts education initiatives of the John F. Kennedy Center for the Performing Arts and VSA arts which ensure that people with disabilities can learn through, participate in and enjoy the arts.

Time and again, parents, educators and community leaders tell us that arts education is critical for preparing our Nation's children to succeed in school, work and life. Years of research demonstrate that a real significant link exists between arts education and students' academic performance and social development.

Arts funding and education funding is not controversial and is nonpartisan. Some of the most vocal proponents of Arts in Education include Republican Governor Mike Huckabee and former Education Secretary Rod Paige. I know the gentleman from Ohio (Chairman REGULA) also is supportive of Arts in Education programs.

I would like to thank the gentleman for working with the Senate each year to increase funding in conference, and thank the gentleman from Wisconsin (Mr. OBEY) for his leadership on this issue. I understand that this is a tight bill in a tight funding year generally, but it is important that the House voice its support for this program.

So I ask the distinguished chairman and the ranking member to work with me and the gentleman from New York (Mr. BOEHLERT) and the gentleman from Iowa (Mr. LEACH) to assure that funds for these beneficial, well-liked programs are maintained, if not increased, in conference this year.

Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I am honored to offer this amendment with the gentleman from New York (Mr. NADLER) and the gentleman from New York (Mr. BOEHLERT). I would only stress of all the learning disciplines, the arts tap and expand the human imagination the most, and in a world of exploding options for individuals and families, it is imperative when there is no experience to serve as a guide, that the imagination be stimulated and perspectives be applied and that values be brought to bear.

It appears that the children of 20th century America lost something when they became captives to passive education offered by advances in media, particularly television. If we can learn from our mistakes, an emphasis on hands-on efforts, particularly in the creative arts, should become a focal point of 21st century education.

For most Americans, the arts are an optional endeavor. But for some, art is a principal means of self-expression and communication. For example, last month 17-year-old Patrick Henry Hughes won the VSA arts 2005 soloist award for his piano and vocal abilities. In an interview, he said, ''I am blind and I can't walk, but I don't let it stop me. I actually love the life I am living. If I have a sad moment, I go to the piano and get happy again.''

We must ensure that every young person with a disability has access to arts learning experiences. VSA arts, which are part of the Arts in Education programming eliminated in this bill, provides opportunities for children and adults with disabilities and stimulates millions of people, like Patrick Hughes, helping to transform their otherwise frustrating world into one that is more beautiful and purposeful.

Mr. Chairman, the arts are not a luxury, they are the soul of society.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from New York.

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

Mr. BOEHLERT. Mr. Chairman, the arts motivate and inspire people of all ages to engage in learning, and that is what this is all about. Students who take regular arts courses are proven to score on average 90 to 100 points better on their SATs than students that do not take arts classes. Students that attend arts courses are shown to have better attendance, lower dropout rates, participate in more community service and have a higher self-esteem. That sounds to me like a pretty darn good investment in the youth of America.

Mr. Chairman, I urge support of this amendment.

Mr. NADLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Speaker, I am not clear that I am going to ask for a vote on this amendment. If we get an appropriate assurance that we will work in conference from the chairman, we may not have to do that. I will ask the chairman to express himself on that subject.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding.

This, like many programs, is a great idea, a great help, with over 100 grants last year, but we do have a really tight budget. I know when we get to conference with the other body, that this probably will be one that has support, but it all depends on what is available in funding. I am sympathetic to it, but I cannot guarantee anything. I think we would have to consider it.

It has a trade-off, that is the problem at this juncture in your amendment, and that is it would cause the layoff of many employees.

The CHAIRMAN. The time of the gentleman from New York (Mr. NADLER) has expired.

Mr. REGULA. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

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

Mr. Chairman, I am responding to the question from the gentleman from New York, and that is, yes, we will certainly take this under consideration in the conference.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I appreciate the comments of the distinguished chairman from Ohio as to the fact that there will be efforts made in conference to try to retain this program. I think that is probably the best we can do, and I appreciate his statement. I will at this point not ask for a vote on this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PRICE of Georgia:

Page 69, line 1, after the first dollar amount insert the following: ''(increased by $70,000,000)''.

Page 69, line 3, after the dollar amount insert the following: ''(increased by $70,000,000)''.

Page 69, line 4, after the dollar amount insert the following: ''(increased by $70,000,000)''.

Page 82, line 10, after the dollar amount insert the following: ''(reduced by $70,000,000)''.

Page 82, line 12, after the dollar amount insert the following: ''(reduced by $70,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia (Mr. PRICE).

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

Mr. Chairman, I would rise to commend the Chair and the committee for their work. I understand the difficult times that we are in and the decisions that are difficult that we need to make.

As a budget is a demonstration of our priorities, I offer a positive amendment in an effort to further highlight those priorities. Currently in the bill the Teacher Incentive Fund earmark has $100 million and the AmeriCorps earmark has $270 million. My amendment increases the funding for the Teacher Incentive Fund by $70 million and reduces that funding for AmeriCorps by the same amount.

President Bush asked in his budget for $500 million for the Teacher Incentive Fund in the FY 2006 budget. The Committee on Appropriations was only able to provide $100 million for this program. The Teacher Incentive Fund is a new teacher merit pay pilot initiative. Teachers and officials who improve student achievement of are provided with financial incentives, rewarding achievement. This is a good idea.

The Teacher Incentive Fund will carry out two goals: One, rewarding effective teachers teaching in schools most in need; and, two, rewarding effective teachers in schools that are top performers in closing the achievement gap and meeting the annual targets in No Child Left Behind.

Ask yourself, who made a real difference in your education? Most of us will remember one or two teachers who affected us in a very remarkable way. For me it was one of my high school teachers, Dr. Welch, and I will never, never forget how he challenged me to excel.

Teacher quality is the most important school-related factor influencing student achievement. One of the tenants of no child left behind is putting a qualified teacher in every single classroom. It is estimated that more than 2 million teachers will need to be hired over the next decade and the Teacher Incentive Fund will encourage more talented individuals into the field of teaching.

The AmeriCorps program is a program that was conceived under then-president Clinton, and, in short, the Federal Government is paying participants, paying participants, to participate in a volunteer capacity, sometimes up to $21,000 year. It is the antithesis of limited government. When the Federal Government assumes the job of private organizations, it encourages citizens to abandon their civic responsibilities.

According to GAO studies, the results of the AmeriCorps program are difficult to measure. Furthermore there are more than 83 million Americans who volunteer, meaning that the overall impact of AmeriCorps is minimal, especially given the level of funding provided.

This is a common sense amendment. It is consistent with our mission of improving education and limiting the spread of government. I urge my colleagues to support this amendment to improve education and our competitiveness in the world.

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

Mr. REGULA. Mr. Chairman, I rise in opposition to this amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

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

Mr. Chairman, I do not think the gentleman is a big fan of AmeriCorps, and the attempt really here is to reduce AmeriCorps more than to enhance the other program, because we have already added $100 million in new money in the teacher innovation program. It is a great program, and I am a great believer that teachers are the key to a good education, so I do not quarrel with the idea. I wish we had more money to do that.

But, on the other hand, AmeriCorps is a very important program, because it is made up of volunteers, a lot of times young people. They get a little stipend to help with their education, but they do not get paid. You have volunteers who are working in a community, on education, public safety, probably doing mentoring for students, which is extremely important.

I think that perhaps the goal that the gentleman is trying to achieve is desirable, but the target the gentleman has, which is AmeriCorps, would be a mistake given the fact that AmeriCorps has a very important role to play.

I like volunteers. The President is a big booster of volunteers. He has a goal of getting 75,000 AmeriCorps members as volunteers, and this would in part stifle the President's goal of getting these people.

So I would hope the gentleman would withdraw his amendment, or at least not go to a vote on it, because I think the innovative program is good, but AmeriCorps is good, and in limited budgets we need to keep that program going.

Mr. SHAYS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, however well intended this amendment may be, it goes to the heart of what is very important in this country, and that is getting our young people to want to participate and be part of our society, and it employs a lot of young people from our urban areas. But, more important than that, is they work at minimum wage, but then they get a stipend to help pay for their education.

Why do we give away college grants, when young people are willing to work to get them? For me, this is so central to what we believe as Republicans: Do not give them a grant, have them earn it. They earn these grants, they do incredible service throughout the country, and it replaces having young people do a job just to do a job. They do meaningful, meaningful work.

Mr. REGULA. Mr. Chairman, reclaiming my time, I would just point out that the AmeriCorps members that would be reduced and perhaps eliminated serve 2 million children and youth in education-related programs, as I mentioned earlier, as mentors. They tutor children of prisoners and they train over 600,000 community volunteers. So it has a very powerful ripple effect throughout the community to have these AmeriCorps, most like young people, volunteers, seeking other people and training them to engage in service as mentors and so on.

Here you have two good programs, but, on balance, we have to at this juncture and with the limited resources we have, go with the AmeriCorps as opposed to adding more, in addition to the $100 million we already put in the program, for innovative education programs.

Mr. Chairman, I urge Members to oppose this amendment if it were to come to a vote.

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

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

Mr. Chairman, I appreciate the comments of the chairman and of the other Members who have spoken. I understand that, again, our budget is a budget of priorities. The President had requested $500 million for the Teacher Incentive Fund, and I believe that moving toward a budget that greater aligns our priorities in the area of education is important.

$200 million would be left in AmeriCorps; $200 million. That is not a paltry sum. In addition, the CBO has stated that this $70 million shift would in fact save $33 million. I do not know how they come up with those numbers, but that is how they score this. So we are spending $70 million and saving another $33 million.

I believe moving toward the Teacher Incentive Fund, which would, again, provide incentives for high quality teachers in our schools that would ultimately result in changing lives in a very positive way, is a positive amendment and a positive thing to do.

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

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume just to close this out.

Mr. Chairman, I think, again, these are both good programs. We had to make choices. In balancing the equities between the two, inasmuch as we put the $100 million in the innovative program and that is yet to be developed as to how it will be accomplished. But, we know with AmeriCorps that they work in the communities, do a lot of great work in getting people involved in mentoring and all kinds of other activities, and on balance I think we have to make a choice here. So, I would urge Members to stay with the numbers that are in the bill, to stay with what we put in for AmeriCorps and not approve this amendment.

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

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

Mr. Chairman, again, I appreciate those comments. I think this is a positive move to realign our budget priorities in a more positive way for education, and I urge my colleagues to support the amendment.

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

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I could have the attention of the gentleman from Ohio, I simply rise neither to speak for nor against this amendment, but simply to make an observation about it.

The situation that the gentleman from Ohio finds himself in on this issue is a very difficult one, because he is trying to balance between two legitimate claims on the Federal Treasury. We have seen, as was observed in the Washington Post article this morning, a parade of Members come down to the floor yesterday and today trying to wiggle out from the consequences of the budget resolution which was imposed on the entire House by the passage of that resolution.

Now, I do not like to be in that position. I have a little less sympathy for the gentleman from Ohio than I do for myself on this issue, because he voted for the budget resolution and I did not. But that being said, there is no right position on an amendment like this.

This issue simply demonstrates that when the money that you provide for education is inadequate, when it is inadequate to the needs of the Nation, then we are going to be eating each other's favorite programs, then you are going to have all kinds of interest groups in this country chewing on each other and each trying to get out from under at the expense of everybody else.

So I can actually understand why the gentleman opposes this amendment, because he needs some flexibility in conference to deal with some of the legitimate concerns that Members have. I love the program the gentleman from Georgia is trying to add money to. I had a son in the gifted and talented program. He was a National Merit scholar. Yet I would have a great deal of difficulty voting to add money for that program at the expense of programs that went to help less gifted and less advantaged children in this society.

So the amendment is half right and half wrong, and I hope, therefore, that the Members on the majority side and the minority side will understand why the gentleman from Ohio is so reluctantly against this amendment.

Mr. PRICE of Georgia. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, just by way of clarification, I appreciate the gentleman's comments, and budgets are difficult, there is no doubt about it, and they say where we are in the priorities.

Just by way of clarification, this fund is not for the talented and gifted program. This fund is to find high quality teachers and reward high quality teachers who increase achievement in schools and increase achievement in closing that gap.

Mr. OBEY. Mr. Chairman, reclaiming my time, I thank the gentleman for correcting me, I misheard. I happen to think that that is a tremendous program too. But the problem is all of these amendments, taken together, will limit the chairman's ability to provide any flexibility at all in conference to fix these problems. So I urge the gentleman to think about it. He might be surprised at which programs are going to be bitten if the gentleman does not have the flexibility that he needs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia (Mr. PRICE) will be postponed.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, as the gentleman knows, he and I have discussed on several occasions now my interest in funding the NCI, National Cancer Institute, for more money to expedite finding a cure for cancer or finding that cancer becomes a manageable disease. Twenty-five percent of the deaths in this country are caused by cancer. One out of every two men will get cancer. One out of every three women will be stricken with cancer.

Research is going forward at such a fast pace. I wanted to put together an amendment that would add $50 million for additional research centers designated by NCI.

I realize, picking up on what the gentleman from Wisconsin (Mr. OBEY) has just said, that this is a very tightly crafted bill; but I would ask the gentleman as chairman, and this is coming from one who has suffered from lung cancer, that the gentleman find that money, or look for the money in the conference, so that we can increase the funding for NCI so that we can expand those centers.

Mr. REGULA. Mr. Chairman, reclaiming my time, I thank the gentleman. We are very aware of the gentleman's concerns. We have added a modest amount for the cancer institute. I have had many discussions with the director, Dr. von Eschenbach; and what we are trying to do, and he is doing, the gentleman would be interested in, he is trying to coordinate the various research centers.

There are many good institutions throughout the United States doing cancer research; and because of the importance and the cost, we want to avoid duplication among these various institutions. So I think this program of trying to coordinate to ensure that they are not reinventing the wheel at each one of these places, because it is expensive, hopefully out of that effort there will be a more coordinated effort to target a cure for cancer because this would certainly be a great breakthrough.

Mr. SHAW. Mr. Chairman, if the gentleman will yield further, I very much appreciate that and sincerely hope the gentleman will be able to accomplish

this. This is a tremendously important project. Dr. von Eschenbach is doing a huge job. By 2015, we could be looking at cancer through the rear-view mirror instead of every day worrying about some loved one or yourself as a sufferer of cancer.

Mr. REGULA. Mr. Chairman, reclaiming my time, I thank the gentleman for his interest.

Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 98, line 18, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

The CHAIRMAN. There was no objection.

The text of the remainder of the bill through page 98, line 18, is as follows:

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA''), $763,870,000, of which $400,000,000, shall become available on July 1, 2006, and remain available through September 30, 2007: *Provided*, That $400,000,000 shall be available for subpart 1 of part A of title IV and $152,537,000 shall be available for subpart 2 of part A of title IV: *Provided further*, That $132,621,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That of the funds available to carry out subpart 3 of part C of title II, up to $12,193,000 may be used to carry out section 2345 and $3,035,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $675,765,000, which shall become available on July 1, 2006, and shall remain available through September 30, 2007, except that 6.5 percent of such amount shall be available on October 1, 2005, and shall remain available through September 30, 2007, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $11,813,783,000, of which $6,202,804,000 shall become available for obligation on July 1, 2006, and shall remain available through September 30, 2007, and of which $5,413,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007, for academic year 2006–2007: *Provided*, That $11,400,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of recorded educational materials: *Provided further*, That the amount for section 611(b)(2) of the Act shall be equal to the amount available for that activity during fiscal year 2005, increased by the amount of inflation as specified in section 619(d)(2)(B) of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 (''the AT Act''), and the Helen Keller National Center Act, $3,128,638,000: *Provided*, That $29,760,000 shall be used for carrying out the AT Act, including $4,385,000 for State grants for protection and advocacy under section 5 of the AT Act and $5,086,000 shall be for alternative financing programs under section 4(b)(2)(D) of the AT Act: *Provided further*, That the Federal share of grants for alternative financing programs shall not exceed 75 percent, and the requirements in section 301(c)(2) and section 302 of the AT Act (as in effect on the day before the date of enactment of the Assistive Technology Act of 2004) shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $17,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $56,137,000, of which $800,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $107,657,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act of 1998, the Adult Education and Family Literacy Act, and subparts 4 and 11 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA''), $1,991,782,000, of which $1,196,058,000 shall become available on July 1, 2006, and shall remain available through September 30, 2007, and of which $791,000,000 shall become available on October 1, 2006, and shall remain available through September 30, 2007: *Provided*, That of the amount provided for Adult Education State Grants, $68,581,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $9,096,000 shall be for national leadership activities under section 243 and $6,638,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $94,476,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965, of which up to 5 percent shall become available October 1, 2005, and shall remain available through September 30, 2007, for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2006, and remain available through September 30, 2007, for grants to local educational agencies: *Provided further*, That funds made available to local education agencies under this subpart shall be used only for activities related to establishing smaller learning communities in high schools.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $15,283,752,000, which shall remain available through September 30, 2007.

The maximum Pell Grant for which a student shall be eligible during award year 2006–2007 shall be $4,100.

STUDENT AID ADMINISTRATION

For Federal administrative expenses (in addition to funds made available under section 458), to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, as amended, $124,084,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (''HEA''), as amended, section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Vocational and Technical Education Act, $1,936,936,000: *Provided*, That $9,797,000, to remain available through September 30, 2007, shall be available to fund fellowships for academic year 2007–2008 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That notwithstanding any other provision of law or any regulation, the Secretary of Education shall not require the use of a restricted indirect cost rate for grants issued pursuant to section 117 of the Carl D. Perkins Vocational and Technical Education Act of 1998: *Provided further*, That $980,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $240,790,000, of which not less than $3,524,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, as amended $573,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The aggregate principal amount of outstanding bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965, shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $210,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $522,696,000, of which $271,560,000 shall be available until September 30, 2007.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $418,992,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $91,526,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $49,000,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. In addition, for carrying out subpart 1 of part A of title IV of the Higher Education Act of 1965, $4,300,000,000 for the purpose of eliminating the estimated accumulated shortfall of budget authority for such subpart for awards made through the award year 2005–2006, pursuant to section 303 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

This title may be cited as the ''Department of Education Appropriations Act, 2006''.

TITLE IV—RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,669,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $357,962,000: *Provided,* That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level: *Provided further,* That notwithstanding section 122(c) of the Act, the Corporation shall make available up to $2,000,000 under part C of title I of the Act in a grant to support Teach for America's efforts to address educational inequity in low-income rural and urban communities.

NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (the ''Act'') (42 U.S.C. 12501 et seq.), $523,087,000, to remain available until September 30, 2007: *Provided,* That not more than $270,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121 (d) and (e), section 131(e), section 132, and sections 140 (a), (d), and (e) of the Act): *Provided further,* That not less than $146,000,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601), of which up to $4,000,000 shall be available to support national service scholarships for high school students performing community service, and of which $10,000,000 shall be held in reserve as defined in Public Law 108–45: *Provided further,* That in addition to amounts otherwise provided to the National Service Trust under the second proviso, the Corporation may transfer funds from the amount provided under the first proviso, to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: *Provided further,* That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than $55,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further,* That not more than $9,945,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.), of which $4,000,000 shall be available for challenge grants to non-profit organizations: *Provided further,* That notwithstanding subtitle H of title I of the Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: *Provided further,* That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further,* That $25,500,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further,* That $40,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further,* That $4,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): *Provided further,* That $10,000,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.), of which not more than $2,500,000 may be used to support an endowment fund, the corpus of which shall remain intact and the interest income from which shall be used to support activities described in title III of the Act, provided that the Foundation may invest the corpus and income in federally insured bank savings accounts or comparable interest bearing accounts, certificates of deposit, money market funds, mutual funds, obligations of the United States, and other market instruments and securities but not in real estate investments: *Provided further,* That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further,* That $5,000,000 of the funds made available under this heading shall be made available to America's Promise—The Alliance for Youth, Inc.: *Provided further,* That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs: *Provided further,* That notwithstanding section 501(a)(4) of the Act, of the funds provided under this heading, not more than $12,642,000 shall be made available to provide assistance to state commissions on national and community service under section 126(a)

of the Act: *Provided further,* That the Corporation may use up to one percent of program grant funds made available under this heading to defray its costs of conducting grant application reviews, including the use of outside peer reviewers.

NATIONAL AND COMMUNITY SERVICE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $27,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,000,000, to remain available until September 30, 2007.

ADMINISTRATIVE PROVISIONS

Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: *Provided,* That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

For fiscal year 2006, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal year 2006, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

CORPORATION FOR PUBLIC BROADCASTING

(INCLUDING RESCISSION)

Of the amounts made available to the Corporation for Public Broadcasting for fiscal year 2006 by Public Law 108–199, $100,000,000 is rescinded; up to $30,000,000 is available for grants associated with the transition of public television to digital broadcasting including costs related to transmission equipment and program production, development, and distribution, to be awarded as determined by the Corporation in consultation with public television licensees or permittees, or their designated representatives, and up to $52,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934, as amended, for replacement and upgrade of the public television interconnection system: *Provided,* That section 396(k)(3) shall apply only to amounts remaining after the allocations made herein.

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for fiscal year 2008, $400,000,000: *Provided,* That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further,* That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $42,331,000: *Provided,* That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further,* That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further,* That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $7,809,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996, $249,640,000, to remain available until expended.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $10,168,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $993,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,800,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $252,268,000: *Provided,* That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $11,628,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,510,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $97,000,000, which shall include amounts becoming available in fiscal year 2006 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $97,000,000: *Provided,* That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2007, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $102,543,000, to

be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $7,196,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,470,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $29,533,174,000, to remain available until expended: *Provided,* That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2007, $11,110,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,159,700,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That not less than $2,000,000 shall be for the Social Security Advisory Board: *Provided further,* That unobligated balances of funds provided under this paragraph at the end of fiscal year 2006 not needed for fiscal year 2006 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further,* That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

In addition, $119,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2006 exceed $119,000,000, the amounts shall be available in fiscal year 2007 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108–203), which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $26,000,000, together with not to exceed $66,805,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided,* That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term ''health care entity'' includes an individual physician

or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

POINT OF ORDER

Mr. SHAYS. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SHAYS. Mr. Chairman, I make a point of order against section 511. This section violates clause 2(b) of House rule XXI. It proposes to change existing law and, therefore, constitutes legislation on an appropriation bill in violation of House rules.

I do this on behalf of the gentleman from Virginia (Chairman TOM DAVIS) of the Committee on Government Reform.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. REGULA. Mr. Chairman, we are not going to object, because I understand the correctness of this. I just would point out this has been carried in this particular bill since 1997 without being objected to. But, technically, the gentleman is correct; and, therefore, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained. The section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 512. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

SEC. 517. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 518. Section 1015(b) of Public Law 108–173 is amended by striking ''2005'' and inserting ''2006''.

SEC. 519. (a) None of the funds made available in this Act may be used for the payment or reimbursement, including payment or reimbursement under the programs described in subsection (b), of a drug that is prescribed to an individual described in subsection (c) for the treatment of sexual or erectile dysfunction.

(b) The programs described in this subsection are the medicaid program, the medicare program, and health related programs funded under the Public Health Service Act.

(c) An individual described in this subsection is an individual who has a conviction for sexual abuse, sexual assault, or any other sexual offense, and includes any individual who is registered (or who is a person required to register) under section 170101 or 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071, 14072).

□ 1000

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEORGE MILLER of California:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds appropriated by this Act may be used by the Pension Benefit Guaranty Corporation to enforce or implement the ''Settlement Agreement By and Among UAL Corporation and all Direct and Indirect Subsidiaries and Pension Benefit Guaranty Corporation'', dated April 22, 2005.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I join the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from New York (Mr. CROWLEY) to offer an amendment which will be the first time that will allow Congress, and perhaps the last time, to save the hard-earned retirement benefits of 120,000 workers and retirees at United Airlines.

Unfortunately, United Airlines has become a poster child for what is wrong with the private pension in this country. United filed for bankruptcy over 2 years ago and forced one wage concession after another from its workers, and then it unilaterally decided

that it would stop making the legally required pension contributions to its plans. It dragged on the negotiations with its employees and then, in the middle of the night, got up from those negotiations and dumped those retirement plans into the PBGC, causing those employees to lose somewhere from 30 to 60 percent of their retirement nest egg, of their retirement assets, of their future standard of living. That is what these people lost because United decided it would no longer negotiate to try to find a solution to this problem.

We see Delta Airlines that has frozen its pension plan, has asked to stretch out its payments so that it can protect the assets of its employees. United chose another idea: It would simply dump these liabilities onto the taxpayers of the United States of America. What United was not telling anybody was the truth. They were not telling them about their funding of their pension plans, about their liabilities of their pension plans. They simply decided they would terminate these plans in the PBGC.

So this is our chance. This is our chance to try to save the retirement nest eggs of the flight attendants, of the ramp workers, of the pilots, of all of the people that have given so much to have this airline continue to fly. We held an E-hearing. Over 2,000 people participated and told us what the real impact of these cuts would be on their families, on their children, on spouses with illnesses, on their parents. People who had worked 30, 35, 40 years for this company now find out that they have been terminated with no chance to go back.

This amendment says United Airlines has got to go back to the bargaining table and work out a provision to take care of this.

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

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment, and I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank the chairman for yielding me this time.

I rise in opposition to this amendment because it seeks to overturn two court decisions and what Judge Wedoff said was ''The least of the bad'' alternative ''choices here has got to be the one that keeps the airline functioning, that keeps employees being paid.'' We have to look out for the interests of all people, especially the 62,000 employees of United Airlines right now, just crawling out of bankruptcy, on whom the future of the entire western Chicagoland region, O'Hare Airport, and many of the related businesses depend. If we push United into bankruptcy, and especially if we push her further into liquidation, we will not only have an employee pension problem, but we will have a massive unemployment problem. We will also jeopardize the crown jewel of the economic development programs for Illinois, which is the modernization of O'Hare airport. O'Hare airport and its modernization depends on a functioning United Airlines. And for us to interfere with the two court decisions and the already declared decisions of four unions with United is a great mistake.

I think we should make sure that this process moves forward, we should make sure that this airline continues to function, and we should make sure that the 62,000 current employees of United are allowed to find their way back into profitability so they can put food on their table, especially in my district and other Illinois districts.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY), cosponsor of the amendment.

Ms. SCHAKOWSKY. Mr. Chairman, I rise today, with the gentleman from California (Mr. GEORGE MILLER) and the gentleman from New York (Mr. CROWLEY), to offer an amendment that would protect the retirement security of dedicated United Airlines employees and retirees who support, and I want to underscore that, who support our amendment.

Our amendment would stop the Pension Benefit Guaranty Corporation from taking over United's four pension plans in one fell swoop. Our amendment would give Congress a chance to work out a better solution than pension termination.

I urge my colleagues to support this amendment because the threat to United's employees is real. This is not a straight hand-off from United to the PBGC. Although United's pension liability is $9.8 billion, the PBGC is only assuming $6.6 billion of the debt to United workers. The takeover of the plans will result in pension benefit cuts averaging 25 to 50 percent, a loss of $3.2 billion, for men and women who have worked for years with the promise of a secure pension. And it is on top of the $3 billion in concessions United employees already made.

We are on the cusp of a pension crisis in this country. The PBGC, without United, has a $23 billion deficit, and other companies are waiting in line to dump their pension benefits.

I urge my colleagues to support this measure.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I rise in strongest opposition to the Miller amendment. Five unions have been involved in the negotiation process here to ensure that over 60,000 people are able to keep their jobs and a very, very important company continues to remain alive.

There is one union that has chosen not to be supportive of this. The fact that one union is not supportive of this agreement working between United Airlines and the Pension Benefit Guaranty Corporation has now created a scenario where we want to take the entire package down, and I believe that it would undermine a very important part of the commerce of the United States of America. We all know how important the airline is to the very vibrant economy that we have today.

So I urge my colleagues to oppose the Miller amendment and let us proceed to ensure that we do not see 62,000 people lose their jobs.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY), a cosponsor of the amendment.

Mr. CROWLEY. Mr. Chairman, I thank my friend and colleague from California for yielding me this time.

Mr. Chairman, I rise in strong support of the Miller-Schakowsky-Crowley amendment and urge all our Members here in the House to support it.

Is this amendment a cure to our Nation's employee pension problems? No. The problem is PBGC jumped too easily at a deal to put taxpayers on the hook for pensions, while allowing United to walk away from its responsibilities to its employees.

Representing the district that houses LaGuardia Airport and serving many Delta employees, I have real concerns about the bad precedent set by PBGC and worry that other airlines, and soon other industries, will follow United's lead.

As we know, Delta recently stated that it must pay $2.6 billion over the next 3 years to meet the obligations of its defined benefit pension plan. The carrier has warned in the past that its growing obligation poses a threat to restructure and avoid a bankruptcy filing. At the same time, UAL Chief Executive Gerald Grinstein has said that United would gain a competitive advantage on rivals by dumping its employee pension obligation.

This is bad precedent. Real pension reform is needed, and this amendment is to serve as a wake-up call to that fact.

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

I would just point out to the Members that this is a very delicately balanced arrangement and I think the risk to all of this is that if we were to adopt this amendment, the benefits that now are available to retirees under PBGC could even be lost, plus a lot of jobs could be lost. And we are inserting ourselves or would be inserting ourselves into something that has been worked out among all the parties in a way that is in the best interest of both active employees and retirees, and this is not the appropriate forum to deal with this subject.

We have legislation moving through the Committee on Education and the Workforce dealing with pensions, and this would set a precedent, I think, for our body, the U.S. House, to interject itself in something that should be handled by the parties, and I think what they are trying to do is to work it out in a way that is in the best interest of both the active employees and retirees.

For this reason we object to the amendment, and this is not the proper forum to bring this kind of an amendment or to make a decision with the consequences that this would have.

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

Mr. GEORGE MILLER of California. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Miller amendment.

Mr. Chairman, employees and retirees at United Airlines played by the rules and deserve what they expected—a solid pension payment to support their retirement years. But instead of the promised income they were counting on to help cover their kid's college tuition; their own health care; or, the mortgage payments on their houses, they were left with a court ruling dumping their dreams into the pension guaranty benefit corporation (PBGC), which is significantly less than what they were counting on. And, guess who fools the bill?—the tax payers!

Over 2,000 email statements from United Workers were recently submitted into an e-hearing conducted by Representatives GEORGE MILLER and JAN SCHAKOWSKY.

One of my constituents, Ms. Elenor Barcsak wrote: "I worked for United Airlines as a flight attendant for 37 years . . . when I turned 60 years old I was told that it would be totally safe to retire as my pension, that I had paid into as a union member for all those years, was TOTALLY protected.

She continued—I am a homeowner in Marin County since 1972 but I still have mortgage payments. I am assisting my family financially as my mother is in a nursing home [in Canada] and my younger sister has been on welfare. The impact of my pension check being reduced by as much as half will be devastating." Mr. Chairman, I urge my colleagues to support the Miller amendment to prevent United Airlines from dumping its pension into the PBGC and reducing the benefits promised to these loyal workers.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 10 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I support this amendment not just for the compelling reasons of the gentleman from California (Mr. GEORGE MILLER), but because if it is allowed to stand as a precedent, it will cost the American taxpayer tens of billions of dollars in additional pension costs.

Support the American taxpayer and support the Miller amendment.

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

Just 18 days before United dumped its pension plans into the PBGC, the PBGC wrote and said that it would be in the best interest of the participants and the pension plan insurance program would be best served by the continuance of the flight attendants pension plan. United got up in the middle of the night, unilaterally threw this in.

What we are trying to tell United is go to the marketplace, go look for private solutions to this debt, get this debt covered, people do it all the time. Companies do it all the time, countries do it all the time, before they come to the taxpayer.

The gentleman from Virginia (Mr. MORAN) is right. We may very well be looking at the opening night act of a new savings and loan scandal because we let these people come in, because they unilaterally decided termination was their first choice, going to the taxpayer was their first choice. It should be their last choice.

This amendment simply says go back to the bargaining table and exhaust all of their remedies before they come to the taxpayer.

Vote for the Miller-Schakowsky-Crowley amendment and take care of people who play by the rules.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this amendment. We have heard a number of Members on the majority side of the aisle say we should not overturn a court decision.

Where were you on the Schiavo case when you brought the Congress back in order to stick your nose into the very painful end-of-life decisions that were made by a family in agony? You did not hesitate to try to overturn a court decision then. Get straight, fellows, come on.

This amendment is absolutely necessary if we are going to stop the dumping of pension obligations on the taxpayers of the United States. The taxpayers have enough trouble now getting their representatives to do real things to fix Social Security and now they are going to dump the responsibility for private pensions on the taxpayer as well. That is goofy and it is gutless. It is stupid. It is negligent. Outside of that, it is a terrific idea.

What I would say is this, and I hope the House remembers this when the Treasury bill is on the floor next week because I got added to that bill a requirement that the General Accounting Office do a study to determine whether or not we need to re-regulate the airlines and treat them as a necessary public utility providing service to every community in this country in order to save our pension system for airline employees. If we do not do that, if we do not do that, we can bet there will not be a single airline that has a private pension system by the end of the decade. There will be a race to the bottom in terms of costs, and the first people who are going to get run over in that race are going to be the workers who thought they had a private pension system.

This Congress needs to start talking about matters that affect the people back home rather than continuing to focus on matters that deal with the welfare of people inside the system and inside the Beltway in Washington. It is about time Congress quit paying attention to little details that have nothing to do with people's lives and start focusing on big problems like preservation of their private pensions. This is the only way that we can fire a shot across the do-nothing leadership of this Congress' bow and get some movement on this crucial pension issue.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding to me.

I would just like to make the point this does not turn over any court decisions. United has yet to file a business plan with the creditors committee. The fact of the matter is this is the only opportunity we are going to have to have them go back and negotiate and try to use private systems to solve this problem before they come to the taxpayers.

□ 1015

So this does not tamper with any court decisions or with the ability of United to go forward.

Mr. OBEY. Mr. Chairman, reclaiming my time, without this amendment, Uncle Sam is being Uncle Sucker.

Mr. REGULA. Mr. Chairman, I yield myself the remaining time.

I say this to my colleagues who are watching us on C–SPAN: I think the debate illustrates the complexity of this issue. This is not the proper forum to adjudicate the problem of United or any other airline's pension plan or the problems that confront PBGC. I would hope that the Committee on Education and the Workforce that is dealing with the pension problems would address situations similar to this.

This amendment has far-reaching consequences. That is illustrated by the fact that we heard a number of extraneous matters injected into this, including the Schiavo case. I would urge Members to vote against this because it is simply not the right forum to try to deal with a very difficult problem, and it will not be the last problem. Other airlines are going to be faced with this; and I think the gentleman from Wisconsin (Mr. OBEY) is right, we need to take a look at this in the long term, but this is not the place to do it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

PARLIAMENTARY INQUIRY

Mr. GEORGE MILLER of California. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GEORGE MILLER of California. Mr. Chairman, I believe, under the traditions of the House, the Chair is the Speaker of the Whole House, and the Chair has an obligation to call the vote in the manner in which the vote was arrived at under the voice vote. It is not a question of whether the ayes or the noes will prevail on a recorded vote. The question is what happened on the floor at that particular time. In this instance, the yeas prevailed, and the Chair said the noes prevailed.

A number of years ago, we had very heated debates on this floor from the Republican side, from Mr. Walker, because they felt that they were insulted, especially when cameras came into this Chamber, that the Chair would call votes against their interests when they clearly prevailed on the voice. The Chair was admonished by the Speaker of the House, and we went back to what was the traditionally fair point of view.

So I would ask the Chair in the future, and future Chairs, to recognize that the Chair is calling the event that takes place in front of the Chair on the floor, not what the Chair perceives to be, and may be correctly so, the outcome of the vote later on in the day when the recorded vote is taken.

Mr. Chairman, I demand a recorded vote on the Chair's ruling.

The CHAIRMAN. The gentleman will restate his request.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote on my amendment.

The CHAIRMAN. Is there objection to considering the request for a recorded vote as timely?

Hearing none, a recorded vote is ordered.

Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) will be postponed.

Mr. REGULA. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, unfortunately, in the UC agreement that we have before us, the wrong amendment is listed. It actually amends title I; so, therefore, it should be out of order. It was supposed to be on the Reading is Fundamental program, which is much more appropriate to this title, and I have asked the chairman if he would engage in a colloquy.

My amendment, which could not be introduced because of the error, specified that $25,296,000 in the School Improvements program be dedicated specifically to the Reading is Fundamental program. I seek assurances from the chairman that this program will receive adequate funding when the final numbers are decided in the conference with the Senate.

It is very well documented, Mr. Chairman, that a great number of children and adults struggle with reading. Thirty-seven percent of American fourth graders read below the basic level on the National Assessment of Education Progress Reading Test. Additionally, 55 percent of all fourth graders eligible for free or reduced lunch score below what is called the ''Basic.'' This sad state of affairs is perpetuated as 40 million adults in the U.S. cannot even read a simple child's story.

The Reading is Fundamental program is a time-tested program that has combated illiteracy since 1966. Reading is Fundamental is a family literacy organization that helps children discover the joy of reading. It provides new books to children in many communities; and last year alone, Reading is Fundamental provided 17 million new, free books to close to 5 million kids across the country. It engages children and their parents to utilize all aspects of a child's environment: the school, the home, the community, all to reinforce literacy.

I would like to learn more from the chairman about his views on this program and if he will assist in making sure that funding is appropriated.

Mr. REGULA. Mr. Chairman, reclaiming my time, I thank the gentlewoman for bringing this program to the attention of the House.

One of my goals as chairman of the subcommittee is to help ensure that all children can read by the end of the third grade. I might add at this point that I think one of the reasons for the excessive amount of dropouts in high school is because there is a lack of ability to read. It is a disgrace in the United States that 32 percent on average nationwide do not finish high school.

Providing books for children to read in their own homes is obviously an integral part of this effort. That is what the Reading is Fundamental program does. Although the program does not receive a separate line item in our report, we have assumed funding for it within the totals already provided and will work with the other body in conference to ensure that it receives sufficient resources.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I thank the gentleman for his support.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC.——.None of the funds made available in this Act may be used for funding the operations of the Medicaid Commission (established on May 19, 2005, and chartered under section 222 of the Public Health Service Act and the Federal Advisory Committee Act).

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

This amendment does not require much explanation. The Bush administration created a Medicaid Commission and invited Members of Congress to participate. Then they informed us that Members of Congress would not get a vote. It is not the Bush administration's responsibility to reform Medicaid. That is our job. Yet, the Bush administration did not give Members of Congress a vote.

What does this administration have to do before we draw the line, take over the appropriations process, sign bills before we pass them? It is our job, Mr. Chairman, to refine government programs under our jurisdiction. It is the administration's job to provide input. Theirs is a nonvoting position. The onus of responsibility is on us. We should not shirk it.

Vote for this amendment because you are not paid as Members of Congress to blame Medicaid for health care costs it does not generate. Medicaid is the insurer, not the patient. Vote for this amendment because you are not paid to blame impoverished children, the disabled, and the elderly for needing care or your constituents for feeling compassion towards them. Vote for this amendment because you know you cannot bring health care costs down by making it more difficult for poor people to receive it through normal channels. If a poor mother's child has an alarmingly high fever and she has no access to a primary care doc, she will take her to the emergency room. Who can blame her for that?

If you want to do something about the increase in Medicaid spending, do something about rising health care costs, do something about inflated prescription drug costs, do something about health care infomercials and glossy drug advertising, do something about medical errors, come up with a responsible medical malpractice reform plan. Do something that responds to the actual issue, not a symptom of it.

If a commission would be useful, let us make it a health care commission, and let us ask its members to recommend measures to stabilize health care spending, and let us give the Bush administration a vote on that commission. But do not allow the Bush White House to put Medicaid on trial as if it is some two-bit criminal when Medicaid is actually a lower-cost health insurer than any private insurer out there. Medicaid is a lower-cost health insurer than any private insurer out there. Do not let the Bush administration take health care away from the poor so it can give tax cuts to the rich.

Our government has three branches. Let us make sure the executive branch does not do our jobs for us. It may be

more difficult to confront health care costs directly than to make a scapegoat of the Medicaid program, but we are not in office to take the easy path. We are in office to take the right path.

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

Mr. REGULA. Mr. Chairman, I rise in opposition to this amendment, and I yield myself such time as I may consume.

Mr. Chairman, this amendment would prohibit funds in this bill from being used to operate the Medicaid Commission. I think we want to know what the facts are, because it is pretty much a consensus of opinion in this country that Medicaid and Medicare are going to be even greater costs than Social Security down the road. Therefore, this commission is tasked with producing recommendations to have a $10 billion saving in Medicaid.

We all say we want to keep the Federal budget under control. Well, one of the things you do is get information, and that is what this commission is all about. I do not think we want to doom it to failure before it even begins its work.

I would point out that our authorizing committees are struggling to develop reconciliation savings that include Medicaid, and they need the input of the commission. What we need to do is to look at it and see where we can save money, and I think it would be a poor management decision to preclude their ability, the ability of Health and Human Services and Secretary Leavitt, to address a very serious problem that affects all Americans significantly.

Mr. Chairman, I would urge my colleagues to vote against this amendment if it comes to a vote.

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

Mr. BROWN of Ohio. Mr. Chairman, I yield the remainder of my time to the gentlewoman from California (Mrs. CAPPS), a registered nurse and one of this body's best advocates for public health.

Mrs. CAPPS. Mr. Chairman, I rise in strong support of the Brown amendment. Over the objections of many of us, the budget resolution arbitrarily cut $10 billion out of Medicaid. According to CBO, Medicaid provides health care for 28 million poor children, 16 million working parents, 6 million elderly people, and 9 million disabled people.

Mr. Chairman, these cuts are not illusory. They are not tiny amounts of money. They are billions of dollars that go to our hospitals, our doctors, our nursing homes, and our home health providers. They are the indispensable link in ensuring that these 55 million people Medicaid serves get the health care they need. The cuts will mean one of three things. States will make up the difference. Unlikely, since they are making do with less already. Or providers will take less for the services they provide, and they are already losing money, so scratch that idea. Or the third scenario, poor people will get less health care, and that is, unfortunately, what will happen.

I oppose these cuts. I did not support the creation of the Medicaid Commission. The challenges we face in Medicaid are not caused by Medicaid. They are caused by a failing health care system.

□ 1030

Using a commission to arbitrarily cut Medicaid funds by $10 billion will not solve anything. It will just pass the buck to those around us, those in society who have the least and who are the neediest.

This is an immoral action which does not reflect the values of our country. I urge my colleagues to support the Brown amendment.

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

Mr. Chairman, let me just reiterate that I think it is vitally important that we have a commission to look at the whole Medicaid program, because it is getting extremely expensive. And we want to have the best possible information and ideas as the Congress prospectively tries to address the burgeoning costs of Medicaid, and, of course, as a corollary to that Medicare.

They are tasked with producing recommendations to achieve $10 billion in Medicaid savings. And I cannot believe the body would not want to at least have a commission to look at the problem that is obviously looming on the horizon.

Mr. Chairman, therefore, I would urge my colleagues to vote against this if it were to come to a vote. We are going to be confronted with some very difficult choices in the future, as we found out on the Social Security issue.

And I think the Medicaid-Medicare issue will be even more challenging in the years ahead. And so now is the time to get as much information, as many ideas as we possibly can, to address a very difficult problem.

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

Mr. BROWN of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have, as he certainly knows, great respect for my colleague, the gentleman from Ohio (Mr. REGULA), whose district and mine touch each other, are contiguous.

And I just would reiterate though on this amendment that this is a Medicaid commission that the White House is not even giving Members of Congress a vote on reforming the whole system. So they are going to come here with the commission recommendation from the White House to Congress about cutting $10 billion, but are not even going to give any real congressional input because we will not even be able to vote on these recommendations.

So in that vein, I ask Members of this body to support the Brown amendment on Medicaid.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

The question was taken; and the Chairman announced that the noes appeared to have it.

POINT OF ORDER

Mr. BROWN of Ohio. Mr. Chairman, I watched this, and I understand how the roll call vote is going to come out. But I watched this with the gentleman from California (Mr. GEORGE MILLER's) amendment. It was the same issue.

Mr. Chairman, there were 10 or 12 of us over here saying yes, and 3 or 4 or 5 over there saying no.

The CHAIRMAN. If the gentleman intends to ask for a recorded vote he should do so now.

Mr. BROWN of OHIO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. BROWN) will be postponed.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Florida (Mr. KELLER) for a colloquy.

Mr. KELLER. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I initially planned to offer an amendment today to increase the maximum Pell grant award to $4,150. By increasing Pell grant funding by $211 million, that would be funding through an offset by cutting administrative expenses under this bill by 4.86 percent.

Mr. Chairman, I would like to engage in a colloquy with Chairman REGULA and Chairman BOEHNER regarding this amendment, and I would consider not offering this amendment if I can hear their comments regarding the possibility of ultimately seeking a maximum higher Pell grant award through good-faith negotiations with the Senate during the conference process.

Mr. REGULA. Mr. Chairman, I am pleased to engage in a colloquy with the gentlemen from Florida (Mr. KELLER) and the gentleman from Ohio (Mr. BOEHNER).

Mr. KELLER. Mr. Chairman, let me begin by just putting this issue in a bit of a historical perspective. Looking at this chart, it reflects the Pell grant maximum awards over the past 10 years. And you can see, 10 years ago, in 1986 the maximum Pell award was $2,100. This year it is $4,100.

The yellow reflects the period of time that the Democrats were in control of Congress, the red reflects the time when Republicans took over Congress. And you can see the relative spikes in the Pell grant funding. It was essentially flatlined for about 10 years before Republicans took over.

Now, when I got here to Congress, elected in 2000, we were spending $7.6 billion a year in Pell grants. The maximum award was $3,300. This year we are spending $13.4 billion a year on Pell grants, and the maximum award is up

to $4,100. That is an increase of 76 percent in overall total Pell grant funding.

In addition to the $13.4 billion we have in the bill this year for Pell grants, the bill also lists a very important addition of $4.3 billion to retire the Pell grant shortfall that has accumulated in the program over the past several years because of higher-than-expected student participation.

That is a grand total of $17.7 billion for Pell grants, the largest investment in Pell grants in the history of the United States. I want to commend and thank both the gentleman from Ohio (Chairman REGULA) and the gentleman from Ohio (Chairman BOEHNER) for their strong leadership in increasing Pell grants, which has resulted in an additional $1.5 million young people being able to go to college since the year 2000.

Mr. Chairman, let me tell you why I drafted this amendment today, though. On January 14, 2005, President Bush gave a speech in Florida where he said, ''We want to increase the Pell grants by $100 per year over the next 5 years. Pell grants are important. That is why we want to expand them.''

I agree with President Bush about the importance of increasing Pell grants. Pell grants are truly the passport out of poverty for so many deserving young people. I myself would not have been able to go to college without Pell grants. And I have the honor and privilege of serving as Chairman of the Congressional Pell Grant Caucus.

On February 7, 2005, President Bush followed up his Florida speech on Pell grants by submitting a budget which also called for increasing the Pell grant maximum award of $4,050 by an additional $100 this year. On May 26, 2005, I sent the gentleman from Ohio (Chairman REGULA) a letter signed by 46 Members of Congress, which encouraged the Appropriations Committee to fully fund the $4,150 request by President Bush.

This bill does, in fact, increase the overall award, but only by $50, not the $100 requested by President Bush. And so the purpose of my amendment was to fully fund the President's request.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Ohio (Mr. REGULA) at this time to see if he would be willing to work with the Senate during the conference to see if it is possible to increase the Pell grant funding to an amount sufficient to fully fund this $4,150 request by President Bush.

Mr. Chairman, I would also like to hear the comments of the gentleman from Ohio (Chairman BOEHNER's) comments on the issue as well.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I agree with the gentleman from Florida (Mr. KELLER) that the Pell grant program plays an essential role in helping disadvantaged students pursue a college education.

And for more than 30 years, the Pell grant program has served as the foundation of Federal need-based student aid.

I further applaud my colleague and a member of our committee from Florida (Mr. KELLER) for his strong leadership in supporting the Pell grant program, and as Chairman of the Pell Grant Caucus, and for his sharing with us his personal experiences as a former Pell grant recipient.

The gentleman is correct to point out that the Republican Congress has provided unprecedented support for Pell grants. Funding for Pell grants doubled in the last 10 years, and today we are proposing to add more than $1 billion in additional funding. The number of students receiving Pell grants has risen significantly, and today about 5.3 million students are attending college with the help of a Pell grant.

So I want to thank my colleague from Ohio (Mr. REGULA), the dean of our delegation, for his leadership as chairman of the Labor-HHS Appropriations Subcommittee. He has been a strong advocate on behalf of education programs, and it has been a privilege to work with him in support of our priorities.

Given the constraints that the gentleman from Ohio (Mr. REGULA) is working with, I fully understand. I agree with my colleague from Florida (Mr. KELLER) that we should do all we can to increase the maximum award.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Florida (Mr. KELLER), both of the Education and the Workforce Committee. I, too, agree that Pell grants are a fundamental part of our efforts to ensure low- and middle-income students have the opportunity to pursue postsecondary education.

As the gentlemen have pointed out, Republicans have a proud history of providing funding for the Pell grant program. I am particularly pleased that in this bill, we will erase the $4.3 billion shortfall that had existed within the program, and put the program on a solid financial footing.

We are also increasing the Pell grant maximum award to $4,100, the highest level in the history of the program, and it is very evident from the chart there. And I would point out that if you take a look at that chart, where we became the majority party in 1994, and you can see the rapid ascendency of the Pell grant program.

As the gentleman from Florida (Mr. KELLER) is aware, increasing the Pell grant maximum award, even incrementally, is costly. Each $100 we add is estimated to cost $420 million. As the number of low-income students pursuing college continues to increase, the demand for Pell grants will grow as well.

Mr. Chairman, I am pleased to have worked closely with the gentleman from Ohio (Mr. BOEHNER) and the gentleman from Florida (Mr. KELLER) to provide the resources necessary to help low- and middle-income students gain access to college through Pell grants.

As for the conference negotiations, obviously I cannot guarantee any particular outcome. However, I will make a good-faith effort to increase the maximum Pell grant award, provided resources are available to do so.

I thank the gentleman for engaging in this colloquy, and I look forward to working with him in the future to continue to support this important program.

Mr. KELLER. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Florida.

Mr. KELLER. Mr. Chairman, in light of the comments by the gentleman from Ohio (Mr. REGULA) and the comments of the gentleman from Ohio (Mr. BOEHNER) to at least make a good-faith effort to try to increase the maximum Pell grant award during the conference process, I will not offer my amendment at this time.

AMENDMENT OFFERED BY MR. HONDA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HONDA:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to require a local educational agency to provide student information to military recruiters pursuant to section 503(c) or title 10, United States Code, or section 9528(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7908(a)) without parental consent.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from California (Mr. HONDA) and a Member opposed each will control 5 minutes.

Mr. REGULA. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. A point of order is reserved. The gentleman from California is recognized.

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

Mr. Chairman, I rise in support of parents and students within my own Silicon district, and from parents and students across this country.

The privacy of high school students across this Nation is compromised by a provision of the Elementary and Secondary Education Act, also known as No Child Left Behind, which requires school districts to provide the personal, private information of students to military recruiters at the risk of losing scarce Federal dollars.

Parents in my district complain to me that their children were being persistently contacted at home by military recruiters. These parents wanted

to know how the military recruiters got their children's personal, confidential information, including home phone numbers and addresses.

My amendment would prohibit the Department of Education from withholding education dollars from school districts that decline to provide private student information to military recruiters. The decision to join the military is a solemn one. Ideally this decision should be made in consultation with people who love and care for the child, not with a government official, however well intentioned, whose very job is to recruit for the military.

As a policymaker and former high school teacher and principal, I am concerned with the increasing pressure faced by schools and school districts due to cuts in the Federal dollars of education. I support the military's right to recruit on every high school campus, but I do not believe the current provision advances our national security or reflects our Nation's respect for individual privacy rights.

Indeed, other Federal privacy statutes explicitly recognize individual privacy rights, particularly those of minors. The Children's On-Line Privacy Act prohibits commercial Web sites or on-line services from releasing personally identifiable information of minors.

Federal agencies are prohibited from divulging personal information without written consent. Blockbuster is prohibited from releasing lists of videos that their customers rent, yet for some reason it is acceptable to force schools to provide military recruiters with personal information of their students.

This violates the trust between schools and students and their parents. Schools should not be in a position to choose between students and Federal funding. More importantly, there is no reason for the Federal Government to interfere with the values and choices made by local school districts and boards.

□ 1045

This amendment closely mirrors legislation I have introduced, bipartisan legislation, cosponsored by 46 of my esteemed colleagues.

This legislation is supported by the National Parents and Teachers Association, the PTA. This legislation has also received 24,537 citizen cosponsors who have signed a petition to indicate their support of my legislation. This includes 13,000 parents and 5,000 teachers from all 50 States who have lined up behind our efforts to secure privacy for our Nation's students.

Opponents of this amendment will tell you that this amendment will hurt military recruiting at a time of dwindling enlistees. What they will not tell you is that in the past 2 years before the passage of this provision, the military exceeded recruiting goals. Clearly, the drop has no relationship with information provided by schools.

Our Nation has the best trained and most powerful Armed Forces in the world, and maintaining our military superiority depends upon effective recruiting. This country also has a proud history of personal rights and privacy protection. I believe we can sustain one while preserving the other.

We must protect the children and the students who represent the future of our country. This includes protecting their privacy.

Just today, The Washington Post ran a story detailing Department of Defense intentions to create a student data base which would include personal information including Social Security numbers, ethnicity, and grade point averages. This is but another egregious attack on the privacy rights of our students. Students have neither the ability to confirm nor correct information in its data base.

Finally, this information is gathered from commercial data brokers and State registries by a third party. I urge my colleagues to send a strong message to the country that the Congress supports privacy rights of our Nation's students and vote for the Honda-Stark amendment.

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

Mr. REGULA. Mr. Chairman, maintaining my reservation of a point of order, I rise in opposition to the amendment, and I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER).

The CHAIRMAN. The gentleman will suspend.

The gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I ask to reclaim the balance of my time.

The CHAIRMAN. The gentleman's time has expired.

Mr. HONDA. May I reserve the remainder?

The CHAIRMAN. The gentleman's time has expired.

Mr. HONDA. All of it?

Mr. KIND. Mr. Chairman, I ask unanimous consent that the balance of the gentleman's time be reserved.

The CHAIRMAN. The gentleman's time has expired.

Mr. HONDA. All 5 minutes have expired?

The CHAIRMAN. All 5 minutes of the gentleman's time have expired.

Mr. KIND. Mr. Chairman, I would ask unanimous consent for 2 additional minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. REGULA) controls 7 minutes.

Mr. REGULA. Reserving my point of order, I yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I rise in opposition to the gentleman from California's (Mr. HONDA) amendment.

The gentleman talks about two distinct and particular points in his amendment. First, schools routinely share students' information with various vendors. And whether they sell that information or share it, there are a lot of different forums. And during the consideration of No Child Left Behind, the gentleman from California (Mr. GEORGE MILLER) and I worked closely to try to protect students' privacy. And what we developed at the end of the bill was an opportunity for parents to have their children's names opted out of the information that would be sold or shared with outside vendors, thereby giving parents the right to protect their children's privacy.

But a second point, a more important point, is that some schools were sharing this information with private vendors, but would not share it with the U.S. military. And the agreement that we came to on the floor of this House in a very broad bipartisan way was that to the extent that a school sells or shares student data, they must treat military recruiters in a nondiscriminatory way, or, in other words, treat all people who would want access to this data to have access to it in the same way.

Now, if schools do not want to share the data with military recruiters, that is fine. They cannot share the data then with anyone. But to the extent that they want to sell that data to publishers and others who would seek that, they must give the military the right to that information as well.

I think students across America ought to have access to information to the United States military. It has been a wonderful career for tens of millions of Americans, and the fact is that the practice is going on in far too many schools discriminates against the needs of our military.

So I would ask my colleagues to reject the gentleman's amendment. We have dealt with this issue in a comprehensive way in No Child Left Behind, and we did it in a broad bipartisan way.

Ms. WOOLSEY. Mr. Chairman, I respect those who choose to serve our country in the military. I also understand that successful recruiting is critical to the military's ability to protect our country.

But we also must protect the privacy of our children.

On top of Mr. HONDA's discussion, Mr. Chairman, according to the Washington Post, the Pentagon is now developing a comprehensive invasive recruiting database on high-school and college students who are age 16 or older.

The database will include personal information about these young women and men, including their birth dates, social security numbers, e-mail addresses, grade-point averages, ethnicity and what subjects they are studying.

And, apparently, the Pentagon will be able, without notifying citizens, to share this data for non-military purposes, including with law enforcement agencies and state tax authorities.

More than ever, this highlights the Administration's gall in believing they have the right to personal information about student rights above parents.

If their war was justified, if the American people were not fed up with it, young people would volunteer—but they aren't, and, they won't, and, that is the very reason this invasive program has come up.

For these reasons, I encourage my colleagues to join me in supporting parents and children and their privacy. Vote for the Honda amendment.

Mr. KLINE. Mr. Chairman, while the men and women of our armed forces serve bravely throughout the world, the ability of our U.S. military to recruit highly qualified candidates is being put in jeopardy. Former Commandant of the Marine Corps General Charles Krulak once remarked that our all-volunteer military is an all-recruited force. The amendment offered today by my colleague from California is a clear threat to the continued success of that force.

This amendment would prohibit the Department of Education from withholding Title I dollars from school districts that do not provide private student information to military recruiters. Under the guise of "privacy rights," our military recruiters would be denied the same access to our nation's best young minds that is regularly provided to recruiters for colleges or businesses.

Mr. Chairman, military service can be a noble and fulfilling choice for our young men and women—including my son, a career Army officer. Planning for the future can be an overwhelming experience. As they consider their postsecondary options, our nation's students deserve to be fully equipped with the information they need to make good decisions.

While only a select few individuals choose to devote themselves to a career in military service, the defense of America is not their exclusive responsibility. Each one of us is charged with protecting our nation by doing our part. The least we can do is to ensure those who are interested are not prevented from learning about the opportunity to pursue military service. School principals and administrators ought to be introducing military recruiters to their students—not blocking them.

Mr. Chairman, the people of the United States benefit from the protection of the most highly qualified and well-trained military. I am hopeful our actions today will ensure our U.S. military maintains the ability to continue to serve its citizens most effectively.

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I think the gentleman makes the point that this is legislation; and, therefore, Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill. Therefore, it violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriations bill shall not be in order if it changes existing law."

Ms. WOOLSEY. Mr. Chairman, would the gentleman yield?

Mr. REGULA. We have a point of order pending, Mr. Chairman.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Does the gentleman from Ohio (Mr. REGULA) wish to be heard further?

Mr. REGULA. No, Mr. Chairman.

The CHAIRMAN. The Chair will rule.

The Chair finds that this amendment includes language requiring a new determination. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT NO. 10 OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment as a designee of the gentleman from Arizona (Mr. FLAKE).

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. KOLBE:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to enforce Determination ED–OIG/A05–D0008 of the Department of Education.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Arizona (Mr. KOLBE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

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

Mr. Chairman, I rise in support of the amendment which is offered by the entire Arizona delegation. I will consume very little time on this because others have greater knowledge about it.

This amendment will ensure that all certified charter schools will continue to be eligible to receive special education and low-income funding.

This year, the Department of Education made a sudden determination that charter schools operated by for-profit organizations are not public schools and are, therefore, ineligible for Federal special education funding under the Individuals With Disabilities Education Act and title I low-income students.

Charter schools across the U.S. are U.S. public schools. They operate with taxpayer dollars and abide by the same laws as traditional schools. Federal laws let States decide the qualifications for public schools.

The Kolbe-Flake-Shadegg-Hayworth amendment would set aside the Education Department's determination and allow appropriated funds to continue to serve low-income students and special-needs students who are schooled at charter schools. This has special significance for Arizona.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH), a cosponsor of this amendment.

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Arizona for yielding me time.

Mr. Chairman, I rise in support of this bipartisan amendment because it is important not only to the State of Arizona but to the entire Nation. As of last year, Mr. Chairman, 40 of our 50 States as well as the District of Columbia and Puerto Rico have passed charter school laws. My good friend, a member of the Committee on Appropriations, pointed out that charter schools are public schools, that charter schools in fact offer services to children with special needs. And we cannot stand by and allow the Department of Education by bureaucratic fiat to decide to cut off these funds to deserving children in what are public schools as set forth by State standards.

Education is a national priority and ultimately a local concern. And just as Arizona has taken the lead in terms of formation and the flourishing of charter schools, we want to see the funds there for the children who deserve them.

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

Mr. OBEY. Mr. Chairman, I rise to claim the time in opposition of the amendment.

Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I claim the time in opposition, not because I am necessarily opposed, but because I might be if I understood this correctly. This is not something that we have had a lot of notice to discuss, and I must confess considerable disquiet at the idea that we should overturn a report of the Department of Education Inspector General with respect to the use of taxpayers' money.

As I understand it, the IG, and what I understand is on the basis of a 2-minute briefing, what I understand is that the Inspector General ruled that a number of these schools were, in fact, private and not public and also questioned the way that at least two of the schools had spent taxpayers' money.

Will the gentleman enlighten me with respect to the latter concern?

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

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

Mr. KOLBE. It is my understanding that this provision, the reason that the gentleman has not had a lot of time to receive this information is that it is a very new ruling from the Department of Education that these charter schools heretofore have been given funding because they are serving low-income students, special-needs students, and suddenly they have decided that they are not eligible for that funding.

All we do is suspend that funding until there is an attempt to deal with this in the legislation.

Mr. OBEY. Reclaiming my time, let me simply say, I would be willing to let this amendment go by and have it temporarily accepted by the House, provided that there is an understanding that the committee reserves the right to change its mind during the conference process if we learn that the public interest requires us to oppose it.

I do not want acceptance to be interpreted as the committee's willingness without examining this further to allow this to continue until the authorization bill is passed. That might be a good idea, but I think we ought to keep that as an open possibility rather than make it as a commitment.

□ 1100

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

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

Mr. KOLBE. Mr. Chairman, I appreciate what the gentleman has said, and obviously the committee always reserves the right in conference to make a change to something as this; and if, indeed, information came out that demonstrated that it should be changed, I would certainly concur with that.

So I do appreciate what the gentleman has just said.

Mr. OBEY. Mr. Chairman, in that case, I somewhat dubiously will withdraw any objection to this amendment for the moment and hope that we can clarify it further as we go to conference.

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

Mr. KOLBE. Mr. Chairman, I appreciate what the gentleman said. Perhaps the comments that will follow will clarify that.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me time.

This ruling did just come out, and in Arizona we have I think the largest number of charter schools in the Nation. Most of them serve low-income, special-needs kids. In this case, that is who they are serving, and the ruling simply came out and said IF they are structured as a for-profit; they cannot receive funds anymore.

Keep in mind, these are Title I funds. These are special education funds. And for a school to be told, all right, you are not going to receive them anymore, these are disadvantaged kids in most respects that are going to be held at a loss.

What we are saying is simply if the Department of Education needs clarification, we can do that with reauthorization, but do not in the middle of a process say to these schools, we are going to treat you differently just because of how you are structured; although, we did not think it before, now we think it is different.

So I think that the gentleman is wise to go ahead and accept the amendment, and as more information comes out, I am confident that everyone will feel comfortable with this decision.

Mr. KOLBE. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona (Mr. SHADEGG)

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me time, and I rise in strong support of the amendment.

I think the point that needs to be made here is what the gentleman from Arizona (Mr. KOLBE), my colleague, has already made, and that is, this was indeed a rather sudden ruling, and it does change what is happening.

These schools have, in fact, been funded for years, and the only point that has not been made on this floor yet today, I do not believe, is that if the ruling is allowed to stand, funding will be cut off in less than 30 days. It will be cut off in about 12 days, on July 1.

My colleagues can say what they will about the impact upon the school. I think we ought to focus upon the impact on students.

In Arizona, schools begin the school year as early as August 1. My wife who is a teacher will be going back to school on August 1. Parents need to plan where their children are going to go to school this fall, and were this ruling to be allowed to stand, it would mean children would have less than a month to try to find a new school. To do that to low-income and special-needs children, to deprive those schools of the funding they need to provide that type of education, and to do it on that short of notice is inappropriate.

This is a ruling that directly affects Arizona today and about five other States immediately, but it holds the potential of affecting all 50 States. The ruling I think ought to be discussed on the merits, and I think the Congress should do that, but we appreciate the opportunity to at least temporarily suspend its impact for the sake of the children in Arizona who want to continue to be educated at these schools, many of which are in low-income areas, and these moneys, in particular, go to low-income needs.

So I thank the gentleman for his position.

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

Mr. OBEY. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 2 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would also say that I note in the letter in the final audit report that there is a sentence which says: Additionally, two of the charter schools that we audited did not expend Title I funds entirely in accordance with applicable law and regulations.

I do not know what the facts are with respect to that sentence, but I would simply say that I would not, in any way, want the acceptance of this amendment to be an indication that the Congress is carte blanche accepting the fact that funds ought to continue for those two schools, because it seems to me we have an obligation to make certain that, even if we are trying to deal with the temporary problem, we do not want an improper expenditure of taxpayers' money.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. KOLBE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KIND

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KIND:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to enforce the portion of the proposed rule (published in the Federal Register on May 4, 2005, at page 23466) insofar as proposed section 485.610(d)(1) of title 42, Code of Federal Regulations, requires, for new construction of a critical access hospital (CAH) to be considered a replacement facility, that ''the construction is undertaken within 250 yards of the current building or contiguous to the current CAH on land owned by the CAH prior to December 8, 2003''.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Wisconsin (Mr. KIND) and an opponent each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND) for 5 minutes.

Mr. KIND. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, my amendment is very simple. It is a prohibited use of funds amendment to prevent a new rule from being implemented by CMS that would adversely affect and penalize hospitals that have critical access designation throughout the country, of which there is approximately 1,119 serving predominantly rural communities throughout our Nation.

What the new rule that is moving forward would do is, in essence, to strip these hospitals from critical access designation, along with the funding that follows, if they decide to modernize and relocate their facilities further than 250 yards away from their present location.

Obviously many of us in the Rural Health Coalition in this Congress feel is a very restrictive rule, a draconian attempt to try to accomplish something that is laudable, trying to keep these facilities servicing these high-need areas and the people that they are currently servicing, but a 250-yard rule seems overly restrictive to accomplish that purpose.

This would affect the modernization of new facilities that may occur across the street or down the road or a few blocks away or perhaps in a different location in the community in which they are servicing or perhaps even affecting a hospital that was recently impacted by the earthquakes in California and are now forced to have to locate in a different place because of the damage that has been done.

There is another rule that is moving forward by CMS that makes a lot more sense. It would require that if a critical access hospital does move, that they still have to serve at least 75 percent of the current population, the patients and staff that they are already serving. That makes more sense.

So we are hoping today to be able to raise attention to this very important issue. We still have a little bit of time to work this out with CMS. I have recently had conversations with the

chair of the Committee on Ways and Means and the chairwoman of the subcommittee of the Committee on Ways and Means who are interested in working with many of us to try to resolve this issue with CMS.

Based on their assurances in those conversations, we feel very confident that we should be able to work this out with CMS so that we do not go forward on this very restrictive and narrow rule.

I do want to thank, however, the gentleman from Michigan (Mr. STUPAK), the gentleman from Kansas (Mr. MORAN) and also the gentleman from Nebraska (Mr. TERRY) for their assistance with this amendment and helping to elevate the education in this House in regards to what is taking place.

Hopefully through the conference process, hopefully through the cooperation we expect to receive through CMS, further legislation on this matter will not be necessary.

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

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, it is my understanding the gentleman is going to withdraw this amendment; is that correct?

Mr. KIND. Mr. Chairman, that is correct.

Mr. REGULA. Mr. Chairman, in light of that, I do not oppose it.

Mr. KIND. Mr. Chairman, I yield myself the remainder of the time. And let me just conclude, that based on assurances that we received from the appropriate people on the Committee on Ways and Means, the chair, the subcommittee chairwoman, and also the fact that we still have time in which to cut this rule off before it is fully implemented, it is my intent today to ask unanimous consent to withdraw the amendment and hope that we can get this resolved without further legislative action being taken.

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

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT NO. 2 OFFERED BY MR. TANCREDO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. TANCREDO:

At the end of the bill (before the short title), insert the following:

SEC.____. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public law 108–173.)

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from Arizona (Mr. KOLBE) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

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

We have had a number of debates already on this issue, on the issue of how much money is in this bill and whether it is enough money to fund all of the worthy programs that are out there. I suggest to my colleagues there is a place we can easily go and get at least $1 billion out of this bill and use it for the other programs that have been so eloquently advocated on this floor.

My amendment is simple and straightforward. It essentially prevents the implementation of section 1011 of the prescription drug bill passed by the Congress last year. As my colleagues may recall, this is the controversial provision of the law that provided $1 billion to cover the health care costs of illegal aliens.

It is also important to note that many of these States that are incurring these heavy costs and hospitals inside these States that are incurring these costs for treating illegal aliens, some of these States and some of these localities have helped create their own problems. In many cases, they have taken steps to make themselves magnets for illegal immigration. These health care costs are now burdened by permitting them to obtain driver's license, enroll in institutions, and luckily we stopped the driver's license part, enroll in institutions of higher education at in-State rates, and obtain public services through the use of consular ID cards. So a lot of the burden, as I say, they have brought upon themselves.

But nonetheless, we have gone the next step, then, and we have written regulations. We promulgated regulations and rules designed to implement section 1011, and they certainly fall short of establishing any meaningful accountability for the money, and more importantly, they do not require information sharing with homeland security.

As a matter of fact, on the final page of the payment determination form, it says patients should be aware that the Department of Homeland Security will not access or use information related to medical care to initiate enforcement of United States immigration laws unrelated to an ongoing terrorism or criminal investigation.

There is another part of these regulations that, frankly, I do not recall us debating it when the original amendment was proposed to the Medicare and prescription drug bill. That is one that now allows for not only people who are here illegally to be given services under this act, but people who are here with the 72-hour border crossing card.

In 2002, as I recall, as I have been told, there were already 5 million of these border crossing cards that had been issued. Five million people, mostly, in fact I think entirely, Mexican nationals, are now also eligible for reimbursement under this act, under this section, if they come across the border and choose to access the hospitals in those border States. Again, I do not recall that was part of the original debate, but that is part of the regulations that have been promulgated.

It is a sad irony that many of the Americans who are being asked to cough up to this $1 billion to fund health care costs for illegal aliens and for nationals of another country do not oftentimes have enough money to buy health insurance themselves.

This is a bad giveaway for taxpayers. It sends the wrong message to illegal aliens and Americans alike. It comes at far too high a price. It was wrong when it was passed. It is wrong today.

I hope my colleagues will support the amendment and help save the American taxpayers $1 billion.

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

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

Mr. Chairman, I do rise in the strongest possible opposition to this amendment. It is anti-public health. It undermines current law, and it deserves to be defeated, just as it was defeated last year.

Hospitals and trauma care facilities are required by Federal law to treat anyone who comes into an emergency room, including undocumented immigrants. If hospitals are not reimbursed for this treatment, their very existence is in danger. That threatens the health of everyone. Yet that is exactly what this amendment would do.

It would deny reimbursement to hospitals for care that the government requires them to provide. This is especially dangerous for Americans who live along the border. Let me provide an example.

The Tucson Medical Center in my home State of Arizona, a crucial level 1 trauma facility, shut its doors on its trauma facility because of uncompensated care. Now there is only one trauma center serving all of Tucson, with a population of nearly 1 million people.

I understand that the sponsor of this amendment does not live close to the border, and it may be hard for him to sympathize with those who do. So let me be clear.

This amendment is an attack on our communities. It will shut down hospitals simply because of the Federal Government's inability to secure our border. It will punish Americans by denying them access to care.

Again, the Federal Government mandates that hospitals treat anyone in need of emergency care. If the sponsors of this amendment oppose this, then they should try to change EMTALA, the emergency medical treatment law, that requires that hospitals provide this treatment, change it so they are not required to treat undocumented aliens.

□ 1115

Until then, the Federal Government is responsible for funding its mandates.

So let there be no mistake about this amendment: it will close hospitals, it will close health clinics for Americans who live along the border, and it will result in an unfunded mandate. I am appalled by this proposal. I urge my colleagues to vote against this amendment and vote for hospitals that care for Americans living along our border.

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

Mr. TANCREDO. Mr. Chairman, I yield myself the balance of my time.

To the best of my knowledge, there is nothing in the EMTALA Act that requires States and localities to actually pass laws and regulations creating sanctuary States, creating sanctuary cities, becoming magnets for illegal aliens themselves. There is nothing that requires them to do that; yet they do that. Then they come here and say, We are having a problem. It is undeniably true that the problem exists. It is undeniably true that they are being overwhelmed by illegal immigration. It is also undeniably true that much of this is the fault of the Federal Government. I do not deny that for a moment. Nor do I deny that there may be some responsibility here for us to help pay for it.

But what I am saying is you pass a law like this and then you pass regulations that make it completely and totally irrelevant in a way to determine. They say, We don't want to ask. We cannot ask. We will not even ask you if you are here illegally. By the way, even if you aren't here illegally, if you are one of the 5 million people who live in Mexico, Mexican nationals who have a border crossing card, we'll treat you also.

Does that not encourage even more people to come to the United States and obtain these services, putting even more of a burden on these hospitals? Of course it does. These regulations are the problem. They are a significant problem that only exacerbates the underlying problem of massive costs being incurred by these hospitals in these States.

My hope is that if in fact we have to put money into a program like this, we do so only after we have passed meaningful and purposeful regulations, regulations that at least make these hospitals accountable.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment is misdirected, misguided, and stupid. If you are out in the woods with a rifle and you are hunting and you shoot at something, it would be nice if you are shooting at the right target.

This amendment does not do anything about illegal immigration. This amendment simply shoots the victim of illegal immigration by damaging the local hospitals. If we have illegal immigrants in this country, it is because of a failure of the Federal Government to effectively enforce its immigration laws. That is the problem.

The problem with the gentleman's amendment is that because he does not like the fact that the Federal Government has been ineffective with respect to immigration, he wants to take it out on the local hospitals. The local hospitals when someone shows up on their door, they have an obligation under the law to treat that patient. If the Federal Government does not pay for the treatment of that patient, then local taxpayers and local hospitals get stuck with the bill.

I have a similar situation in my district. I have a huge percentage of Hmong who have come to this country since the end of the Vietnam War. They came because of a decision of the Federal Government. Yet after they come to my district, after a very few months of Federal support, the financial cost for maintaining them, for educating them and for dealing with their medical needs winds up being assumed by the local government. That is not fair. Local governments do not make the foreign policy decisions that determine who our refugees are, and local governments do not have anything to do with what policies the Federal Government follows with respect to immigration.

I would suggest to the gentleman if you do not like Federal immigration policy, shoot the right messenger. This one shoots the wrong messenger. This amendment deserves to be roundly defeated, unless you believe that somebody should pay for somebody else's mistakes.

Mr. Chairman, I yield to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

Ms. LINDA T. SÁNCHEZ of California. I thank the gentleman for yielding.

Mr. Chairman, envision this: an undocumented immigrant suffers from severe chest pains and a nagging cough. Too frightened to seek out medical attention in the beginning, he lets this condition persist. He finds himself in the emergency room of the local hospital. The first order of business for the emergency physician or nurse is not to ask them where it hurts and do a physical exam to see if their life is in imminent danger, but to ask their immigration status and get a sworn statement to that effect.

And if that patient cannot prove their legal status because they do not happen to have the documentation on them, that same doctor must make the choice not to provide care to this person or at least they must report them to immigration officials before providing lifesaving treatment. I ask you, in this universe, what kind of choice is that?

There is no choice in asking a person to choose life or death. This amendment unfairly and wrongly punishes health care professionals for doing what they are ethically and legally obligated to do. Our doctors and nurses do everything they can to help these individuals, regardless of their status, in order to save lives and to nurse them back to health. Today's hospitals are already underfunded, understaffed, and under tremendous pressure to meet the new demands of homeland security preparedness.

I think we can all agree that our Nation's immigration system is broken. It does not meet our security needs, our economic needs, nor does it reflect the American values of strong families and respect for work. However, we will never fix our country's immigration ills by punishing our local hospitals for treating the ill.

I urge my colleagues to vote ''no'' on the Tancredo amendment.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank my friend for yielding me this time, and I thank both the gentleman from Wisconsin (Mr. OBEY) for his comments and the gentlewoman from California (Ms. LINDA T. SÁNCHEZ). I think that this amendment is wrongheaded. I do not believe it will have the effect that the sponsor wants to have, and that is that all undocumented illegal aliens will just ship up and move back home. It plays well on some radio and television stations, but in reality it will have no effect. In the State of New York, our constitution requires that every child be afforded an education, whether that child is a legal citizen and resident or an undocumented alien or their parents are.

TB does not have the ability to discern as to whether someone is documented or undocumented. When that child's mother or father contracts that disease, they give it to their child and their child goes to school. Our children are the ones who are exposed to those diseases. Our children then become the victims of what this amendment would do if it were to pass. This amendment will not have that effect. It will just be a chilling effect on all people who question their status in this country, and they will then not go and get the care that they need to protect the rest of our children.

Mr. KOLBE. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding time.

Mr. Chairman, I think the salient points have been made here. Our Federal Government says to hospitals, you have to treat whoever comes in your door. It is not the hospital's choice. I have toured the border hospitals. It is not just the border hospitals in Arizona. It is hospitals 100 miles from the border. It is hospitals in Tucson. It is hospitals in Phoenix. It is others. They do not have the luxury of deciding who they are going to treat. Yet this amendment would say, sorry, you have to treat them, and because of our failure to impose control at the border, you are just stuck with the bill. That is simply not right.

Nobody is more convinced than the gentleman from Arizona (Mr. KOLBE) and me of the need for immigration reform. That is why we have proffered legislation to do that. I would challenge those who have offered this amendment, please join us or offer your own legislation. We cannot continue with the status quo. It is just eating us alive in Arizona, not just health care costs but education costs, criminal justice costs, across the board.

But let us find a solution. Let us not simply pretend that it does not exist, pretend that those who are here just do not exist. They do. We have got to do something about it. Let us work together and do it, not just say, hey, unfunded mandate, sorry, got to deal with it. And to say that, Well, let's not entice them further, let's not provide any of the funding until we get immigration reform, tell that to the hospitals who could not survive. They will be closed. They simply are doing what the Federal Government tells them to do in terms of admitting patients and under this they would simply say, Sorry, we can't fund it. We're going to have to close our doors.

I commend the gentleman for opposing the amendment. I join with him, and I encourage all of my colleagues to say, Let's find a solution. Let's have meaningful, comprehensive immigration reform that will deal with issues like this. But let us not bury our heads in the sand.

Mr. HINOJOSA. Mr. Chairman, I rise in opposition to this amendment because if passed, this measure will place extreme financial and legal hardships on border and urban hospitals. Because this measure addresses emergency medical care, our hospitals and our doctors are bound by law and their medical oath to treat individuals who are in desperate need of medical attention.

This measure cuts critical funding for our hospitals to cover emergency room care. Due to the high degree of cost associated with this type of care, this amendment will leave hospitals with a choice of two evils, bankruptcy or closing their doors to these communities.

Either way, this measure results in a dramatic cut in access to health care facilities for all residents.

This measure is irresponsible, impractical, and will destroy healthcare in American communities, especially in border states. Therefore, I respectfully ask my colleagues to vote no on this amendment and yes to safeguarding access to health care in all cities.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The amendment was rejected.

AMENDMENT NO. 8 OFFERED BY MR. FILNER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FILNER:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to place social security account numbers on identification cards issued to beneficiaries under the medicare program under title XVIII of the Social Security Act.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from California (Mr. FILNER) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, everyone in this House and everyone in this country knows that identity theft is one of the fastest growing crimes of our decade and creates a nightmare for those who become victims. Identity thieves make off with millions of dollars each day, and each day more than a thousand people are being defrauded. We just saw millions of credit card numbers stolen from the Visa and the MasterCard distribution centers. The Federal Trade Commission has said that identity theft is the top consumer complaint. We all know how credit can be destroyed, earned income can be taken, and a rejection for everything from a college loan to a mortgage can be done. And law enforcement will generally not pursue these identity theft cases.

Part of that peril is, in fact, contributed to by the Federal Government. By including Social Security numbers on Medicare cards, the Department of Health and Human Services places millions of Medicare beneficiaries at risk of becoming victims of identity theft.

I have a simple amendment, Mr. Chairman. It prohibits the Department of Health and Human Services from including Social Security numbers on Medicare cards. Many commercial health insurance companies and States have already taken such steps. Some States prohibit companies from displaying Social Security numbers internally and assign consumers unique numbers that would appear on Medicare cards. It is time for the Federal Government to catch up and help protect an individual's personal privacy. Even the GAO has published a number of reports and has concluded that there is no reason why the Social Security number cannot be removed from the Medicare card.

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

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

This would prohibit CMS from spending any funds related to using Social Security numbers on a Medicare identification card. It would really interfere with the operation of the current system. This is a long-time use of Social Security numbers. It is an outgrowth of the claims process. I think it is important from the standpoint of avoiding fraud. The cost of converting the system for 43 million Medicare beneficiaries would be substantial, both in beneficiary education, system reprogramming and related costs. While CMS may well convert to some type of an electronic identification system over time, and I think that will happen, in the meantime to try to make a change at this point would be wrong.

This amendment would limit their ability to effectively deal with it. And, of course, they have got the new drug benefit to implement. I think it is just the wrong time to start tampering with a system that has been in place for a long time.

□ 1130

I would urge Members to vote against that if this amendment comes to a vote.

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

Mr. FILNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, I thank the gentleman from California (Mr. FILNER) for bringing this very critical issue to the ears and eyes of the Congress as well as the ears and eyes of America.

In Indianapolis, Indiana, we have over 100,000 Medicare recipients, and in Indiana we have over 877,000. And as all of the Members know, the criminals devise ways at all times to break laws and to steal people's identity. People in nursing homes die unexpectedly, and workers, not all of them of course, steal Social Security numbers and abuse them before the Social Security Administration has an opportunity to close down that particular number.

So I appreciate very much this effort. I think it is very vital. And as I read the amendment, it is on new Medicare cards and not ones that exist at the present time. So it would not require an entire overhauling of the Medicare card system to implement this particular amendment.

And I would again commend the gentleman from California (Mr. FILNER) for his insight and foresight in bringing this very vital issue to the Congress.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong opposition to this amendment, although I appreciate the concern of the gentleman from California (Mr. FILNER).

First of all, we all know how important Medicare is to our seniors. Two hundred thousand new beneficiaries sign up every month, and anything that would disrupt their entry up into the system would be a terrible hardship to impose on our seniors. This amendment would actually interfere with the operation of the current system before a new system could be put in place, causing serious disruption in the Medicare program in the enrollment process for new beneficiaries.

That much said, CMS does share the gentleman's concern and is in the process of examining this issue. That

project is currently in the information-gathering phase, focusing on identifying all of the systems and entities and understanding the nature of the transactions that rely on a beneficiary identifier. There are many parties involved, with a variety of information claims processing and data exchange systems, and once they get this base research done, they can move forward on reforming the use of the Social Security system. I would tell the Members that in the new drug plan they do not use the Social Security identifier.

So I would urge the gentleman to maintain his interest in this subject to work with the committee as we oversee CMS's gathering of this material and evaluation of this problem; and the fact that they have managed to develop the drug plan without using a Social Security identifier indicates to us that they will take the time and invest the resources to change the base underlying system. But any radical change to that system will deny current beneficiaries coming into the system, month by month, their benefits.

Mr. FILNER. Mr. Chairman, I yield myself the balance of my time.

I find it strange that the distinguished chairman and the distinguished chairwoman, both of whom are well known for their support of Medicare, Social Security, and seniors in this Nation would object to what is really just a bureaucratic change, a change that can be done through computers in a very quick fashion.

The Department of Health and Human Services has said that the health insurance claim number that they use is merely a variation of the recipient's Social Security number, not the actual number, and has noted that the number may be based on the Social Security number of a spouse or parent. However, more often than not, the number the agency uses is the person's Social Security, preceded or followed by a single letter of the alphabet. The agency has said it has no immediate plans to stop this practice. What more can the Department of Health and Human Services do to the theft of our identity? Give thieves and unscrupulous people mothers' maiden names?

Not so long ago, I would tell the chairman, we experienced the same problem with the mailing labels sent to us from the IRS. I was told there was no way the IRS would change its practice and any disruption would disrupt the whole tax collection system of the Nation. I found that incomprehensible, simply a defense of bureaucratic inertia, and said that they can change a computer system very quickly so booklets that would be mailed out to millions of Americans would not have the Social Security number. I introduced a similar bill to stop the IRS from putting Social Security numbers on its mailings, and the IRS found a way in short time to stop the practice that could lead to identity theft.

There is simply no excuse, Mr. Chairman, for leaving Medicare beneficiaries vulnerable to identity theft with a thinly disguised Social Security number on Medicare-related mailings. This is merely bureaucratic inertia. It only requires a computer software change. No benefits to Medicare or Social Security will be held up. It is about time this Congress said to a bureaucracy, cut the fooling around, break through the red tape, and protect our seniors and all our families in America from identity theft.

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

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I simply want to say that I rise in support of the gentleman's amendment. I would fully grant that I think there is a problem with the timetable associated with the amendment because of its immediacy, but the fact is that under the rules of the House, the gentleman had no choice but to draw the amendment that way in order for it to be eligible to be offered as an amendment.

The committee, if it so chooses, can easily fix this problem in conference. It can easily delay the effective date of the gentleman's amendment, and I think that is what we ought to do. I think the Social Security Administration, I think the Federal Government, I think the Pentagon, I think our banks and other financial institutions, have been incredibly reckless in protecting the privacy of American citizens. And we are increasingly going to see this as a huge problem, and we are also going to see identity theft mount exponentially.

I congratulate the gentleman for trying to do something about it. That is more than one can say for most of this Congress. And if there are technical problems, this committee, if it is worth its salt, can easily have them fixed before the bill is reported back in conference.

I urge support for the amendment.

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

I understand what the gentleman from Wisconsin (Mr. OBEY) is saying, and the gentleman from Wisconsin (Mr. OBEY) will be a conferee, and it is something we probably need to discuss there. But in the meantime, there are 43 million people who are on Medicare. We add 200,000 every month, and I would like to get more information from CMS as to just what impact this would have in terms of cost and their ability to manage the system.

The key to this is that we want the system managed as effectively as possible, and all of us as Members hear from time to time from people who are not getting their Medicare claims taken care of or they are having problems with Medicare. So some system of keeping track of these and to identify them, we can imagine with 43 million people, it is not easy.

So I would hope the gentleman would withdraw his amendment and I would work with the gentleman from Wisconsin (Mr. OBEY) in conference to see if there is some way we can refine this language, and I would like to discuss it with the Medicare people, with CMS, to see what the impact would be or whether a workable system that would ensure privacy could be put in place.

For that reason I would oppose the amendment if there is a vote on it.

Mr. STEARNS. Mr. Speaker, I rise today to support the gentleman from California's amendment.

The public, whether shoppers, investors, or Medicare beneficiaries, should be confident that their personal information is secure, and it is obvious from recently revealed breaches that more must be done to protect consumer data. As Chairman of the Commerce, Trade & Consumer Protection Subcommittee, I have held many hearings on data breaches and consumer data security and showed broad support for a comprehensive federal notification requirement to consumers for these security breaches. According to the Federal Trade Commission, 27.3 million Americans have been victims of identity theft in the last five years, and the Social Security Number is one of the primary tools.

Private health insurers do not rely on the SS No., and neither should our Nation's health provider for seniors and the disabled. A non-identifying, random, set of characters can be generated that would be less meaningful to an individual's entire financial . . . The GAO is well-published on the risk of using SS Nos., and the facility with which the Centers for Medicare and Medicaid Services (CMS) could assign an alternate number.

I support the gentleman's amendment and urge my colleagues to do so.

The Acting CHAIRMAN (Mr. FOSSELLA). The question is on the amendment offered by the gentleman from California (Mr. FILNER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FILNER. 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 California (Mr. FILNER) will be postponed.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

At the end of the bill (before the short title), insert the following:

SEC. _____ None of the funds made available in this Act may be used to reimburse, or provide reimbursement, for Viagra, Levitra, or Cialis.

The Acting CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I would like to state my appreciation for the work done by the gentleman from Ohio (Mr. REGULA), committee chairman, on this overall bill and his work and cooperation at all levels and the flexibility that he has demonstrated in the interests across this broad country.

I bring before this Congress an amendment that addresses an issue that Americans understand, and it is an issue that I think Congress needs to understand maybe more thoroughly than they do at this point. And that is that government has a role in promoting the general welfare in the United States, but we have gone past that role; and now with our Medicaid and Medicare funding, we are opposed to be purchasing sexual impotence drugs with taxpayers' dollars all across this country. We have been doing so since 1998 with regard to Medicaid, and now CMS is poised to do so also with Medicare. That will be implemented in January, simply 6 months from now, and if we are not able to put a stop to this bureaucratic decision, then we will be down the slippery slope of millions of people who believe the entitlement is taxpayer-funded recreational sex drugs.

So my amendment simply prohibits any use of any of the resources or funds provided in this act from being used for the administration or funding of Viagra, Levitra and Cialis. It is that simple. It is something that I think we have a consensus on.

Mr. Chairman, I reserve the balance my time.

Mr. REGULA. Mr. Chairman, I ask unanimous consent to claim the time.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Acting CHAIRMAN. The gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes.

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

I just want to discuss it. I do not think anyone has asked to claim time in opposition at this juncture.

As the Members know, the bill already has a provision restricting health programs from paying for impotence drugs for sex offenders. This amendment simply takes the provision a step further by prohibiting the payment for all beneficiaries.

The authorizing committee has been discussing it with the Member, and apparently there has been no resolution. So perhaps this is one that Members ought to make a judgment on. I think the issue is fairly clear as it has been framed by the sponsor. And if he were to ask for a vote, that would be an appropriate thing to do at this juncture.

Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I do rise in strong opposition to this amendment. I certainly support denying impotence drugs to sex offenders, but to arbitrarily eliminate any class of drugs from a formulary, first of all, sets a terrible precedent and has the same potential for mischief as State mandates on health plans have demonstrated is possible. So the precedent being set here is one I object to.

□ 1145

But much more important, these drugs are often medically necessary. ED drugs help men who have lost sexual function caused by prostate cancer, diabetes, multiple sclerosis, nerve damage, or cardiac conditions. It is important that these drugs are available when they are medically appropriate and there is no evidence of abuse for medically appropriate situations. They are not sold over the counter, they are prescription, must be prescribed by a physician, and they are so important in the cases where they are medically needed, that it would be, in my mind, a gross disservice to our seniors to automatically deny them access under our prescription drug program to these drugs.

First of all, where does this approval end? We do not say to seniors, we will not prescribe cholesterol medications for you or drugs for high blood pressure until you have changed your diet and exercised. Yet diet and exercise could eliminate the need for taxpayer-funded drugs in many categories, but we do not require that.

Secondly, we are very interested in, and increasingly interested in, early identification and prevention of serious illness, and sexual dysfunction is often an early sign of other very serious conditions. Those diseases may go untreated and undetected if there is no need to go to the doctor to talk about impotence, to evaluate the causes of impotence and, therefore, be entitled to the prescription. So it interferes with early diagnosis and prevention in certain diseases.

It is also extremely important to consider this issue in the context of mental health and the costs of mental health in our elderly population. Certainly, in a long-term marriage, a healthy sexual relationship is important to the strength of that relationship and important to the mental health of the people involved. Would we rather pay for depression treatment, or would we rather have that couple eligible for the kind of medications that the gentleman wishes to ban from the Medicare program?

So if we take a holistic approach to health and remember that mental health is important to reducing the cost of physical disease and that early identification and prevention of serious health problems is extremely important to lowering the long-term costs of Medicare and giving the program sustainability that is crucial to the well-being of our seniors, then my colleagues will vote against this amendment, even though I appreciate that, superficially and politically, voting for it would be a desirable vote.

I would urge my colleagues to oppose the availability of these drugs for sex offenders. I would urge my colleagues to oppose eliminating them from the Medicare formulas, because they are often medically appropriate and they are important to the long-term health and well-being and early identification of disease in our seniors.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think the gentlewoman from Connecticut has indicated correctly that there are a number of technical problems with this amendment; yet I think I know that if there is a roll call, it will be passed overwhelmingly.

So what I would suggest in the interest of time, unless we want to stay here until midnight, is to simply accept a number of these amendments which we know have significant technical flaws, but which can be corrected in conference. Otherwise, we are going to have a lot of meaningless debates, and they will simply consume a lot of time, and we will wind up in the same place.

So what I would simply urge is that the committee accept the amendment, recognizing that it needs to be fixed substantially in conference, and deal with some of the very practical problems just laid out by the gentlewoman.

Mr. KING of Iowa. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman for yielding me this time.

I support this amendment, even though I can fully understand where the gentlewoman from Connecticut and the gentleman from Wisconsin are coming from. But part of the problem we are trying to address here goes back to the Medicare prescription drug legislation which requires that the Federal Government pay the full retail cost of these drugs.

A substantial part of the cost of these ED drugs is attributable to TV advertising. They are spending approximately a half a billion dollars a year on television advertising, saturating the airwaves during family viewing hours when they know the parents and the kids are sitting in front of the television; and now the taxpayer is going to be paying for this cost of advertising. That is the difficulty.

While I understand that we do not want to go down a slippery slope, bear in mind that when we start including these lifestyle drugs in Medicare, that is money that could be spent against cancer and heart disease and Alzheimer's and all the higher priorities that we ought to be using Medicare trust funds for.

So I support the gentleman. I do not think that ED is a health care priority. But the larger issue is should the taxpayers be required to pay for TV advertising, much of which is inappropriate in its message. I did not have any problem, I have to say, when Bob Dole was

the pitch man; nobody would, except maybe Elizabeth for sharing more than the world necessarily needed to know about their personal lives.

But the point is, these ads on TV today are offensive, and we are spending half a billion dollars on them. The American public does not want them saturating the airwaves, and they certainly do not want to be paying for them; and unless this amendment passes, they will be paying for them.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. BARTON), the chairman of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Chairman, I speak in rabid opposition to this amendment, not because I oppose the total intent of it, but because it is legislating on an appropriations bill. If it were to pass and remain in the bill, it would make the Committee on Energy and Commerce much more difficult on reconciliation.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from the State of Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Chairman, those who believe in privacy and not being dictated to by the U.S. Congress in their most private, intimate decisions should vote against this amendment.

Two friends of mine my age recently went in for prostate treatment. When you go in for prostate cancer, they tell you you have a choice of various alternatives. Some may give you a higher chance of survival, but also a higher chance of impotency.

A University of Chicago study showed that if you tell men that they have a chance of impotency that cannot be cured because you do not have access to these ED drugs, they will, 68 percent of the time, take surgery that could lessen their chances of survival. This is not recreation. These are helping men make decisions that are going to help prolong their lives. We should reject this amendment.

Mr. KING of Iowa. Mr. Chairman, I yield myself the remaining time.

To bring this towards a close, as I listen to this debate, I think it is clear to us that this is an inappropriate investment on the part of taxpayers' dollars for us to compel the taxpayers to pay for sexual impotency drugs. I take issue with some of the statements made, for example, no evidence of abuse for medically appropriate situations exist. Certainly it does.

I recognize that the amendment of the gentleman from California (Mr. DOOLITTLE) in the bill addresses some of the abuse, and that is the abuse of these prescriptions going into the hands of sexual predators, rapists, and child molesters. Now, this amendment would not be necessary to do that, but there is other abuse that goes beyond that. There is record of abuse that existed.

No one paid any attention, until I raised this issue last November and December, and the traction has not been there for a policy change. That is why I need to bring this amendment here in the only fashion that I can with the leverage I have in this Congress.

We will spend, over the next 10 years, over $2 billion, our CBO score runs it up over $2 billion, and $105 million in this next year.

This is, as the gentleman from Virginia said, the only opportunity that we have to stop this funding under Medicare and also to stop the balance of this funding under Medicaid before such time as it becomes a huge entitlement.

There are only two reasons for sex, there has only been, and one of them is for procreation. We do not subsidize any kind of fertility drugs under any kind of Medicare or Medicaid, because we decided that that is inappropriate. So we do not either subsidize procreational sex. Recreation is another thing. We do not subsidize the recreation of others either. So under either one of those categories, this is wrong.

I urge the adoption of this amendment against Federal funding for Viagra, Cialis, and Levitra.

PARLIAMENTARY INQUIRY

Mr. SNYDER. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN (Mr. FOSSELLA). The gentleman will state his parliamentary inquiry.

Mr. SNYDER. Mr. Chairman, I rushed over here in a big rush hoping to get some time to speak against what I think is a very, very bad amendment and bad public policy. It is my understanding that there is no time left to speak in opposition to this amendment.

The Acting CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. 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 Iowa (Mr. KING) will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so so that I can facilitate a colloquy between the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Ohio (Mr. REGULA), and I yield to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I wish to enter into a colloquy with the gentleman from Ohio (Mr. REGULA).

As the gentleman knows, HHS at one time conducted a program on Gulf War illnesses research. And the gentleman also knows that, according to the congressionally chartered Research Advisory Committee on Gulf War Veterans' Illnesses, there has never been a better time to invest in this research. The potential causes have been narrowed, more diseases are being discovered, parallel benefits to national security are more urgently needed, and there is still no treatment for our ill veterans.

Would the gentleman agree to work with the agency and me to encourage NIH to establish its research portfolio in this area?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I appreciate the gentleman calling to our attention the recent report of the Department of Veterans Affairs about the research opportunities in Gulf War illness research. NIH has conducted research in this area in the past, largely through the National Institute of Environmental Health Sciences. The gentleman describes opportunities in neuroscience research that might most appropriately reside in the National Institute for Neurological Disorders and Stroke.

We would be pleased to ask the director of NIH to report to us what research NIH currently plans to conduct during the fiscal year 2006 that addresses the priority areas the DVA report identifies. In our hearings next year, we will conduct a line of questioning to learn more about NIH's commitment to this area of research.

Mr. KUCINICH. Mr. Chairman, I want to thank my colleague, the gentleman from Ohio, and also express my appreciation to the gentleman from Wisconsin for yielding.

Mr. OBEY. Mr. Chairman, I thank the gentleman for raising this issue.

AMENDMENT NO. 16 OFFERED BY MR. HEFLEY

Mr. HEFLEY. 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. 16 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $1,425,140,000.

The Acting CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

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

I do not want to take a lot of time for this because I think we all know the scenario that is the result of this, but I do want to make the point again.

What I am rising to do is to cut the level of funding in this appropriation bill by 1 percent. This amount equals $1.425 billion, which represents only one penny off of every dollar.

This is not an across-the-board cut. The way it is structured, it lets the Department decide where this money should come from.

As most Members are aware, I have offered a series of these amendments over many appropriation bills. We need to draw the line; and the budget we have for the next year is too large, and we can do something about the deficit right now. By voting for my amendment, you are stating to the American taxpayers that they should not have to pay higher taxes in the future, because we can control our spending today. As hard as the chairman and ranking member have worked on this bill, there are still many wonderful things in the bill, very meritorious things in the bill, but things that do not have to be done, some of them.

□ 1200

This fiscal year's 2006 Labor-HHS appropriations bill provides over $142.5 billion in total discretionary resources. And we have seen discretionary spending increase in this bill by an average of more than 5 percent a year over the last 5 years, even though it is less this year than it was last year. I commend the committee and the chairman on that.

This bill spends $924 million over the President's request. Our budget should be no different than our individual budgets at home. When we have less money, we spend less money. I would encourage support of the Hefley amendment.

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

Mr. REGULA. Mr. Chairman, I claim the time in opposition to the amendment.

Mr. Chairman, I yield myself as much time as I may consume.

Mr Chairman, I will not take much time. I think all of the Members are familiar with this. It has been on the docket before. And the problem with this type of an amendment, it goes across the board, as the gentleman from Colorado (Mr. HEFLEY) said.

There are many great programs in this bill. And the way this amendment is crafted, it hits the good with the indifferent and with those that are maybe not so desirable. So I would oppose the amendment. I would hope my colleagues would agree in voting against this if it were brought up on a roll call vote.

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

The Acting CHAIRMAN (Mr. FOSSELLA). The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HEFLEY. 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 Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MR. HINCHEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used—

(1) by any department, agency, officer, or employee (as defined by section 5701 of title 5, United States Code) of the United States to exercise any direction, supervision, or control over the content or distribution of public telecommunications programs and services in violation of section 398(c) of the Communications Act of 1934 (47 U.S.C. 398(c)); or

(2) in violation of section 396(a) of such Act (47 U.S.C. 396(a)).

The Acting CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

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

Mr. Chairman, Congress created the Corporation for Public Broadcasting in 1967 to encourage the development of a public broadcasting system, and just as importantly, to shield public broadcasting from any political interference.

Despite this clear directive, Kenneth Tomlinson, the chairman of the corporation, has engaged in a deliberate campaign to politicize public broadcasting and interfere with the content of public television and radio stations across the country.

Mr. Tomlinson is essentially warning public broadcasters, conform to his ideology or he will cut off their funding. This is political intimidation in the truest and worst sense of the term, and we must stamp it out today with this amendment.

This amendment would prohibit Mr. Tomlinson, who is considered a part-time government employee because of his position as chairman of the board of broadcasting governors, from exercising direction, supervision, or control over the content or distribution of public telecommunications programs and services.

It also prohibits the CPB from violating the policies set forth by Congress, which include a prohibition on outside interference. The United States of America is already suffering from a shortage of independent voices in the media.

Public broadcasting remains one of the outlets available that offer high-quality, unbiased, independent reporting, which is why we must ensure its independence from political tampering. It is a shame that this even has to come up. But the actions of Kenneth Tomlinson demand that this amendment be brought before the House.

At the rate Tomlinson is going, it is only a matter of time before he changes PBS' name to FOX–2, and starts forcing Big Bird and Elmo to talk about the merits of the war in Iraq or the value of privatizing Social Security.

We must have independent public broadcasting that reports the facts and holds both Democrats and Republicans accountable for their actions. Mr. Chairman, I urge the adoption of this amendment.

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

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I rise in as strong as possible opposition to the Hinchey amendment. We have public television today, and I am very proud that we do. Public television used to say that they had a reason to exist, because if they did not exist, who would provide the public aspect of some of our television programming?

That was an effective argument 30 years ago, and to some extent it is still effective today. But whereas yesterday the PBS station in the local market was maybe the third or fourth station, today it may be one of dozens of stations, and if you count cable, it may be one of hundreds. So the argument for continuing to spend taxpayer money for public television is not quite as strong as it used to be.

Having said that, I think there is a role for public television in the marketplace. We are now led to believe, though, that for some reason, the current head of public television is trying to move public television, you know, to the right. I disagree with that.

In last year's Presidential debates, I am told that many, many viewers who watched not the debates but the campaigns, seemed to think that NPR was simply for the Bush-haters. In fact, I had a constituent come up to me and say, well, we have now heard from the Bush-haters after listening to an NPR news commentary.

Rightly or wrongly, a lot of people where I come from think that NPR represents the left. I know that is exactly the opposite of what my friend, the gentleman from New York (Mr. HINCHEY) thinks.

The Corporation for Public Broadcasting allocates Federal funds for public radio and television. It is about 4 percent of the total funding that they receive, if my numbers are correct. I do not have a problem with this. I do not have a problem with Mr. OBEY's amendment yesterday that restored funding to PBS.

Having said that, I think the gentleman from Ohio (Mr. REGULA) and the full committee were right to reduce funding, because their committee's budget was short billions of dollars and they simply subjected the Corporation for Public Broadcasting to the same scrutiny that they subjected all of the other programs under their subcommittee's jurisdiction.

I commend the gentleman from Ohio (Mr. REGULA) for doing that. What we

really have here, in my opinion, is to some extent perhaps a personal vendetta against the current head of CPB, a gentleman named Mr. Tomlinson. He apparently has riled some feathers.

He apparently, in trying to be balanced, is, to some of my friends on the other side of the aisle, indicating that he is maybe going too far. I disagree with that. I think he is an honorable man. I think he is trying to do the right thing.

I think the gentleman from New York (Mr. HINCHEY's) amendment is well intentioned, as it appears to be, could be perceived by some, as just trying to stop somebody from doing their job to provide a fair, balanced approach for our funds that are spent by the CPB.

Mr. Chairman, I hope that we would adhere to the committee position and oppose the Hinchey amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman said, for some reason we think that Mr. Tomlinson is being political. I wonder why? Mr. Tomlinson is the follow who said that public radio stations should get in line with the Republican election victory.

Mr. Tomlinson is the person who appointed a consultant in order to try to measure the number of instances when people on PBS programs were, quote, anti-Bush or, quote, anti-DELAY.

Mr. Tomlinson is the person who recommended the appointment to head the Corporation of a former cochairman of the Republican National Committee. If Bill Clinton had appointed the former Democratic National Chairman to the public broadcasting board, the other side would be having a conniption fit. The other side would be screaming in outrage and passing out motions of impeachment; they have had a lot of practice at that.

It is also Mr. Tomlinson who was reported to have worked to raise money in order to put the Wall Street Journal editorial board on public broadcasting. Now, there is an objective operation for you.

I would also suggest that what is at work here is something broader than Mr. Tomlinson. What I think is happening is this, Mr. Chairman. I think we have a ''thought police'' brigade loose around the country. And we have seen evidence of it in a number of places.

We saw it in the Schiavo case, where the Republican majority tried to tell every American family how they had to handle an end-of-life decision. Then we saw it in the efforts of the majority leader, the gentleman from Texas (Mr. DELAY), who fired a shot at every judge in the country who had the temerity to think for themselves, warning them if they did not toe the line, he would go after their jurisdiction.

And then you have this effort to appoint the chairman of the Republican National Committee as head of public broadcasting. And then I wonder why the American people get a little nervous about the thought police at work.

The fact is that every public opinion poll shows that the American people have more confidence in the objectivity of public television and public radio than they do any other news outlet, and certainly more confidence in their objectivity than they have in us as a body.

We have hit a new low recently in terms of public approval of the way this Congress is operating, I would say with good reason, because this Congress spends so much time worrying about things that affect itself rather than worry about things that affect the American people.

So I think there is a very good reason for the gentleman's amendment. I regret that there is a necessity to bring it up. But I do think that Mr. Tomlinson is primarily responsible for politicizing this entire issue.

Mr. Chairman, I do not mind seeing Republicans on public broadcasting. I do not think there was a better show on television than Bill Buckleys's program through the years. Bill Buckley had a huge intellect, and I think the country was served by the programs that he had on that program for many years.

I do not think the country is served well when Mr. Tomlinson takes upon himself the duty of being the thought policeman for the entire country on public television. That crosses the line. He ought to go. He ought to resign. This Congress ought to demand that he do so.

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

Mr. REGULA. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I think Mr. BARTON made the case in opposition to this. And for that reason, I would urge my colleagues to vote against this amendment.

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

Mr. HINCHEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, Mr. Tomlinson ought to go. Mr. Tomlinson had people do some polls. What they found on these polls is 80 percent of Americans say PBS is fair and balanced; 90 percent said they had high-quality programming, more than any channel, as the gentleman from Wisconsin (Mr. OBEY) has pointed out.

But Mr. Tomlinson did not reveal those results to anybody. He kept it all to himself. You bet there is bias at CPB. It is embodied in this chairman, who must cease and desist his politicization of the agency, which is why I urge you to vote for this amendment. How the House can best aid public broadcasting would be to vote this amendment and for the President of CPB to submit his resignation.

Yesterday, this body voted by a substantial margin to restore funding for public broadcasting. We did so after an unprecedented outpouring of public sentiment. Over 1 million people signed petitions within one week's time—proving Americans demand their public broadcasting continue. But we did so mainly because it was the right thing to do.

For almost 40 years, only one television channel among the 500 operating today has consistently been regarded by the public as the gold standard of broadcasting.

Chairman Tomlinson discovered that for himself when he hired the right-leaning Tarrance group to investigate claims of bias. After conducting two ''National Public Opinions,'' his handpicked pollsters found that 80 percent of Americans saw PBS as ''fair and balanced,'' while 90 percent believed that PBS ''provides high quality programming.'' Further, a majority of respondents called PBS ''more trustworthy than CNN, Fox News Channel and other mainstream news outlets.''

Does it surprise anyone to hear that Chairman Tomlinson did not reveal the results in his annual report to Congress—or even to PBS and NPR? Yes, there is bias in action at CPB. It's embodied in its chairman, who must cease and desist his politicization of the agency, which is why I urge you to vote for this amendment. That's how the House can best aid public broadcasting. What the chairman could do for CPB is to submit his resignation.

□ 1215

Mr. HINCHEY. Mr. Chairman, I yield 30 seconds to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I agree with my colleagues that Mr. Tomlinson needs to go, because yesterday Patricia Harrison, who was the former cochairman of the National Republican Committee, was selected as the next president. He has secretly coordinated with a White House official to formulate guiding principles for the appointment of two partisan ombudsmen to monitor and critique all public broadcasting content.

Our first amendment rights are being eroded away and we can see through that. There needs to be transparency.

Mr. Chairman, once again our public broadcasting system is under attack by reactionary forces inside the beltway. This time, it is suffering a two-pronged assault; one on content, one on funding, and both politically motivated.

Congressman HINCHEY and I are offering an amendment to reinforce existing law and buffer PBS from the kind of political attacks that Corporation of Public Broadcasting (CPB) Chairman, Kenneth Tomlinson, has brought upon Big Bird and Elmo. Mr. Tomlinson has revealed his personal crusade to discredit and destroy public broadcasting by unjustly accusing PBS and NPR of liberal bias, and working behind the scenes to stack the CPB's board and executive offices with operatives who share his ideological views.

Yesterday, Patricia Harrison, the former co-chairwoman of the Republican National Committee, was elected as CPB's next president. Mr. Tomlinson also secretly coordinated with a White House official to formulate ''guiding principles'' for the appointment of two partisan ombudsmen to monitor and critique all public broadcasting content. Tomlinson suppressed a public poll showing that 80 percent of Americans judge PBS to be ''fair and balanced'', compared to network and cable television.

Tomlinson, also diverted taxpayers' money to hire a partisan researcher for a stealth study to track so called "anti-Bush" and "anti-Tom DeLay" comments (by the guests) of "NOW with Bill Moyers"—a move that currently is being investigated by the Inspector General.

Mr. Chairman, the law is clear on this. The Public Broadcasting Act of 1967 clearly forbids "any direction, supervision, or control over the content or distribution of public telecommunications programs and services." Congress established the Corporation for Public Broadcasting to "encourage the development of public radio and television broadcasting" and to "afford (public broadcasting) maximum protection from extraneous interference and control." Under the direction of Tomlinson, however, the CPB has engaged in a deliberate campaign to inject politics into public broadcasting.

The taxpayer-funded CPB is supposed to serve as a firewall between Washington DC politics and public broadcasting. Mr. Chairman, we must take the politics out of public broadcasting—and put the public back in. Our amendment will prohibit the CPB President from exercising any direction, supervision, or control over the content or distribution of public broadcasting. It would also reaffirm the long-standing policy that public broadcasting must be free from outside interference. This is about the future of a vital public trust, a resource that is owned and enjoyed by everyone, and not allowing it to be hijacked by the nefarious agenda of a few political operatives. It is a shame that it has even come to arguing for safeguards we used to take for granted, but the actions of Mr. Tomlinson demand it. I urge my colleagues to support our amendment.

Mr. HINCHEY. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, the gentleman from New York's (Mr. HINCHEY) amendment just restates existing law. What Ken Tomlinson wants to do is turn NPR into the NRC, the National Republican Committee, rather than National Public Radio. That is what it is all about.

CPB used to stand for Corporation for Public Broadcasting. Now it will stand for Corporation for Political Boondoggles, as this Republican administration seeks to politicize something that in all national polling is the most respected news outlet in the United States of America.

This is wrong. Support the Hinchey amendment.

Mr. REGULA. Mr. Chairman, I move to strike the last words.

Mr. Chairman, we oppose this amendment. There is already language in the Public Broadcasting Act of 1967 that prevents the Corporation for Public Broadcasting from controlling the content of public broadcasting services.

I do not see why this language is necessary today. The law is already there. You have different points of view as to what is the characteristics of public broadcasting, and that is conservative, liberal or whatever. I think this amendment is unnecessary in light of current law. Let CPB do its job and stop trying to politicize it.

I will point out one further thing. This amendment would negatively impact on CPB's ability to assist in the production of quality educational programming. For example, if this amendment were to be law, if Ken Burns, whom we all are familiar with, were to serve as a consultant to the National Park Service on battlefield conservation, he then would be prohibited from producing any documentaries for PBS or local public TV stations. The amendment would alter public broadcasting's authorization that is presently in the law, and I think it would cripple the abilities of CPB to do what our colleagues on the other side of the aisle want it to do, and that is to be an objective medium, to present all sides of every issue, and not attempt to politicize the message.

With the present law, it seems to me that there is no need for this amendment. I urge my colleagues to vote against it if we do have a roll call vote.

Mr. HINCHEY. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN (Mr. FOSSELLA). The gentleman from New York (Mr. HINCHEY) has 30 seconds remaining.

Mr. HINCHEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, my favorite quote from Abraham Lincoln is this: You can fool some of the people all of the time and all of the people some of the time, but you cannot fool all of the people all of the time.

I think that this House ought to understand that because that is what is trying to be done here. They are trying to fool all of the people all of the time. They have done it with Iraq, they are trying to do it with Social Security, and now they are trying to do it by controlling the airwaves, controlling the information that people get, and most recently by politicizing public broadcasting.

The law that my good, dear friend, the gentleman from Ohio (Mr. REGULA), just mentioned is not being enforced. That is the problem. That is why we have this amendment. That is why we need its passage.

Public broadcasting should not be political. It needs to be objective and reliable. Pass this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HINCHEY. 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 New York (Mr. HINCHEY) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

amendment by the gentleman from Georgia (Mr. PRICE); amendment by the gentleman from California (Mr. GEORGE MILLER); amendment by the gentleman from Ohio (Mr. BROWN); amendment No. 8 by the gentleman from California (Mr. FILNER); amendment by the gentleman from Iowa (Mr. KING); amendment No. 16 by the gentleman from Colorado (Mr. HEFLEY); amendment by the gentleman from New York (Mr. HINCHEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 102, noes 298, not voting 33, as follows:

[Roll No. 308]

AYES—102

Akin
Barrett (SC)
Beauprez
Bilirakis
Blackburn
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Cannon
Carter
Chocola
Coble
Cox
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Emerson
English (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hayes
Hayworth
Herger
Hostettler
Hulshof
Inglis (SC)
Istook
Jindal
Johnson (CT)
Keller
Kelly
Kennedy (MN)
King (IA)
Kline
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Murphy
Musgrave
Neugebauer
Ney
Norwood
Otter
Paul
Pearce
Pence
Petri
Pitts
Pombo
Price (GA)
Radanovich
Ramstad
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—298

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bass
Bean
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Bradley (NH)

Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Camp
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Harris
Hart
Hastings (FL)
Hastings (WA)
Hefley
Hensarling
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rangel
Regula
Rehberg
Reichert
Reynolds
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—33

Andrews
Bartlett (MD)
Becerra
Boozman
Boyd
Capito
Chabot
Davis, Tom
Delahunt
Evans
Fattah
Gohmert
Gutierrez
Harman
Honda
Jones (NC)
Kingston
Lewis (GA)
Meeks (NY)
Mollohan
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Taylor (NC)
Towns
Udall (NM)
Wexler
Whitfield
Wicker
Wilson (NM)
Young (FL)

□ 1243

Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. DRAKE, Ms. KAPTUR, and Messrs. POE, GORDON and MELANCON changed their vote from ''aye'' to ''no.''

Messrs. SULLIVAN, CARTER, CALVERT, CHOCOLA, CUELLAR, FOLEY, KING of Iowa, SMITH of Texas, HALL, HERGER, MARCHANT, TANCREDO, Mrs. EMERSON, Ms. GINNY BROWN-WAITE of Florida, and Mrs. BLACKBURN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 219, noes 185, not voting 29, as follows:

[Roll No. 309]

AYES—219

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

NOES—185

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

Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—29

Andrews
Bartlett (MD)
Becerra
Boozman
Boyd
Capito
Cox
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
Kingston
Lewis (GA)
Meeks (NY)
Mollohan
Pickering
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Towns
Udall (NM)
Whitfield
Wilson (NM)
Young (FL)

□ 1252

Mr. SCHWARZ of Michigan changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. BROWN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 237, not voting 26, as follows:

[Roll No. 310]

AYES—170

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Hastings (FL)
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)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—237

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kind
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.
Lynch
Mack
Manzullo
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)

NOT VOTING—26

Andrews
Bartlett (MD)
Becerra
Boozman
Boyd
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
Lewis (GA)
Marchant
Meeks (NY)
Mollohan
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Towns
Udall (NM)
Wilson (NM)
Young (FL)

□ 1300

Mr. TANNER changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. FILNER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. FILNER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 314, noes 94, not voting 25, as follows:

[Roll No. 311]

AYES—314

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Beauprez
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Boren
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Camp
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Hall
Harris
Hastings (FL)
Hayworth
Hefley
Hensarling
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kucinich
Kuhl (NY)
LaHood

Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Putnam
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Shimkus
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Woolsey
Wu
Wynn
Young (AK)

NOES—94

Aderholt
Akin
Alexander
Bachus
Baker
Bass
Biggert
Bilirakis
Bonilla
Bono
Boustany
Brady (TX)
Brown (SC)
Burton (IN)
Calvert
Cantor
Chocola
Coble
Crenshaw
Davis (KY)
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Ehlers
Everett
Franks (AZ)
Gilchrest
Gutknecht
Hart
Hastings (WA)
Hayes
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jindal
Johnson (CT)
Kanjorski
Keller
King (IA)
Kingston
Kline
Knollenberg
Kolbe
LaTourette
Lewis (CA)
Manzullo
McCrery
McHenry
McKeon
Mica
Miller, Gary
Myrick
Norwood
Nunes
Osborne
Oxley
Pearce
Pitts
Porter
Pryce (OH)
Radanovich
Regula
Rohrabacher
Ros-Lehtinen
Royce
Sabo
Saxton
Shaw
Shays
Sherwood
Shuster
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Taylor (NC)
Thomas
Tiahrt
Tiberi
Walden (OR)
Weller
Westmoreland
Whitfield
Wilson (SC)
Wolf

NOT VOTING—25

Andrews
Bartlett (MD)
Becerra
Boozman
Boyd
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
Lewis (GA)
Meeks (NY)
Mollohan
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Towns
Udall (NM)
Wilson (NM)
Young (FL)

□ 1309

Mr. KING of New York and Mr. PUTNAM changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY KING OF IOWA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 285, noes 121, not voting 27, as follows:

[Roll No. 312]

AYES—285

Aderholt
Akin
Alexander
Allen
Baca
Baker
Baldwin
Barrett (SC)
Barrow
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Calvert
Camp
Cannon
Cantor
Cardin
Cardoza
Carson
Carter
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
DeFazio
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Feeney
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hunter
Hyde
Israel
Issa
Istook
Jackson (IL)
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Lantos
Larsen (WA)
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McGovern
McHenry
McIntyre
McKeon
McKinney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Otter
Oxley
Pascrell
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Saxton
Schiff
Schwartz (PA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Wamp
Waters
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (SC)
Wolf
Wu

NOES—121

Abercrombie
Ackerman
Bachus
Baird
Barton (TX)
Bean
Berkley
Berman
Blumenauer
Boehlert
Bono
Brown (OH)
Burgess
Butterfield
Buyer
Capps
Capuano
Carnahan
Case
Clay
Costa
Cubin
Cunningham
Davis (CA)
Davis (IL)
Deal (GA)
DeGette
Dicks
Ehlers
Engel
Evans
Farr
Ferguson
Filner
Fossella
Gilchrest
Gonzalez
Grijalva
Harris
Hastings (FL)
Hinchey
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Langevin
Larson (CT)
Latham
Lee
Levin
Lowey
Lynch
Mack
Maloney
Markey
Marshall
McCollum (MN)
McCrery
McDermott
McHugh
McMorris
McNulty
Meehan
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Norwood
Ortiz
Osborne
Owens
Pallone
Pastor
Payne
Price (GA)
Price (NC)
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Loretta
Sanders
Schakowsky
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Snyder
Stark
Sweeney
Tauscher
Thomas
Velázquez
Walden (OR)
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Wexler
Whitfield
Woolsey
Wynn
Young (AK)

NOT VOTING—27

Andrews
Bartlett (MD)
Becerra
Bonilla
Boozman
Boyd
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Mollohan
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Towns
Udall (NM)
Wilson (NM)
Young (FL)

□ 1318

Mr. FRELINGHUYSEN changed his vote from ''no'' to ''aye.''

Mr. GEORGE MILLER of California and Ms. LEE changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above reported.

AMENDMENT NO. 16 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 84, noes 323, not voting 26, as follows:

[Roll No. 313]

AYES—84

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Bishop (UT)
Blackburn
Brady (TX)
Burton (IN)
Buyer
Cannon
Chabot
Chocola
Coble
Cox
Cubin
Davis, Jo Ann
Deal (GA)
Diaz-Balart, M.
Duncan
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Goodlatte
Graves
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Hostettler
Inglis (SC)
Issa
Jenkins
Jindal
Keller
King (IA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
McCotter
McHenry
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—323

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Baird
Baker
Baldwin
Barrow
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Hall
Hastings (FL)
Hastings (WA)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—26

Andrews
Becerra
Boozman
Boyd
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Mollohan
Nunes
Rahall
Reyes
Rogers (AL)
Simmons
Taylor (MS)
Towns
Udall (NM)
Wilson (NM)
Young (FL)

□ 1326

Mr. SULLIVAN changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 218, not voting 28, as follows:

[Roll No. 314]

AYES—187

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

NOES—218

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)

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

NOT VOTING—28

Andrews
Becerra
Boozman
Boyd
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Jones (NC)
Kaptur
LaTourette
Lewis (GA)
Meeks (NY)
Mollohan
Nunes
Rahall
Reyes
Rogers (AL)
Scott (VA)
Simmons
Taylor (MS)
Towns
Udall (NM)
Wilson (NM)
Young (FL)

□ 1333

Mr. HALL changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RAHALL. Mr. Chairman, I was unavoidable detained on official business this morning. I was in West Virginia with Chairman Anthony Princippi, and over West Virginia delegation to discuss BRAC recommendations. I missed rollcall vote 308 through 314. Had I been present, I would have voted in the following manner: rollcall vote 308: ''nay''; rollcall vote 309: ''yea''; rollcall vote 310: ''yea''; rollcall vote 311: ''yea''; rollcall vote 312: ''yea''; rollcall vote 313: ''nay''; and rollcall vote 314: ''yea''.

PERSONAL EXPLANATION

Mr. SIMMONS. Mr. Chairman, I was regrettably delayed in my return to Washington, DC from an official visit to Norfolk Naval Station, Virginia and was unable to be on the House floor for rollcall votes 308 to 314. Had I been present, I would have voted ''nay'' on rollcall 308, an amendment offered by Representative PRICE (GA); ''yea'' on rollcall 309, an amendment offered by Representative MILLER (CA); ''nay'' on rollcall 310, an amendment offered by Representative BROWN (OH); ''yea'' on rollcall 311, an amendment offered by Representative FILNER; ''nay'' on rollcall 312, an amendment offered by Representative KING (IA); ''nay'' on rollcall 313, an amendment offered by Representative HEFLEY; and, ''nay'' on rollcall 314, an amendment offered by Representative HINCHEY.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, many of my colleagues have asked about time, and it is pretty difficult to just quantify exactly where we will be. We have six or seven amendments yet to go and possibly a motion to recommit. The gentleman from Wisconsin (Mr. OBEY) is indicating there will be, so we can draw our own conclusions as to what kind of a time number we are looking at, with that many amendments and with a motion to recommit.

While we are trying to get some of the mechanics here of the en bloc amendment worked out, I would just like to comment that this bill does some really good things in education, and I think this is something that we are all interested in.

I do not know if any of my colleagues have read Tom Friedman's book in which he points out the flat Earth, how important education is to the Nation's future. I mentioned yesterday Dave Broder's column in which they polled Americans who said that they thought that the most significant thing in the success of the United States was our educational system.

So it was a great thing, and I believe Thomas Jefferson was the person who, and I am not sure of that, who developed the idea of a free public education, which was pioneering at the time because there was not anything like it in the rest of the world. Many others have duplicated it or some copy thereof. But I do think that what we have tried to do with this bill is to emphasize good teachers, good principals, good schools.

I have said many times that I have three goals on the committee. One was to get a good teacher in every classroom and with that, a good principal in every building and a good superintendent. Secondly was to lower the dropout rate. I think it is tragic that 32 percent of our students nationwide do not finish high school. Thirdly is to ensure that every child learns to read. I believe that the dropout rate is a result, in part, of the fact that people do not learn to read early in their educational experience.

AMENDMENTS EN BLOC OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. REGULA:

Page 2, line 12, after the dollar amount, insert the following: ''(increased by $58,000,000)''.

Page 22, line 2, after the dollar amount, insert the following: ''(increased by $5,000,000)''.

Page 22, line 8, after the dollar amount, insert the following: ''(increased by $500,000)''.

Page 22, line 12, after the first dollar amount, insert the following: ''(increased by $3,000,000)''.

Page 45, line 10, after the dollar amount, insert the following: ''(increased by $22,000,000)''.

Page 54, line 1, after the dollar amount, insert the following: ''(reduced by $12,000,000)''.

Page 54, line 2, after the dollar amount, insert the following: ''(increased by $12,000,000)''.

Page 75, line 21, after the dollar amount, insert the following: ''(increased by $27,000,000)''.

Page 82, line 10, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

Page 82, line 12, after the dollar amount, insert the following: ''(reduced by $2,500,000)''.

Page 84, line 13, after the dollar amount, insert the following: ''reduced by $2,500,000)''.

Page 99, line 5, insert: ''directly or indirectly, including by private contractor,'' after ''shall be used,''.

At the end of the bill (before the short title), insert the following:

''SEC. . None of the funds made available under this Act to the Department of Education may be expended in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623).''.

___

''SEC. 5___. None of the funds made available in this Act may be used by the National Institute of Mental Health for any of the following grants:

(1) Grant number MH060105 (Perceived Regard and Relationship Resilience in Newlyweds).

(2) Grant number MH047313 (Perceptual Bases of Visual Concepts in Pigeons).

___

''SEC. ___. None of the funds made available in this Act may be used to implement any strategic plan under section 3 of Executive Order 13335 (regarding interoperable health information technology) that does not require the Department of Health and Human Services to give notice to any patient whose information maintained by the Department under the strategic plan is lost, stolen, or used for a purpose other than the purpose for which the information was collected.''

___

''SEC. 5___. None of the funds made available in this Act may be used by the Department of Health and Human Services to appoint an individual to a Federal advisory committee on the basis of political affiliation, unless required by Federal statute.''

Pursuant to the order of the House of June 23, 2005, the gentleman from Ohio

(Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

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

Mr. Chairman, these have all been agreed upon as part of the en bloc, and I would urge the Members to vote for it.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply say that while I am dubious about the content of several of these amendments, in the interest of moving the bill forward, I would also urge that we accept the en bloc amendments and move on to the others.

Mr. REGULA. Mr. Chairman, I thank the gentleman for helping us to work it out.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Iowa.

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

Mr. LEACH. Mr. Chairman, I would only say to my distinguished chairman, I realize how difficult these circumstances are. There is one amendment in that en bloc circumstance, the Neugebauer amendment, that I think the House should be alerted to. It could put us down a slippery slope of reviewing peer review scientific approaches; and since it is targeted at a program in a university in my district, I am particularly sensitive to it.

But unrelated to the fact that it is in my district, this subject is something that I hope in the conference will get the attention of Members in terms of the overriding principle of whether we ought to be political seers overriding scientific peers.

Secondly, in the statement I will submit for the RECORD, I have outlined a reason for this particular grant that is, in my view, again very compelling, which makes a political attack on it quite, again in my view, uncompelling.

So at this time, I simply ask respectfully that the chairman and the ranking member give this perspective serious consideration as you move to conference.

Mr. Chairman, I recognize that sometimes committees decide to accept a series of amendments to bills "en bloc" on the House floor and then review them further in conference. In this circumstances, I rise to express a great disappointment that the committee has agreed to accept for the time being the Neugebauer amendment which represents a philosophical assault on the peer review process that serves as a hallowed barrier to scientific censorship.

Mr. Chairman, the Neugebauer amendment is about exasperation with NIH research on non-humans—i.e., animals and birds—and targets a grant given a respected research institution in my District—the University of Iowa.

First, let me stress that 60% of all human diseases are zoonotic—that is, derived or related to animals and birds. It is no accident that the remarkable results that have been obtained in developing miracle drugs and intervention approaches in so many diseases begins with research on animals and birds.

Secondly, let me stress that NIH and NIMH operate in a more non-politicized manner than other governmental entities. All their research approaches are peer-reviewed by scientists across the country. We in Congress authorize the appropriations for NIH and NIMH, but scientists rather than politicians determine which research applications should be funded. Science, in this sense, by Congressional directive, has largely been de-politicized.

As for this specific grant, the pigeon has been selected to study because it has a remarkably well developed visual system with such high acuity that it can make extraordinary decisions without the mediation of language.

The research, which focuses on how the pigeon discriminates between visual stimuli, could be singularly important to our understanding of how brains and mental processes operate. The knowledge garnered is designed to be of particular use in the treatment of mental illnesses and disorders like autism and schizophrenia.

Knowledge of the operation of advanced cognitive processes in the absence of language can also provide important clues to possible remedial methods that could be effective with language impaired human patients. New thinking and teaching methods which may develop from research on pigeons and other life forms could better enable impaired individuals to interact with a world of complex patterns and categories, thus allowing them to be productive decision-makers, less likely to need institutionalization.

Mr. Chairman, let me reiterate that research with birds and animals is critical for human health. The pigeon may seem an obscure subject, but the application of research on this bird, which is so talented it can find its way home even if transported and released thousands of miles away, could be quite meaningful.

There is no certainty any research approach will be productive, but there is certainty that politicizing science will shackle its potential for lengthening and ennobling life.

Accordingly, I urge the committee as it reviews this "en bloc" amendment in conference to give particular attention to whether it wants to establish a precedent of political "seers" overriding scientific peers. This is a slippery slope that I hope conferees will not slide down.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I am pleased that the chairman accepted an amendment that would strengthen the privacy safeguards within the Office of Information Technology to which our committee appropriated over $75 million for safeguarding information.

Medical information is so critically important as we start to put together a national infrastructure of information technology that is interoperable and that is transparent and that will allow providers to adequately provide the care that they need to, with all of the knowledge of the patient's background that they need to have, in order to make the right decisions at the point of care.

I thank the chairman for yielding to me and for supporting this amendment.

Mr. BUYER. Mr. Chairman, I rise to express my strong support for the Chairman REGULA's, amendment and urge my colleagues to vote in favor of increased funding for programs aimed at getting veterans into jobs.

Mr. Chairman, the National Veterans Employment and Training Institute is run by the University of Colorado under contract to the Department of Labor. Their mission is to train Disabled Veteran Outreach Program Specialists and Local Veterans Employment Representatives (DVOPS and LVERs) how to place veterans who are seeking employment in good-paying jobs.

I want to emphasize that DVOPS and LVERs are state employees who usually work for the state employment service. The extra 500 thousand dollars will allow NVTI to increase its training load for the next year by nearly 20 percent. That means that more DVOPS and LVERs will get basic and advanced training in such skills as case management, compliance investigation, job coaching, promoting partnerships, presentation skills, and Transition Assistance for those being discharged.

The Homeless Veterans Reintegration Act, or HVRP, is designed to get homeless veterans off the streets and back into the labor market. The typical grantee provides the safe living quarters and supportive services to men and women who have hit bottom and are seeking a way out of what may have been decades of homelessness. Recent data indicates this is a highly cost effective program. For a program cost of a little over $2,200 per job placement averaging about $9.25 per hour, an HVRP client potentially returns about $2,800 in taxes per year to the federal government. I call that a good investment in human capital.

The Chairman's amendment will add three million dollars to the $22 million proposed by the President. I salute the Chairman for his efforts on behalf of homeless veterans. This additional funding will provide opportunities for hundreds more homeless veterans. According to the Veterans Employment and Training staff, three million dollars will fund nine to 12 new grantees and service over 1,000 more homeless veterans. Surely, this is a worthy cause.

Mr. Chairman, this is a good amendment that every Member can take pride in and I urge my colleagues to vote yes.

Mr. WAXMAN. Mr. Chairman, I rise to offer an amendment to prohibit the Department of Health and Human Services from using political litmus tests in making appointments to scientific advisory committees.

Advisory committees play a crucial role in the development of policy. That role is to offer policymakers the best available expertise on scientific matters. Science is not liberal or conservative. It is not Democratic or Republican. In order to develop the best policy, our government needs to hear the facts from the most qualified experts, regardless of their political affiliation.

This common sense principle is widely accepted in the scientific community. It has been

endorsed by the National Academy of Sciences, the American Academy for the Advancement of Science, and numerous other scientific organizations.

This amendment simply adopts this principle into policy. It would prohibit funding for any committee where members are chosen on the basis of political affiliation, unless required by law.

Unfortunately, the current Administration has a terrible track record on this issue. It has repeatedly applied political litmus tests in making appointments to advisory committees.

A nationally recognized expert on substance abuse was asked if he had voted for President Bush. After he answered honestly, he was not appointed.

An expert in marine ecology was asked if she supported the President's economic and foreign policy agenda. After she told the truth, she was immediately dropped from consideration.

A Nobel Prize winner was nominated for an important NIH panel on international health. According to a senior NIH official, he was not picked because he had ''signed too many full page letters in the Times.''

The Administration's use of political litmus tests has generated outrage in the scientific community.

The editor of the journal Science has stated, ''I don't think any administration has penetrated so deeply into the advisory committee structure as this one, and I think it matters. . . . If you start picking people by their ideology instead of their scientific credentials, you are inevitably reducing the quality of the advisory group.''

These actions are unacceptable. Expert advisory panels should be filled with scientific experts, not party loyalists. This is the only way our government will have the information it needs to make the best policies on behalf of the American people.

Our country's premier scientific organizations have affirmed the core principle that scientific advice should be provided by the best scientists. I urge my colleagues to endorse this principle and support this amendment.

Mr. EMANUEL. Mr. Chairman, I rise today in support of the Markey-Emanuel amendment which is part of the en bloc amendment proposed by Chairman REGULA. Our amendment is simple and straightforward. It requires patients to be notified if their medical records contained in the new national health information network are lost, stolen or used for unauthorized purposes.

While a national health information network could provide significant benefits for the entire medical community, that network must come with guaranteed privacy protections. As the revelations by MasterCard and Visa that the personal information of as many as 40 million customers was compromised demonstrates, identity theft has become an epidemic.

A national health information network without strong privacy protections would undermine all of its other benefits. Without privacy protections, patients won't have confidence that their medical records will be kept confidential, which is essential to quality health care.

In the 108th Congress, I introduced legislation to protect credit consumers' sensitive medical information. That bipartisan legislation was signed into law last year. By ''blacking out'' health information, we created a zone of privacy and gave consumers the confidence that their medical records are being protected. We should do the same thing here.

Mr. Chairman, major data security breaches are occurring on a daily basis and identity theft is the fastest-growing white collar crime in the country. It's essential that we get this right at the beginning by making strong privacy protections a part of this health information network.

Mr. MARKEY. Mr. Chairman, I rise in support of the Manager's amendment.

The Manager's amendment includes an amendment that I filed to offer to the bill yesterday, which would address an important privacy protection issue.

Mr. Chairman, the recent wave of massive data thefts has swept up the precious, private information of millions and millions of Americans.

Everyday seems to bring new examples of gaping holes in databases being exploited by criminals: ChoicePoint, Lexis-Nexis, and CardSystems Solutions.

These are just 3 recent examples of huge heists of personal information.

And when Americans' financial records are drained from databases, does Federal law require the victims to be notified? No!

When Americans' Social Security numbers are siphoned from databases by criminals, does Federal law require that the victims are at least notified? No!

And, most importantly, when Americans' most private health information is plundered from databases, does Federal law require the victims to be notified? Shockingly, Unbelievably—No!

Mr. Chairman, the bill before us today provides $75 million to support the creation of a new network of databases containing the health records of millions of Americans across the country. This new health information network will be, in effect, the ''Mother of All Databases.'' This network, when it is completed, will provide unprecedented access to the most private, personal health records of tens of millions of Americans.

The nationwide network holds tremendous promise. But it also holds enormous peril for the privacy of Americans' medical records. That's because we know that databases currently maintained by the Federal government are vulnerable to infiltration by the data thieves.

How do we know this?

In February 2005, President Bush's Information Technology Advisory Committee reported that:

> The information technology infrastructure of the United States . . . is highly vulnerable to terrorist and criminal attacks and [T]he Federal Government needs to fundamentally improve its approach to cyber security.

In May 2005, GAO reported that:

> [T]he Federal Government is limited in its ability to identify and respond to emerging cybersecurity threats, including sophisticated and coordinated attacks that target multiple federal entities.

Even with the most sophisticated and modern cybersecurity, we have learned that reels of data can be lost off the back of a truck.

While there is much we must and should do to minimize that loss of data, it is simply unforgivable to hide a known breach from the individuals whose personal data has fallen into unauthorized hands.

An individual can sometimes take action to protect herself while authorities try to puzzle out what happened to cause a breach. At least they should know when they are at risk.

A national health information network could provide significant benefits for patients, physicians, hospitals, and other health providers. But to realize these benefits, this new network must have strong privacy safeguards.

My amendment, which is now part of the Manager's amendment, would simply require that patients whose health information is maintained by the Department of Health and Human Services as part of this new health records database must be notified if their records are lost, stolen or used for an unauthorized purpose.

Our amendment would apply to the tens of millions of Medicare and Medicaid beneficiaries whose personally identifiable health information is maintained by the Federal Government.

As the Department begins to develop the standards for this enormous database, privacy of patients must be a priority.

As many of us know, people can be more concerned about their medical information being public than their financial information.

There are things in medical records that people don't even tell members of their own families.

We are at the dawn of the development of this new database. Now is the time to ensure that privacy is paramount.

Our amendment will ensure that patients victimized when their health information in the database is stolen or misused are simply notified so they can take the necessary steps to protect themselves.

In fact, the following 13 states already have enacted similar notification requirements for patients whose personal information has been stolen from electronic databases: Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Maine, Minnesota, Montana, Nevada, North Dakota, Texas and Washington.

This is a vital, common-sense amendment, and I am pleased that it has been incorporated into the Manager's amendment. I urge its adoption.

Mr. WAXMAN. Mr. Chairman, I rise in support of the scientific peer review process at the National Institutes of Health and in opposition to the Neugebauer Amendment.

For the third year in a row, the House is considering an attempt to score cheap political points at the expense of NIH research. This year's targets are two grants from the National Institutes of Mental Health.

Both of these grants passed NIH's rigorous peer review process. This process involves two stages of review. In the first, scientists from leading institutions around the country make independent evaluations of each proposal. In the second stage, advisory councils with broad representation set priorities and approve the studies.

Our system of peer review is the envy of the world, and for good reason: It is based on science, and it is immune from political interference.

Congress should be proud of the NIH and what it has accomplished. Instead, this amendment strikes at the heart of scientific integrity at the agency.

Supporters will say that the amendment is just about two grants. In their view, apparently, NIH should not be funding research in animal

models that can expand our understanding of brain disorders . . . or research on psychological distress and marriage that can reduce domestic violence.

Just looking at the two grants, I am far from persuaded. Marriage is a key institution in our society, and we should use science to understand how it can be strengthened. Research in animal models has provided important insights into brain disorders. I fail to see any justification in eliminating the funding these grants.

More fundamentally, it is inappropriate for us to be debating the merit of these grants in the U.S. House of Representatives. This is not a grant review panel. We are not scientific experts. Our country has succeeded by leaving scientific judgments to scientists, and we should continue to do so.

Our Nation's research community is watching this House today. Universities and researchers want to know if they can do their jobs without wondering whether Congress will step in at the last moment to slander their research and sabotage their careers.

The Administration is also opposed to this amendment. The Director of the National Institutes of Health Dr. Elias Zerhouni stated yesterday:

> Defunding meritorious grants on the floor of Congress is unjustified scientific censorship. It undermines the historical strength of American science, which is based on our world renowned, apolitical, and transparent peer review process.

I hope these words give this House pause. Let us not vote for scientific censorship. Let us not undermine the historical strength of American science.

To paraphrase the editors of the New England Journal of Medicine, let us not rub the gem of worldwide biomedical research in political dirt.

I urge you to join me in rejecting this ill-advised amendment.

Mr. NEUGEBAUER. Mr. Chairman, my amendment will prohibit the National Institute of Mental Health from further funding two grants whose research falls outside the mission set by NIMH. The amendment would not reduce overall research funding. Rather, it would focus the funding toward serious mental health issues.

According to NIMH, its goal is to "reduce the burden of mental illness and behavioral disorders" and prevent "disabling conditions that affect millions of Americans."

This is a noble goal. Serious mental health diseases such as autism and Alzheimers do affect the lives of many Americans. And finding cures and treatments for these debilitating diseases is something we all hope for.

This is why I was curious when I saw that two NIMH grants have been going on for years that do not focus on our most pressing mental health issues.

For nearly 15 years, more than $1.5 million has been awarded to study "Perceptual Bases of Visual Concepts." According to NIMH, this study trains pigeons to distinguish between natural and man made objects.

Now on its fifth year, a second study has spent hundreds of thousands of taxpayer dollars to determine how the self-esteem of newlyweds affects their marriage. Now, I am a fan of marriage. In fact, I have actively participated in one for 35 years. But what does this research contribute to the effort to find better treatment, or even a cure, for Alzheimers or autism or Schizophrenia? Whatever scientific merits these research projects may have, they are not directed at serious mental health disorders.

Sending millions of dollars to research that falls outside the mission of NIMH is problematic enough. However, this problem is compounded when you look at the list of grants that have been rejected over the same time period. If you look at the list, you will find grant after grant which specifically targets serious mental health diseases, such as schizophrenia and bipolar disorder.

According to a 2003 study done by a group of mental health professionals and entitled, "A Federal Failure in Psychiatric Research," only 1 out of every 17, 2002 research grants is reasonably likely to improve the treatment and quality of life for individuals presently affected by serious mental health illness.

Some here today may feel hesitant about ending these grants. But, ladies and gentleman, as members of Congress, we must become better stewards of taxpayer dollars.

I urge my colleagues to support research on serious mental health issues by supporting the Neugebauer amendment.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Ohio (Mr. REGULA).

The amendments en bloc were agreed to.

AMENDMENT NO. 14 OFFERED BY MR. HAYWORTH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 14 offered by Mr. HAYWORTH:
>
> At the end of the bill (before the short title) insert the following:
>
> SEC. ____. None of the funds made available in this Act may be used by the National Labor Relations Board to exert jurisdiction over any organization or enterprise pursuant to the standard adopted by the National Labor Relations Board in San Manuel Indian Bingo and Casino and Hotel Employees & Restaurant Employees International Union, AFL-CIO, CLC and Communication Workers of America, AFL–CIO, CLC, Party in Interest, and State of Connecticut, Intervenor, 341 NLRB No. 138 (May 28, 2004).

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, in May 2004, the National Labor Relations Board overturned 30 years of its own precedent and ruled that it has jurisdiction over tribal government enterprises located on tribes' own sovereign lands. Where tribal law has governed relations between tribes and their employees, the NLRB seeks to replace that law with its authority in this area. This decision is a frontal assault on tribal sovereign rights.

The National Labor Relations Act expressly exempts States, cities, and local governments from its coverage; and the NLRB has ruled that territorial governments, such as Puerto Rico and Guam, are also exempt from NLRB jurisdiction. But the NLRB incorrectly decided that it should exercise its jurisdiction over tribal governments on their own lands. If this unfair decision stands, the only governments that will be subject to NLRB jurisdiction will be tribal governments.

The NLRB misunderstands that tribal governments, like State governments, rely upon government-owned enterprises to generate revenues to support governmental purposes such as reservation, law enforcement and fire services, and programs for the health, education, and welfare benefit of tribal members. Consistent with the policy behind the NLRB exemptions for governments, private parties such as labor unions should not be able to hold government-owned enterprises hostage when disagreements arise.

Ironically, the NLRB specifically ruled against the San Manuel Band of Mission Indians, a tribe based in Southern California that has enacted into its tribal law a tribal labor relations ordinance with greater labor union rights than the National Labor Relations Act.

□ 1345

In fact, the tribe has a collective bargaining agreement with the Communication Workers of America. The heavy-handed activist NLRB overlaid an incompatible legal regime where a tribal one, agreed to on a government-to-government basis with the State of California, was in place and was working.

Now, San Manuel and other tribes have conflicting laws and great uncertainty about which one applies.

Mr. Chairman, my colleagues, make no mistake, sovereignty cannot be situational. To reverse 30 years of policy by bureaucratic fiat is wrong. Adopt the amendment.

Mr. Chairman, I reserve balance of my time.

Mr. KILDEE. Mr. Chairman, I claim time in opposition.

Mr. Chairman, I yield myself such time as I might consume. Mr. Chairman, I rise in opposition to this amendment. Last year, Members from both sides of the aisle voted down a similar amendment. I had hoped that in a year's time the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Ohio (Mr. BOEHNER) would work together to address this issue in the committee of jurisdiction. But that did not occur.

The gentleman from Ohio (Mr. BOEHNER) and I have had discussions on scheduling hearings in the committee of jurisdiction, the Committee on Education and the Workforce. During my 40 years of public service, I have established a strong record for defending the sovereign rights of Indian tribes. I have often led the fight to defeat legislative riders on appropriation bills because of my confidence in the regular procedures guiding us through the legislative process.

I am committed to finding a permanent solution to this issue, but the appropriations process is not the way to solve this issue. I urge my colleagues to vote no on the Hayworth amendment.

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

Mr. HAYWORTH. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the bottom line here is not process or legislative jurisdiction. Until Congress can consider a permanent solution to this problem, this amendment simply calls for a temporary time-out to allow us to work together for a more substantive solution, to avoid additional confusion among the tribes.

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

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, in politics there are show horses and there are work horses. This process, instead of seeking a solution, only sought headlines. We had an opportunity to make real progress and address the concerns of these tribes.

Instead of addressing this issue in a substantive manner in committee, we are once again addressing it in a political way on the floor of the House simply for political gain.

Mr. HAYWORTH. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, quoting the words of my friend, the gentleman from Rhode Island (Mr. KENNEDY) to Indian Country Today Newspaper, he said he would push for a compromise bill through Congress that would support on-reservation tribal sovereignty against the jurisdiction of the National Labor Relations Board, while accepting the board's role as arbiter of labor-employee disputes and union organizing on off-reservation tribally owned business.

The only workable bill is an authorizing bill, H.R. 16. As I have pointed out, we come here with this recourse because of uncertainty and because of bureaucratic fiat. Adopt this amendment.

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

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in strong opposition to the Hayworth amendment. Tribal Nations have established commercial gaming enterprises because of the economic boom it brings to their community. My hometown of Las Vegas looked to gaming many years ago, and now it has the one of the most vibrant economies in the country.

One of the keys to Las Vegas' success has been a strong relationship between labor and management. Because of this relationship, workers have good-paying jobs and benefits and safe working conditions, and can take care of their families. We should give the workers at the tribal gaming facilities the same chance.

Last year the National Labor Relations Board correctly ruled that it had jurisdiction over on-reservation commercial tribal enterprises such as casinos.

Make no mistake about it, Indian gaming is a big business. And the people working in Indian gaming on the reservations have the right and are entitled to the protections of the NLRB. I encourage the Indian tribes and the tribal workers and the labor unions to work together to protect workers like they have done in Las Vegas. I urge my colleagues to vote against this ridiculous amendment.

Mr. HAYWORTH. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, my colleagues, we would do well to heed the marketing advice, What happens in Vegas stays in Vegas. What happens on tribal lands with their sovereignty should likewise be governed by the sovereign governments there. Sovereignty is not situational.

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

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER) the ranking member of the Education and Workforce Committee.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me time. And first and foremost, we must understand that this amendment that is being offered has no impact on this process. These tribes will not know whether or not they are violating the law or not violating the law. This amendment does nothing for that.

The law as is currently interpreted continues to go forward. What this amendment does is suggest that somehow that those workers on a reservation, working in a casino, who are not enrolled members of that tribe have no rights; have no rights. In California they do, under a compromise that was worked out.

Last year we were working out a compromise for the first time ever. We had labor and the union and tribes sit down together. They left the room because this amendment was offered last year, and nobody has come back because this amendment continues to be dangled as somehow it is the answer to the concerns that they have.

This amendment does not answer a single concern. It just kicks the can down the road, and people are still in limbo if they are seeking to work out an arrangement for those tribal lands and for labor relations on those tribal lands. That has not happened.

We were engaged in those historic conversations when the gentleman offered this amendment last year. And nobody has come back to the table since then.

Mr. HAYWORTH. Mr. Chairman, I yield myself 30 seconds.

My friend from California proves my point. He admits that in a government-to-government relationship, as the San Manuel Band has done already, they actually put together an agreement with greater union rights than the NLRA. That is precisely the point. Tribes should have the sovereign ability to decide that if they want to bring in those expansion of rights, yes. But it should be their decision.

Sovereignty is not situational, and any attempt to paint this otherwise is wrong. That is why the amendment should be passed.

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

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to explain to the House why it is that I vigorously oppose this amendment. I am the only Member of the Chamber who was exposed to a recall effort because of my support for tribal sovereignty. Even though the Constitution of the United States does not provide for such a recall, our State constitution thought it did. And so I had to endure an effort in recall because of my fierce support for tribal sovereignty.

But having said that, I want to say that the gentleman's amendment goes far too far in that regard. Now I will tell you why.

In my State, we had an experience in which one of the tribes contracted out to a private party to run their casino. That private party took advantage of the fact that the compact that the Governor set up with the tribe was defective. And under that defect, they made quite clear to female employees of the casino that it was their obligation, in blunt language, to either put out or get out.

Now, we all know what that means. And what the gentleman's amendment means under those circumstances is that when you remove the protection of the National Labor Relations Act, you subject individuals with no power at all to that kind of treatment by shysters and bums.

Now, as far as I am concerned, I heard a whole lot about family values from that side of the aisle. You think this amendment represents family values in that situation? Give me a break. It does not.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

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

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman has exactly made the point. These casinos now hire thousands of workers who are nonresidents of the reservation, who are not enrolled members of the tribe. If the tribe chooses not to grant them any rights, then they have no rights.

We lecture countries all over the world that you cannot do this to workers, that you have to have minimum standards. But right here in the middle of the United States, under this amendment, a tribe can grant to their workers no rights. That is just untenable.

And we understand how strongly held sovereignty is. It is fundamental and basic to these tribes. We also understand how fundamental and basic the right to organize and the freedom of association is to the workers. We have been trying to work that out. This amendment is not helpful in working that out.

But the gentleman is exactly right. You can end up with thousands of American workers having no rights. This is like the situation you had in the northern Mariana Islands, where you had people who could not get a minimum wage, who could not get protection of immigration laws. This is recreating this on these lands.

Mr. OBEY. Mr. Chairman, reclaiming my time, I simply want to say institutions, no matter what they are, whether they are tribe or any other institution, they have a capacity to violate human rights. And with the gentleman's amendment, you will be opening a loophole in the law as big as a 65-foot truck. This amendment is a terrible amendment. It ought to be buried in a box and we ought to pretend it never was presented.

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

Mr. HAYWORTH. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, after the rhetorical display, I know my friends did not mean to insinuate that tribes are composed of bums and scoundrels. Yet, what we are hearing here is that somehow the very worst in human nature would come out.

Mr. OBEY. But the contractors are bums.

Mr. HAYWORTH. Mr. Chairman, this is my time, is it not?

The CHAIRMAN. The gentleman from Wisconsin will suspend. The gentleman from Arizona controls the time.

Mr. HAYWORTH. I thank the chairman. We are making the point that we are dealing with sovereignty. Yes, this is an imperfect world. But I scarcely imagine that a gross violation of human rights will transpire when we live up to Article I, Section 8 of the Constitution, which says: The Congress shall have the power to regulate commerce with foreign nations, and among the several States, States, and with the Indian tribes.

Tribes have sovereign immunity. They have sovereignty. It is not situational, no matter what some leaders in the AFL–CIO may say.

Mr. KILDEE. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from Ohio (Mr. KILDEE) a well-known champion for Native American rights. We all have Native Americans in our States, and we have gaming.

But, Mr. Chairman, sovereignty is not inconsistent with decency and humanity and human rights. Sovereignty is not inconsistent with protecting underage workers and juveniles who are working. Sovereignty is not inconsistent with making sure that workers have a quality of life. And sovereignty is not inconsistent with international treaties which ensure that that happens in nations around the world.

This is a bad promise on a bad premise. And what we need to do is to work with the committees of jurisdiction and solve the problem, not eliminate the rights. I would hope that my colleague would join me on finding an amendment to stop the abuse of lobbyists who take money from Native Americans and Indian tribes and reservations and not do a darn thing with it.

I am offended by that. I will join the gentleman from Arizona (Mr. HAYWORTH) anytime he wants to come to the floor to get rid of lobbyists who take money from unsuspecting Native Americans and their businesses. That should be a question of criminal violation, but this one is one that can be solved with good law and good negotiations. I ask my colleagues to vote ''no.''

□ 1400

PARLIAMENTARY INQUIRY

Mr. HAYWORTH. Mr. Chairman, I have a parliamentary inquiry. During the course of my previous presentation, was the extra-curricular activity outburst included in my time when others sought control of the microphone?

The CHAIRMAN. No, it was not.

Mr. HAYWORTH. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Arizona (Mr. HAYWORTH) has 45 seconds remaining. The gentleman from Michigan (Mr. KILDEE) has 30 seconds remaining.

Mr. HAYWORTH. Mr. Chairman, do I have the right to close?

The CHAIRMAN. The gentleman from Arizona (Mr. HAYWORTH) has the right to close.

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

Mr. KILDEE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have been involved in defending Indian sovereignty for 40 years when I began my tenure in the Michigan legislature. And I will never abdicate my responsibility on that.

I think it is extremely important that this Congress on an issue so delicate and so important to two groups for whom we have great affection, be done in the appropriate committee, the committee of jurisdiction. The gentleman from Ohio (Mr. BOEHNER) and I have discussed having hearings in that committee.

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

Mr. HAYWORTH. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the choice is simple, either you support the premises of sovereignty as reflected in article I, section 8 of the Constitution or you equivocate or you try to give the National Labor Relations Board preeminence over the Constitution of the United States. I do not believe that sovereignty is situational. This is a mechanism where we can actually correct the wrong and put in place what had stood 30 years previously respecting sovereignty.

Vote for the amendment.

Mr. CONYERS. Mr. Chairman, I am a strong supporter of tribal sovereignty but rise in reluctant opposition to this amendment because it has not been subject to full debate in committee or the House.

I would like to articulate the importance of tribal sovereignty. Because Indian tribes are sovereign governments, the U.S. Government has long read the Commerce Clause and the 11th Amendment as upholding the sovereign immunity of tribes. Congress's intent in preserving sovereignty has been recognized even recently; in 1991, in Oklahoma Tax Common v. Potawatomi Tribe, the Supreme Court reaffirmed the long-standing existence and importance of tribal sovereignty:

> In light of this Court's reaffirmation, in a number of cases, of its longstanding doctrine of tribal sovereign immunity, and Congress' consistent reiteration of its approval of the doctrine in order to promote Indian self-government, self-sufficiency, and economic development, the Court is not disposed to modify or abandon the doctrine [of sovereign immunity].

Tribal sovereignty is and should remain one of the fundamental principles of the United States, and we should not define its parameters in a ten minute debate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HAYWORTH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) will be postponed.

AMENDMENT OFFERED BY MR. VAN HOLLEN

Mr. VAN HOLLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VAN HOLLEN:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to administer or pay any special allowance under section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) with respect to—

(1) any loan made or purchased after the date of enactment of this Act;

(2) any loan that had not qualified before such date of enactment for receipt of a special allowance payment determined under section 438(b)(2)(B) of the Higher Education Act of 1965; or

(3) any loan made or purchased before such date of enactment with funds described in the first or second sentence of section 438(b)(2)(B)(i) of such Act if—

(A) the obligation described in the first such sentence has, after such date of enactment, matured, or been retired or defeased; or

(B) the maturity date or the date of retirement of the obligation described in the first such sentence has, after such date of enactment, been extended.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Maryland (Mr. VAN HOLLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland (Mr. VAN HOLLEN).

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

Mr. Chairman, this amendment is designed to stop what is an ongoing scam in the college student loan program whereby a small handful of lenders are receiving a guaranteed 9.5 government-paid return on certain student loans. As a result of this 9.5 percent loan scheme, the Government Accountability Office has found that certain lenders are pocketing billions of dollars in taxpayer money that would otherwise go to students.

The gentleman from Michigan (Mr. KILDEE), the gentleman from California (Mr. GEORGE MILLER), and I have offered legislation to address this issue, but we should address this issue right here on the floor and right now.

We have heard a lot of people coming to the floor saying that we need more funds for higher education; we need more money for Pell grants; we need to provide more opportunities for students to make sure college is affordable. That is what this is about.

If we adopt this amendment, we will close the loophole and we will free up billions of dollars that can go to the purposes we all want them to go to, which is to provide greater opportunities for students to go to college.

The Department of Education has estimated that closing the loophole will save over $7 billion. Other estimates take the number even higher. So I urge this House to adopt this amendment and provide greater opportunities for our students to go to college.

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

Mr. BOEHNER. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. Chairman, last year Congress took action to shut down these excess subsidies that are paid to lenders through the 9.5 percent floor loans. That led to the Taxpayer-Teacher Protection Act, which was crafted to immediately halt the practice while ensuring that this issue would ultimately and permanently be addressed in the Higher Education Reauthorization Act.

Now that bill, the reauthorization of the Higher Education Act, is to be before the Committee on Education and the Workforce immediately upon the return of Congress from the July 4 district work period. And we do expect that we will look at this in a comprehensive way.

And while I share some of the concerns of my colleague from Maryland (Mr. VAN HOLLEN), we have got to be very careful as to how we proceed in this area. There are a lot of nonprofit lenders across the country who were the recipients of these 9.5 percent loans; and if we were to adopt the gentleman's amendment, we could cause many of these nonprofit students lenders to be put out of business. And I think the gentleman realizes that we have been going through a very methodical process of trying to make some determination about how to shut these loans down permanently and how to deal with the issue of recycling. I wish it was as clean and easy as saying, we are just not going to do it any more.

But as I have looked at this and I think others have looked at it, it is just not that easy. But as the committee deals with the Higher Education Reauthorization next month in both the subcommittee and full subcommittee, there is no question that this issue will be dealt with in its entirety.

With that, I would ask my colleagues to oppose the gentleman's amendment. I would really like to ask him to withdraw the amendment and allow the regular process, the regular order, to occur in the committee.

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

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

Mr. Chairman, I thank my colleague, the chairman of the Committee Education and the Workforce, for those remarks; but the action the Congress took last year was too limited. First of all, it only lasted a year so we could come back this year to fix the problem; but the other part of the problem was it left a big part of the loophole still in place, what is called ''recycling,'' so that the lenders can continue to receive this windfall of 9.5 percent guarantee on those loans.

This amendment is prospective only. It does not look back; it only looks to the future. Nobody who has been promised certain returns on their loans will lose the promises they have been made. But what it prevents from happening is future recycling, future abuse in this program. So I urge adoption of the amendment.

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

Mr. BOEHNER. Mr. Chairman, I am prepared to close.

Mr. VAN HOLLEN. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Maryland (Mr. VAN HOLLEN) has 3 minutes remaining. The gentleman from Ohio (Mr. BOEHNER) has 3 minutes remaining.

Mr. VAN HOLLEN. Does the chairman of the committee have the right to close?

The CHAIRMAN. The gentleman from Maryland (Mr. VAN HOLLEN), the amendment's sponsor, has the right to close.

Mr. BOEHNER. Mr. Chairman, I yield myself the balance of my time.

The gentleman from Maryland (Mr. VAN HOLLEN) seeks to, as he says, prospectively end the practice of recycling new loans through these 9.5 percent bonds that are out there. But here is the problem: some of these nonprofits student loan lenders around the country have these bonds in place for the next 5, 10, some even 15, years. And if we were to end the practice of recycling new loans through there, we would put those nonprofit lenders literally out of business because those bonds were sold to the public under this 9.5 percent scheme.

Now, I am as disgusted by this scheme as the gentleman from Maryland is, I can tell you; and why this practice went on for as long as it has is really very troubling to me. But having said that, for nonprofit lenders who had gone out and secured bonds with the backing of these 9.5 percent interest rate loans, I think that with the adoption of this amendment we could cause great problems with many of the lenders that are all across the country that help fund student loans for many needy students.

So I would ask my colleagues to oppose this amendment. This is a very dangerous step that could affect the ability of millions of American students to get a student loan to allow them to go to a post-secondary institution. And, secondly, the committee is in fact going to deal with this. The gentleman from Maryland is well aware that the committee is going to deal with this as we reauthorize the Higher Education Act.

Again, I would urge my colleagues to vote ''no'' on the amendment.

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

Mr. VAN HOLLEN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have a very different view of this amendment and what it will do, obviously, than the chairman of the Committee on Education and the Workforce.

In fact, what this will do is free up additional funds that can be used to make sure more students have the opportunity to go to college, because what is happening right now through this recycling scheme is that the lenders, the makers of the loan, are getting a 9.5 percent essentially guaranteed payment when we could in fact be using those monies instead to provide lower-cost loans to more students and to provide Pell grants.

This will give the Subcommittee on Education of the Committee on Education and the Workforce the opportunity to provide more funds to do what they have been saying all afternoon that they want to do.

The fact of the matter is this applies prospectively. This is not going to have a negative impact on these non-profit lenders. If you already have one of those loans out there, if you are already getting the sweetheart deal of 9.5 percent, you are still going to get that return. But what this would prohibit

you from doing is that when you get that income from the students and the government, all those additional revenues, you cannot go out and do it again. You cannot keep this perpetual-motion machine going.

According to some estimates, if we do not plug this hole, we will cost the taxpayers $13 billion, if we let it go on indefinitely. Monies that could be spent, again, could make sure that more students have the opportunity to go to college.

I know that we will be dealing with it in the Committee on Education and the Workforce; but in the budget that passed this House, we did not deal with this issue. The budget does not envision closing the recycling loophole. The President 2 years ago submitted a budget that did envision closing the recycling loophole, but a bunch of lenders with interest in this, a lot of lenders who are making a ton of money obviously built up the pressure and it was heard. As a result, the budget does not close the loophole fully. Let us close the loophole fully.

Let me say in closing, Mr. Chairman, the issue of the 9.5 percent loans is costing the American taxpayer and the American students billions of dollars a year. The General Accountability Office has looked into this issue. They have done an investigation. They have determined the Department of Education had the authority to shut this down. The Department of Education has not used that authority. Congress must use its authority, and it should do it now.

I cannot think of any better place to deal with this issue than in the bill that provides funding for higher education. Because if we adopt this amendment, if the Congress adopts this amendment, it will immediately free up additional resources that we can spend as a Nation on providing students with more loans and providing more grants. So as a result of this amendment, more students will have the opportunity to go to college. I urge its adoption.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. VAN HOLLEN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. HAYWORTH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. HAYWORTH:

At the end of the bill, before the short title, insert the following new section:

SEC. _____. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which would not otherwise be payable but for such agreement.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

PARLIAMENTARY INQUIRY

Mr. HAYWORTH. Mr. Chairman, parliamentary inquiry. We have been working to introduce new language that I believe both sides have agreed to on this particular amendment, and my inquiry is, do I have to offer an amendment to the amendment?

I do not. I stand corrected. So we do have the new language.

The CHAIRMAN. Does the gentleman seek to modify his amendment by unanimous consent?

Mr. HAYWORTH. Yes, I do, Mr. Chairman.

MODIFICATION TO AMENDMENT NO. 15 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I ask unanimous consent that the amendment be modified.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. HAYWORTH:

Line 6, strike ''would not otherwise be payable but for such agreement'' and insert ''are inconsistent with Federal law.''

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Arizona (Mr. HAYWORTH)?

There was no objection.

The text of the amendment, as modified, is as follows:

At the end of the bill, before the short title, insert the following new section:

SEC. _____. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which are inconsistent with federal law.

Mr. REGULA. Mr. Chairman, we are prepared to accept the amendment, as modified.

The CHAIRMAN. The gentleman from Arizona (Mr. HAYWORTH) is recognized for 5 minutes.

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

Mr. Chairman, I will not take the full 5 minutes. I will simply say to both the majority and minority staff of the Committee on Appropriations and to Members on this side, the gentleman from Georgia (Mr. GINGREY), the gentleman from Virginia (Mr. GOODE), the gentleman from Texas (Mr. CULBERSON), the gentleman from California (Mr. ROHRABACHER), the gentleman from Oklahoma (Mr. SULLIVAN), who were all prepared to speak on this amendment, we thank them for their involvement.

This revised amendment ensures that a proposed Social Security totalization amendment or agreement with Mexico now fully subscribes to what has been signed into law, H.R. 743, the Social Security Protection Act. And this ensures that any proposed totalization agreement would not have funds going to anyone from our neighbor to the south employed here illegally.

□ 1415

I thank both sides for their cooperation on this, and though we may have sincere differences in the challenges of the day, I do appreciate everyone's constructive attitude on this amendment. It shows the American people that, yes, we can get things done.

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

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding. I hope we can find an opportunity to find common agreement.

Let me just say that my colleagues need to understand that the administration believes in this structured agreement, a totalization agreement, because they understand that when Americans are overseas working and getting benefits, that they would like those Americans to ensure that their benefits go with them. That is the same relationship we should have with Mexico, that when workers are here, their benefits gained here should follow them to Mexico.

I would oppose any language that would deny that right. I think the question of whether or not they are documented or undocumented, the administration needs to make that determination. I do not know if my colleagues are going to thwart the administration's desire to find some common ground on immigration.

If this language says that it is consistent with Federal law, then I hope that this Congress will work with the administration so that we will not be embarrassed internationally by denying nationals of another country their well-gained rights or benefits that they have gained working. We would not want that to happen to us.

I will listen further to the debate. I raise a concern that they are denying those who are working their well-earned benefits. One thing we can stand for is you deserve your pension rights, you deserve your Social Security rights, you deserve your uninsurance rights, your health care rights, and it should not be taken away from you.

Nevertheless, I hope my friends on the other side do not do that. If the

language does not do that, I would say to my colleagues that if this is a good resolution, we certainly will join in with it.

Mr. OBEY. Mr. Chairman, reclaiming my time, let me simply say that, like the gentleman from Ohio, I see no problem with accepting the amendment on this side because, as I read it, it does not do nothing to nobody for anybody or about anybody. And so with that, I am happy to accept the amendment.

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

Again, I thank the gentleman. I may have a little different interpretation and assessment of what the amendment does, but I am pleased to see we could work this out, and we will enforce existing law.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak against this amendment which seeks to restrict illegal aliens access to the U.S. Mexican Social Security Totalization agreement. I cannot support this agreement, not for its intent, but because of the consequences of enforcing it. I agree with Mr. HAYWORTH that immigration is an issue that must be addressed. However, the remedy that this amendment creates would lead to more harm then good and violates a fundamental aspect of American ideals.

This amendment seeks to ensure that benefits can't be paid under the U.S. Mexico Totalization agreement for work inconsistent with federal law. Undocumented aliens working within the United States would meet the criteria of work inconsistent with federal law and therefore would be denied benefits. This method of dealing with our nation's immigration problem is not the answer. Social Security is a contract: you put money in, you get money out. Denying undocumented aliens the money that they put into social security is to violate what is at the very center of Americn ideals. Weare a country that values hard work. You get what you give. Refusing to grant Social Security benefits to undocumented aliens who have spent their entire lives working and contributing to the system is a blatant violation of contract law.

Our nation faces many challenges on the issue of immigration. Our Immigration system is far from perfect. We have Filipinos waiting 18 years just to have a person look over their application. We have families who are forced to wait years upon years to be reunited with their brethren. We need comprehensive reform. This amendment would denigrate the hard work of thousands of workers who have spent their lives working hard in this great nation. If an undocumented alien puts a dollar into the social security system this amendment would rob him of that dollar.

Is this the GOP's plan to solve the social security conundrum; to rob undocumented aliens of their social security benefits. To refuse to put more boarder guards on our frontiers, only to rob those who are attempting to create a better life for themselves. This is not immigration reform.

Our immigration situation is a problem that needs to be solved. I will be the first to admit that. But reforms such as this amendment are not the correct method to achieve that goal. We need comprehensive immigration reform.

I can not support this amendment because I feel it unduly robs undocumented aliens of their hard earned wages. This amendment will not solve our nation's immigration problems. It only serves to violate simple contract theory. I believe in an American in which you get what you put in. This amendment contradicts that belief and therefore I must oppose it.

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

The CHAIRMAN. Does any Member seek the time in opposition?

The question is on the amendment, as modified, offered by the gentleman from Arizona (Mr. HAYWORTH).

The amendment, as modified, was agreed to.

Mr. OBEY. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding me this important time, and we have all observed with awe the marvelous photos of construction workers sitting on I-beams swinging high above New York City as we admire their bravery, their daring and their skill. These tradespeople built America, and I cannot think of a citizen in our country that does not respect their prowess.

Well, the worst construction accident in Federal transportation history in the city of Toledo took place on February 16 last year, effecting serious loss of life and injuries among these modern soldiers of the sky.

Crushed to death on the job were Mike Phillips, age 42; Arden Clark, age 47; Mike Moreau, age 30; and Robert Lipinski, Junior, age 44. There were injuries sustained by many other workers.

Joe Blaze, the president of the Local Ironworkers observed: ''What happened will affect us for generations.'' The local paper reported, the Toledo Blade, ''Workers told investigators the crane's rear legs were held up with 14 inches of shims and no anchors, while each front leg had shims and only one of two anchors.'' These workers were crushed to death by a several-million-ton crane falling on them.

I tried at the full committee level to place simple report language in this bill, merely asking the Department of Labor's Occupational Health and Safety Administration to gather all records relating to inspections, or the lack thereof, on this job and to also provide any communications that have occurred with the U.S. Justice Department related to this accident. This was denied to me by the Republican majority.

I, along with the gentleman from New York (Mr. OWENS), the ranking member of the Subcommittee on Workforce Protections, were prepared to offer an amendment right here today to ask the Department of Labor to assist our county prosecutor in the investigation of this tragedy. This amendment is also being denied to me on a technicality rather than being discussed on its merits.

OSHA's Midwest office had ruled there was willful negligence on this job, and for reasons not completely understood, they have changed that ruling to unclassified. So as the individual court cases move forth locally, somehow civil litigation will be affected by that change in words.

Now, guess how much OSHA is able to fine the company and others responsible for this serious loss of life? $280,000. That is $70,000 for each lost life, and this money goes to the U.S. Treasury, not even to the victims' families.

Well, there should be more than civil damages and OSHA's fines paid to these families. Our chief of police has bluntly stated these men were murdered. There is criminal wrongdoing here.

My question is: Where was OSHA? Where was the State of Ohio on this, the largest Federal transportation project in Ohio history? Why is this Congress now denying me the ability to get a vote on this amendment which merely asks the Department of Labor to engage with our county prosecutor to investigate the real causes of those deaths?

We have been now told OSHA has not developed a standard or promulgated a rule stating that foreign manufactured cranes, like this one, must equal or exceed U.S. safety standards. Recommendations for such a standard were made nearly a year ago, but it has not been acted upon. Why not? Why has this Congress not demanded and implemented as soon as possible these regs, or made meeting U.S. standards a condition of eligibility for Federal funding? There is a serious abdication of responsibility by the U.S. Department of Labor because this Congress has not held them to a higher standard.

These men died, in my view, because of the apparent willful negligence of the U.S. Department of Labor and OSHA and their allies here in the Congress who have been cutting back on worker safety laws and who have abdicated their responsibility to conduct aggressive oversight.

Today, it is likely that my amendment would have been ruled out of order, as my simple effort to get on the record information from the Department of Labor was denied to me as a Member of Congress, because the full committee would not even allow report language, a most unusual practice.

Instead, today, I am left with a personal appeal to the Secretary of Labor to use her existing authority to provide assistance to the Lucas County prosecutor for the full prosecution of this case, wherever it may lead, and I ask that we all push for the swift implementation of construction crane safety standards so that no other family or community need endure the great tragedy that has befallen us in northwest Ohio on the largest Federal transportation project in our State's history.

I want to thank the ranking member for yielding me this time and to state also I will place in the RECORD at this point as part of my remarks today a

letter we are sending to U.S. Secretary of Labor Elaine Chao.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 24, 2005.

Hon. ELAINE L. CHAO,
Secretary, Department of Labor,
Washington, DC.

DEAR SECRETARY CHAO: The City of Toledo's police department and the Lucas County (Ohio) Prosecutor's office are attempting to carry out an exhaustive investigation into whether criminal charges should be filed regarding safety violations resulting in the deaths of four ironworkers on construction of the I–280 Maumee River Crossing in Toledo, Ohio. Madame Secretary, I ask that you use the authority you have to assist the Lucas County Prosecutor's office in their investigation. You have been provided the general authority to use the services of any State or political subdivision with reimbursement under section 7 (c) of the OSH Act.

On February 16, 2004 our community was shocked by tragedy, when a two million-pound construction crane collapsed at the I–280 Maumee River Crossing construction site in Toledo, Ohio. The collapse resulted in the deaths of four Ironworkers. It is with great sadness and a deep sense of responsibility that I bring to your attention further details surrounding this accident and possible criminal wrongdoing by the firm responsible for the bridge's construction.

The Occupational Safety and Health Administration (OSHA) has fined the project's general contractor, Fru-Con, $280,000 for the incident. OSHA has said that Fru-Con committed ''willful'' safety violations prior to the crane's collapse. OSHA has said that Fru-Con committed ''willful'' safety violations only to reclassify them as ''unclassified,'' and the agency has also pulled out of a special safety ''partnership'' with Fru-Con, saying the firm didn't live up to the deal.

An investigation of criminal wrongdoing on a project of this magnitude is an enormous task for any local agency. I believe that the Department of Labor can be of immeasurable assistance to the local entities in this pursuit. I look forward to your involvement and counsel.

Sincerely,

MARCY KAPTUR,
U.S. Representative.

AMENDMENT NO. 11 OFFERED BY MR. PAUL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. PAUL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to create or implement any universal mental health screening program.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from Texas (Mr. PAUL) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself 2 minutes.

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

Mr. PAUL. Mr. Chairman, my amendment is straightforward: ''None of the funds made available in this a may be used to create or implement any universal mental health screening program.''

This does not deny any funds for any testing of those individuals who may show signs of mental illness. It only denies funding for any universal, read by many as mandatory, which is a bit of overkill as far as I am concerned. There is $26 million in this bill for these programs. Eight States have already been involved, and three more have applied for grants.

The main reason why I oppose this is I think there is a lot of overtreatment of young people with psychotropic drugs. This has been going on for a lot of years, and there are a lot of bad results, and once we talk about universal testing of everybody, and there is no age limit, matter of fact, in the recommendation by the New Freedom Commission, there is a tendency for overdiagnosis and overuse of medication. There are as many complications from overuse of medication as there is with prophylactic treatment.

There is no evidence now on the books to show that the use of this medication actually in children reduces suicide. Matter of fact, there are studies that do suggest exactly the opposite. Children on psychotropic drugs may well be even more likely to commit suicide. It does not mean that no child ever qualifies for this, but to assume there is this epidemic out here that we have to test everybody is rather frightening to me.

Matter of fact, when the State gets control of children, they tend to overuse medications like this. Take, for instance, in Texas, 60 percent of the foster children are on medication. In Massachusetts, it is close to 65 percent. In Florida, 55 percent of the children in foster home care are receiving these kinds of medication.

Once again, I want to make the point that this does not deny funding for individual children who show signs that they may need or they have a problem and need to be tested. It is just to make sure that this is not universal and not be mandatory and that parental rights are guarded against and that the parent is very much involved.

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

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

Mr. Chairman, I rise in opposition to this amendment, and I would point out to my colleagues, we had the identical amendment last year and it failed by a vote of 315 to 95. So, many of my colleagues have already voted against this amendment.

Let me point out, there is no universal mental health screening funded in the underlying bill. This is an inflammatory amendment. It is not necessary.

During our hearings, Secretary Leavitt from Health and Human Services told the committee that the administration does not support and has no plans to implement universal mental health screening, and then they made it very clear that in all programming involving kids there is a requirement that parents participate and give their informed consent, and that would be in a different program.

We have never proposed in appropriations any program of universal mental screening, and all it does really, this amendment, is to stigmatize the issue of mental health.

The sponsor mentions $26 million, and let me point out that the funds provided in this bill that respond to recommendations put forward in the final report of the President's New Freedom Commission on Mental Health, ''Achieving the Promise: Transforming Mental Health Care in America,'' go toward State incentive grants for transformation to support the development of comprehensive State mental health plans, and has absolutely no funding included for universal mental health screening.

So the $26 million has nothing to do with this amendment as far as universal mental health screening.

□ 1430

As a matter of fact, the President's Commission did not recommend either universal or mandatory mental health screening. So I think it is clear that the President's Commission did not feel this was in any way necessary, and for this reason I oppose the amendment. I think that is why the great majority of Members voted against it last year, and I would urge Members to vote the same way this year on this amendment.

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

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the gentleman from Ohio (Mr. REGULA) said, there are no plans for anyone in the Federal Government to conduct universal screening, and there are no funds in this bill for any such purpose. Having said that, let me simply say I do not think our problem in this country is that we do too much screening for mental health problems with young people.

We are all familiar with the problem of youth depression. There are a very significant number of teenagers who are afflicted with that problem. We are, I think, all familiar with the sad situation with regard to teenage suicide. Two friends of each of my sons committed suicide. So I do not think the problem in this country is that we know too much about mental health problems for young people. The problem is just the opposite; we know too little. So I agree with the concerns expressed by the gentleman from Ohio (Mr. REGULA).

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, the danger in our society now is basing policy on old stereotypes

that somehow mental health and mental science is not real science.

I have here a board that shows that there is a different metabolizing in people's brains for those who have mental illness versus those who do not. We have the tools today with PET scans and MRIs to be able to diagnose brain disorders and mental illnesses, and these things are backed up by science.

The notion in this amendment that somehow mental illness is not a real illness, that mental health is not real health, and that is why in this country we continue to discriminate against these illnesses by having them pay higher copays, higher premiums, and higher deductibles than other health care costs.

What is the difference between treating an organ in the brain and diabetes and kidneys? What is the difference between treating an organ in the brain or the lungs or the heart? Nothing is different.

The fact of the matter is in our schools we ought to be looking at this. We have more people committing suicide, 10 young people a day. More youth die from suicide each year than from cancer, heart disease, AIDS, birth defects, stroke, pneumonia, influenza, and chronic lung disease combined. All of them combined do not rank as high as the cost of suicide to our young people.

Mr. Chairman, in the next year we are going to lose 1,400 young people in our colleges and universities because of suicide. We have twice the rate of homicide as our suicide rate. For every homicide in this country, there are two suicides.

The problem here is not overtreatment, it is undertreatment. That is why I think the Paul amendment, unfortunately, continues to ascribe to the stereotypes of the past that mental illnesses are not real illnesses and therefore they should not be treated and taken care of. That is why I would ask my colleagues to please vote against the discrimination, the intolerance, the stigma of the Paul amendment.

Mrs. NAPOLITANO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from California.

Mrs. NAPOLITANO. Mr. Chairman, I rise also in opposition to the Paul amendment that is not cognizant of the fact that suicide is the third leading cause of death amongst youngsters. It would affect current funds used by States for mental health services and future planning to address this issue. It is a major medical concern, and this amendment does not provide for a solution.

This amendment must not pass because it is harmful not only to our youth but to our families, to our Nation, and would risk increasing the current statistics.

Mr. REGULA. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, speaking as a psychologist and one who has spent a career working with children, let me say that this amendment is misguided, misinformed, wrong for America, and wrong for medicine.

First of all, this bill does not fund universal screening. HHS Secretary Michael Leavitt and SAMHSA Director Charlie Curie have both testified that mandatory screening of all children for mental illness has never been, nor will it ever be, a part of the Federal plan to respond to the Nation's mental health crisis.

The President's New Freedom Commission on mental health clearly stated that schools should work collaboratively with families on mental health services and support to children.

This amendment is another witch hunt against mental illness and its passage will only serve to further stigmatize mental illness. If our concern is about overmedicating children, let us deal with that. You do not deal with it by attacking screening.

Just as pediatricians routinely screen newborns for heart and liver diseases and sickle cell anemia, appropriate mental health screening done by qualified professionals is vital to identifying mental health and the potential substance abuse problems of our youth. Screening does not cause diabetes, screening does not cause metabolic disorders, screening does not cause cancer, and screening does not cause hyperactivity. With over 75 percent of all prescriptions for antidepressants prescribed by non-psychiatrists, including pediatricians, OB-GYNs, and primary care practitioners, with little or no training in psychiatry, the answer is to do screening the right way with parental consent and by qualified mental health professionals, not to take away the ability to do it at all.

I urge my colleagues to vote ''no'' on the Paul amendment to do what is right for medicine, what is right for mental health, and what is compassionate for those with mental illnesses.

Mr. PAUL. Mr. Chairman, I yield myself 1½ minutes.

Let me assure Members that you are misconstruing the amendment. It is as if we are banning screening. That is not the case. I am just saying screening everybody is what I am trying to prevent. If there is one person out of 100,000 that commits suicide, why are Members compelled to have a program that may test 99,999 people?

This does nothing to the individual that shows the problem. You can still test them, preferably with parental consent.

Let me add that the gentleman from Ohio stated that the vote went against this amendment last year. This came up at the last minute. Let me tell Members, people in this country have been well informed about this, and they do not like this program.

I also would like to quote from the New Freedom Commission because it is true the New Freedom Commission, which is the guideline the gentleman from Ohio brought up; he brings it up, he cites what it says, so they have some value. They never say ''mandatory,'' but they never say ''voluntary.'' What they say is ''universal.''

How can you have something universal if you are not going to be testing everybody? Also from the Freedom Commission, it should be for consumers of all ages, screen for mental disorders in primary health care across the life span. These are the guidelines of the New Freedom Commission, as well as saying the schools must be partners in the mental health care of our children. Why do they not say the parents should be partners in the health care of our children?

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are in opposition to the amendment. There is no universal mental health screening in this bill. Secretary Leavitt has made it clear there is nothing like this under consideration. It is an amendment that is not needed because it addresses a problem that does not exist.

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

Mr. PAUL. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as a physician, having practiced medicine for well over 30 years, let me tell Members, there is a crisis in this country. There is a crisis with illegal drugs, but there is a crisis in this country with an overuse of all drugs, especially in the area of psychiatry.

Psychiatrists, if they are honest with you, will tell you that diagnoses are very subjective. It is not like diagnosing appendicitis. It is very, very subjective. If you push on this type of testing, the more testing you have, let me guarantee it, the more drugs you will have. Sure, there are mental diseases. I am not excluding any of this when a person has true mental illness, but I am talking about the overuse of Ritalin and Prozac and many of these drugs that are pushed on these kids.

Let me tell Members, there have been some real problems with families who will not let their kids go on drugs because the schools pressure them to. They have been charged with child abuse, and threatened with taking their children away because they will not be put on these drugs. That is the kind of abuse I am calling to Members' attention, and that is why you need to vote for this amendment. It does not change anything. It does not deny anybody testing and treatment. All it does is say universal testing of everybody of all ages in this country is not the direction that we want to go. Please vote for my amendment.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. DELAURO:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available under this Act may be used to enforce or carry out item 6B of the settlement agreement between the Wage and Hour Division of the Department of Labor and Wal-Mart Stores, Incorporated, signed January 11, 2005, whereby the Wage and Hour Division agrees to provide Wal-Mart Stores, Incorporated, with 15 days prior notice of any audit or investigation to be conducted by such Division.

Ms. DELAURO. Mr. Chairman, pursuant to the order of the House of June 23, 2005, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, my amendment would prohibit the Department of Labor from using Federal funds to enforce or carry out item 6B of the settlement agreement between the wage and hour division of the Department and Wal-Mart Stores, the provision providing Wal-Mart with 15 days of advance notice prior to any audit or investigation.

This amendment is important to ensuring the safety of our children. On January 6, the Department of Labor entered into an agreement with Wal-Mart to settle violations of child labor laws in 3 States: Connecticut, New Hampshire, and Arkansas. It found that Wal-Mart employed 85 minors, ages 16 and 17, who performed prohibited activities, including operating cardboard balers and chain saws, which are considered particularly hazardous jobs, jobs Wal-Mart and other employers cannot legally permit anyone under the age of 18 to perform.

□ 1445

For these violations, the Labor Department fined Wal-Mart, a company with $285 billion of revenues last year, a total of $135,540.

Perhaps the most egregious part of the agreement is the provision, 6B, that grants Wal-Mart 15 days' advance notice before the government investigates any wage-and-hour law complaints, notice that applies not just to child labor complaints in the three cited States but all Wal-Mart stores nationwide.

Wal-Mart has a history of prior child labor violations. In 2000, Wal-Mart was found to have 1,436 violations in 20 Maine stores. Last year, Wal-Mart's own internal audit found 1,371 violations of child labor laws between 1997 and 1999. Granting 2 weeks' advance notice is essentially daring repeated child labor law violators like Wal-Mart to conceal any further violations.

And if we need any proof of that, I would point my colleagues to the weekend papers in Connecticut which cite a State investigation that found 11 more violations of child labor laws at three of our Wal-Mart stores. Three violations involved the store not even bothering to check the age of their workers.

It is clear the settlement is not stopping Wal-Mart from violating child labor laws. In fact, the Governor of Connecticut has ordered periodic, unannounced visits by State inspectors at Wal-Mart stores to ensure that any future violations are promptly revealed and addressed.

Why can the Federal Government not do the same? If a State government can get tough on a child labor violator, one that happens to be our Nation's largest private employer, there is no reason the Federal Government should not be able to do so as well.

Congress needs to send Wal-Mart a message that companies who violate child labor laws will not be tolerated. Our society long ago stopped tolerating the kind of sweatshop conditions that my mother worked in when I was growing up. It is time that this administration did so as well.

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

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

Mr. Chairman, the DeLauro amendment raises serious constitutional concerns under the due process clause because it effectively repudiates the government's contract with Wal-Mart. The DeLauro amendment would cause the government to breach its contractual agreement with Wal-Mart. As a result of the government's breach, Wal-Mart would be released from obligations under the agreement, including its obligation to implement numerous measures that go beyond what the law requires to prevent future child labor violations.

For example, Wal-Mart would no longer be required to provide additional training to Wal-Mart managers regarding the requirements of the child labor laws, would no longer be able to discipline managers who fail to comply with the child labor laws, would no longer be required to post warning stickers on all equipment the Secretary has designated as hazardous for the operation by minors, would no longer be able to perform quarterly self-audits of all of its stores for the duration of the agreement, and it would not stop Wal-Mart from receiving advance notice of most investigations.

The 15 days is a common practice in this type of thing. I think whether you disagree or agree with the settlement that was made between the Department of Labor and Wal-Mart, let us not get into the business of second-guessing it and, in the process, create a lot of additional problems and, in fact, it would be detrimental to the employees in terms of what has been agreed to in the settlement of this issue.

For this reason, I would oppose the amendment, and I hope my colleagues would do likewise if we do have a vote on this.

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

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Mr. Chairman, I want to thank the gentlewoman from Connecticut for offering this amendment. This is an outrageous practice that the government entered into in secret with Wal-Mart so that those employees who were concerned and want to file a labor grievance or a child labor protection law grievance with Wal-Mart who thought they were talking to the Department of Labor now find that they are talking directly to the Wal-Mart corporation.

So where do they get the protection in filing these complaints? You say, Well, they don't need it because Wal-Mart is a good employer and Wal-Mart is going to take care of them. Wal-Mart is a repeat serial offender and has been found guilty of violating wage-and-hour laws, immigration laws, child labor laws, discrimination laws, pay-equity laws and worker-safety laws. And this is the corporation that you give 15 days' notice to, that you give this kind of special privilege to?

As the gentlewoman from Connecticut pointed out, the violations of child labor are ongoing. All Wal-Mart does is get a heads-up and finds out who is complaining against them who is employed by them. How are these employees supposed to register their complaints with this corporation under this agreement? It is an outrageous violation of these workers' rights.

Ms. DELAURO. Mr. Chairman, I yield myself the balance of my time.

Let me correct an error that was made. The very fact is that the amendment would only restrict funds for the provision that gives Wal-Mart the 15 days' advance notice before the Department investigates any wage-and-hour law complaints. It does not abrogate the entire settlement. That is what Wal-Mart would like to have everyone believe. It is just the 15-day notice.

The fact is that this is not a typical agreement. None of the agreements that the Department of Labor made with Genesis Health Ventures, Footlocker, and Sears provided a blanket promise of advance notice nationwide to all their stores. This one does. It is a sweetheart deal with Wal-Mart. Nor did they provide for a 10-day window

for the company to come into compliance in the event of child labor violations. These companies were expected to fix the problem immediately or to face serious penalties.

This is hardly standard procedure. That is why the Labor Department's own Inspector General has been investigating how this settlement was negotiated. We are talking about the safety of our children. That is why the amendment is necessary, and that is why I ask my colleagues to vote for this amendment.

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

There are dozens of these settlements made every month. If we get into the role of trying to second-guess and to pass judgment on them, there is no end to it. I think what we know of the merits of this is something that the Department of Labor worked out with Wal-Mart. This is not an uncommon thing to give 15-day notice. In fact, it is almost a standard procedure.

I say to my colleagues, we do not belong in involving ourselves, or this body, in trying to second-guess the judgment that has been made by the Department of Labor. I am sure they acted in good faith to protect the rights of children, to protect the rights of people that work at not only Wal-Mart but other similar types of employment. Therefore, I would urge my colleagues to reject this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

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

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) will be postponed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, all through last year on this side of the aisle, we continually insisted that we needed more money for veterans health care and were consistently told by the administration and the other side that we did not. As recently as April 5, Mr. Nicholson, the head of the VA, told the Senate in an effort to defeat a Democratic amendment, ''I can assure you that the VA does not need emergency supplemental funding in fiscal 2005 to continue to provide timely, quality service that is always our goal.'' We were again told this year when we tried to add money to the VA for veterans health care that it was not needed, that we were simply pandering to veterans.

Well, now the facts are out. Today's Washington Post: ''Funds for Health Care of Veterans Short $1 Billion.'' What we find out is that now the Bush administration is belatedly admitting to the Congress what we have been trying to tell people for months, namely, that the VA budget is inadequate and their accountants indicate that they are going to need more than $1 billion.

The gentleman from Texas (Mr. EDWARDS) is going to shortly be asking unanimous consent to consider an amendment which would, on an emergency basis, add the $1 billion which the administration is saying is necessary to pay the bills at the VA. I would hope that the Congress could find a way to accomplish this. At a time when we are having trouble with recruiting, it makes no sense to be sending messages to our veterans that, Okay, you can go over and fight in Iraq, but we are not so sure about what services you are going to get when you get home.

Mr. Chairman, I yield to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, the fact that there is a funding crisis in VA hospitals this year to the tune of $1 billion should be a surprise to no one. On March 23, 2004, the legislative directors of the Disabled American Veterans, the Paralyzed Veterans of America, and the Veterans of Foreign Wars said that passage of the budget resolution as presented would be a disservice to those men and women who serve this country and who are currently serving in Iraq, Afghanistan, and around the world in the fight against terrorism.

The bottom line is, this House on a partisan basis, through the budget resolution, has underfunded VA medical care. Veterans groups knew it, Democrats in this body knew it, Democrats in the other body knew it. In fact, I made a specific effort in the emergency appropriation bill for Iraq to get additional funding for VA hospitals this year, but was rebuffed by the House leadership that said that money was not necessary.

As the gentleman from Wisconsin has pointed out, that money is necessary. We have a crisis. It is inexcusable for the leadership of the Veterans Administration to testify just a few months ago, 2 months ago, that they did not need any extra money to provide adequate health care for veterans. Now, just 60 days later, they admit there is a $1 billion crisis in funding. We need to find out why the VA misled the Congress; and, most importantly, we need to address this problem. I would welcome a bipartisan effort in trying to address the funding needs for veterans.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. WALSH. I thank the gentleman for yielding. I thank both the gentlemen for raising this issue.

Mr. Chairman, this is a serious problem. There is a great deal of alarm about the uncovering of this information. It is a great disappointment. I thank the two gentlemen for bringing this up, even though it is not germane to this bill. The gentleman from Texas (Mr. EDWARDS) and I have discussed this. We will be holding an oversight hearing on Tuesday at 9 a.m. at which time members of the Veterans Administration, I believe we will also have people from defense health and possibly the Office of Management and Budget, will come up and give us the straight scoop on what actually happened and who knew what and when.

Mr. OBEY. Mr. Chairman, I insert at this point in the RECORD the text of the amendment that the gentleman from Texas would like to offer to correct this egregious situation.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new title:

TITLE ____

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount in fiscal year 2005 for necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $1,000,000,000: Provided, That the amount provided under this heading is designated as an emergency pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for the fiscal year 2006.

REQUEST FOR RECOGNITION TO OFFER AMENDMENT

Mr. EDWARDS. Mr. Chairman, I would like to ask the Chair to recognize me at this point so that we could call up the amendment which I have at the desk that would provide $1 billion of emergency funding to the VA health care system this year to meet the funding shortfall that the VA leadership has just admitted to as of yesterday.

The CHAIRMAN. Is the gentleman offering an amendment covered by the order of the House of June 23, 2005?

Mr. EDWARDS. Mr. Chairman, this emergency funding for veterans health care, the need for it, was just admitted yesterday by the administration leadership. For that reason, this amendment was not in the unanimous consent order.

The CHAIRMAN. Therefore, the Chair is constrained not to recognize the gentleman.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. I thank the distinguished gentleman from Ohio for yielding.

Mr. Chairman, I wanted to just briefly thank him for making part of his en bloc amendment and also the gentleman from Wisconsin (Mr. OBEY) for

his consideration providing $2 million to the Homeless Veterans Reintegration Program, the HVRP, and $500,000 to the National Veterans Employment and Training Services Institute. These particular moneys that he has made part of his en bloc amendment are very much appreciated. This was part of my amendment that I had which, unfortunately, I did not get to the House floor; but through both the gentleman from Wisconsin and the gentleman from Ohio, they have made this part of the en bloc amendment and I want to thank them very much for it.se 000

Mr. Chairman, my amendment I intended to offer yesterday would reduce $10 million of proposed funding from Corporation For National And Community Service's (CNCS) AmeriCorps grants, and increase two worthwhile, veterans programs in the Department of Labor.

First, my amendment would transfer $9,000,000 to the Homeless Veterans' Reintegration Program (HVRP). This well-regarded program assists finding homeless veterans a meaningful place in the workforce. HVRP funds are awarded competitively to grant-seekers ranging from State and local agencies, commercial entities, and non-profits including community-and faith-based organizations.

Uniquely, since its inception, HVRP has featured an outreach effort using veterans who themselves have experienced homelessness. Formerly homeless veterans engage in counseling, peer coaching, and follow-up services. The program coordinates with various veterans' services programs and organizations, such as the Disabled Veterans' Outreach Program and Local Veterans' Employment Representatives stationed in the local employment service offices of the State Workforce Agencies. Many veterans groups also are eligible, such as the American Legion, Disabled American Veterans, and Veterans of Foreign Wars.

Next my amendment would transfer $1,000,000 to the National Veterans' Employment and Training Services Institute (NVTI). NVTI provides training to the employees who ultimately work with veterans seeking employment and training. Like the Homeless Veterans Reintegration Program, most of these Training Institute dollars (about 70 percent) flow directly to States. Impressively, while the Appropriators have funded the program at the President's request and FY05 amount ($1.9 million), the NVTI does such an efficient job that they forecast with the nearly 50 percent increase my amendment would deliver, they could increase their throughput nearly ⅔, processing many more veterans through (again, mostly via employees in your State). Since 1986, NVTI has developed and enhanced the professional skills of veterans' employment and training service providers nationwide. It is administered by the University of Colorado at Denver with training conducted in Denver, Colorado and at selected regional sites in the U.S. To date 50,000+ veterans' employment and training professionals have attended NVTI training. In addition to the basic employment and training professional-skills course, training is offered in veterans' benefits, transition assistance, case management, marketing and accessing the media, and management of veterans' services. NVTI also offers courses in veterans' reemployment rights case investigation and grants management, to address the training needs of the U.S. Department of Labor Veterans' Employment and Training Service (VETS) staff.

As an unexpected benefit, CBO has scored my amendment to be Budget Authority-neutral, but to save $1,000,000 in FY06 outlays.

Now, 1 million dollars sounds like chump change up here to us, but to Americans voting back home, and to the veterans who are on the streets and in despair, it would pay for quite a lot. And AmeriCorps, I point out, is receiving over a quarter of a billion dollars, so I think the program could spare a mere $10 million.

Mr. Chairman, this is an amendment about priorities. AmeriCorps pays people handsomely for pseudo-volunteerism: $4,725 for a year of full-time service; "a modest living allowance", "limited health benefits, may qualify for child care assistance, and may get your relocation expenses covered". This is not community service, this is a job.

Further, AmeriCorps has a history of accountability problems. Just two years ago, they had severe overcommitments of their funding, which Congress admonished. And this year, the Committee's report has language "directing the Inspector General to levy sanctions in accordance with standard Inspector General audit resolution procedures, which include, but are not limited to, debarment of any grantee found to be in violation of AmeriCorps' program requirements, including using grant or program funds to lobby the Congress". I can assure you they most certainly do lobby the Congress, because my amendment has been on the (negative) receiving end of this.

One other point that the Chairman of the Veterans Affairs Committee has shared: AmeriCorps competes with Armed Services recruiting. It shouldn't, the program on which it was modeled didn't: according to AmeriCorps' website, it is based upon "Franklin D. Roosevelt's vision of the Civilian Conservation Corps (CCC) in 1933—a program created by President Roosevelt to provide relief for the unemployed during the Great Depression and to implement conservation projects. Over 3 million young men served until the program disbanded eight years later, when the United States entered World War II."

Sir, America has relied on the contributions of selfless volunteers for centuries, and the generosity of Americans will endure without a Federal program.

In contrast, veterans are our Federal responsibility, and these two worthwhile programs provide needed help.

ADMINISTRATIVE PROVISIONS

The Committee recommendation includes a number of administrative provisions carried previous years: (1) Language regarding qualified student loans eligible for education awards; (2) language regarding the availability of funds for the placement of volunteers with disabilities; (3) language directing the Inspector General to levy sanctions in accordance with standard Inspector General audit resolution procedures, which include, but are not limited to, debarment of any grantee found to be in violation of AmeriCorps' program requirements, including using grant or program funds to lobby the Congress; (4) language which requires the Corporation to ensure that significant changes to program requirements or policy are made only through public notice and comment rulemaking; and

□ 1500

Mr. REGULA. Mr. Chairman, I now yield to the gentleman from Illinois (Mr. KIRK) for the purposes of a colloquy.

Mr. KIRK. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise today urging the conference, when it meets, to restore funding to the Javits gifted and talented program, which was unfortunately zeroed out in this bill. Javits reaches a critical group of diverse gifted children who are not high income. In fact, they are low income, but have extraordinary abilities.

In my home State of Illinois, education for gifted kids has been cut completely out of the State's budget. In response I developed my own Tenth District laureates program as a way to challenge gifted students in my own district. The program has become a huge success, providing these students with behind-the-scenes access to top academic and cultural institutions in Chicago and surrounding suburbs. And these gifted children were motivated by this unique opportunity.

I think we must fund gifted education on a national level to allow millions of children across the country to have the same types of challenges our Tenth District laureates enjoy. As the only federally funded national gifted program, grants provided through Javits have provided 125 State and local education districts since its inception in 1989, reaching 2 million gifted students nationwide. Last year the program was funded at $11.1 million. It is a program particularly needed, given the low scores of Americans on standard international math and science tests.

Positions in the field of science and engineering are growing at a rapid rate, yet the United States is facing a critical shortage in these areas. Just one demonstration program funded by this grant, the project creating urban excellence in the Bronx, resulted in a 20 percent improvement in math and science scores for all students of the entire school.

I think we must invest in the future of our children, and I urge the conferees to restore funding for the Javits gifted and talented program.

Mr. REGULA. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments. And I do agree that funding gifted and talented education in this country is an important mission. We must continue to provide support for our brightest students to succeed, especially in the areas of math and science.

I hope the gentleman understands that with such a tough budget allocation, we did not have the resources to support everything we would have liked to have done, including some important and successful programs like the Javits program for gifted and talented students.

I will work with the gentleman from Illinois to address this issue in conference.

Mr. KIRK. Mr. Chairman, if the gentleman will yield, I want to thank my chairman.

AMENDMENT NO. 1 OFFERED BY MR. HINCHEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to carry out section 1860D-1(b)(4) of the Social Security Act.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from New York (Mr. HINCHEY) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

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

Mr. Chairman, Congress has been moving for the last few years to protect the identities, personal information, and privacy of Americans. Almost 2 years ago, the House pushed for a creation of the Federal Do Not Call Registry. Months later, however, Congress passed legislation that will put millions of people's personal information and privacy in jeopardy.

The Medicare Modernization Act allows and encourages the Secretary of Health and Human Services to distribute the personal information of millions of Medicare and Medicaid beneficiaries to private companies for marketing purposes. In light of the number of significant breaches of personal information recently and the widespread reports of identity theft, this amendment would prevent the government from distributing the personal information of millions of Americans to the many companies that may be providing prescription drug plans when the so-called Medicaid Modernization Act goes into effect. If personal Medicare information is given to these providers, our constituents will be subjected to calls from any of the prescription drug plan providers. If we have learned anything from telemarketers, it is that our senior citizens will be harassed at home by plan providers calling and sending direct mail.

Personal privacy is a nonpartisan issue. During the 108th Congress, over 400 Members voted in favor of creating the Do Not Call Registry. Millions of Americans have had their identity stolen, no matter their political affiliation. We can stop the spread of this personal information being carelessly distributed.

I urge support of the gentleman from Oregon's (Mr. DEFAZIO) amendment.

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

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

Obviously this is a Committee on Ways and Means and Committee on Energy and Commerce issue. But let me point out that this amendment will prevent seniors from getting essential coverage information, and that is important. They want to know what their coverage is. They want to know what the coverage will be under the new medical services. This enrollment starts in less than 5 months, and I think this would be a poor time to take away the ability to give seniors information about the new drug benefit. We have a lot of, a considerable amount of money in this bill to provide the necessary employees to disseminate information, take phone calls from seniors who want to find out about the Medicare Modernization Act, and to deprive the CMS of the ability to meet this need would be a serious problem for seniors.

Let us give them every chance to call and to find out about the new Medicare Modernization Act. Let us not in any way limit the availability of information and the access that seniors should have to information about this possible benefit.

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

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

I appreciate the sentiments expressed by the gentleman from Ohio, my good friend, and I understand that he is interested in the best interests of the people in this country, particularly the Medicare and Medicaid beneficiaries.

But the fact of the matter is we have experience in this regard. We have the Federal Employees Health Benefits plan. None of the information about who they are, where they are located, what their telephone numbers may be, is distributed to anyone so that they may be contacted under the provisions of the Federal Employees Health Benefits plan. So why, under this new so-called Medicare Modernization Act, are we communicating that kind of information indiscriminately to a whole host of companies that are now going to besiege senior citizens with phone calls that they are not going to welcome?

We have ways to communicate whatever information we want to to the people who may be the beneficiaries under this program, and they can do that through the existing Medicare and Medicaid programs very simply. There is no reason whatsoever to give this information out indiscriminately so that these people can be harassed.

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

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

I just want to point out to my colleagues that are listening to this debate that the senior organizations want beneficiaries to have access to the new drug benefit. This is why the AARP, the Seniors Coalition, the National Coalition for Women with Heart Disease, the National Kidney Cancer Association, the National Association of Manufacturers, the National Chamber of Commerce, and many others oppose this amendment. I would think that Members would take that into consideration because these cover a broad spectrum of opinions on this and they universally agree that this is a bad amendment.

For this reason I urge Members to vote against it when we have the opportunity to do so.

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

Mr. HINCHEY. Mr. Chairman, I yield the balance of my time to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time.

I have been in the highway conference, and I am sorry I was not here earlier, but I understand the chairman may have represented that AARP is opposed. They had bad information yesterday, provided perhaps by majority staff. They are now neutral on this amendment. I have had a conversation with them today. They now understand the amendment goes to the issues of privacy. It does not undermine the outreach program. All it says is we will not give out personal private information. We will not waive the ''Do Not Call'' list for America's seniors and have them solicited by telemarketers at dinner after they have indicated they do not want any telemarketers calling them. That is all we are talking about here. We are saying one small section buried in this huge bill, that no Member here wants to take credit for, that says we are taking away the privacy of seniors to profit private insurance companies and make it easier for them.

Private insurance companies have vast resources. They can find these seniors in other ways. The outreach can be done without violating their privacy. That is what we are talking about here, plain and simple: the privacy of America's most vulnerable. Many seniors are aged. They are not well. They are at risk in this whole process, and they do not want those telemarketing phone calls.

So if we continue with this program, the administration is going to waive those rights, those protections for our seniors, plain and simple. This amendment only restricts the waivers of privacy and an incredible extension of waiving all privacy laws relating to people on Medicare or Medicaid and giving discretion to the Secretary of Health and Human Services to turn over that data as he sees fit, no matter what the will of the seniors is.

Let the seniors make the choice, not the Secretary of Health and Human Services, not the private insurance companies. They should not be telemarketed. This is plain and simple, something that I do not believe a majority of this House knew was in that bill when it was passed.

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

Mr. Chairman, there is no privacy concern because no health information is shared. No personal health information can be disclosed to plan sponsors, period, and all plans are covered under the Federal privacy rule, HIPAA, that restricts the use and disclosure of personal health information. Furthermore, plans are only allowed to use the contact information for marketing Medicare prescription drug plans and facilitating beneficiary enrollment. They cannot use the contact information for any other purpose.

For all these reasons, I urge my colleagues to vote against this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

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

Mr. REGULA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. HINCHEY) will be postponed.

AMENDMENT OFFERED BY MR. ENGEL

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ENGEL:

Page 108, after line 21, insert the following section:

SEC. 5____. With respect to amounts appropriated for any of the fiscal years 2000 through 2005 for carrying out part A or B of title XXVI of the Public Health Service Act, amounts that have been provided as grants under such parts and that lapse at the end of fiscal year 2005 if unexpended by the grantees are hereby made available through the end of fiscal year 2006.

Mr. REGULA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. Pursuant to the order of the House of June 23, 2005, the gentleman from New York (Mr. ENGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. ENGEL).

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

I am offering this amendment and I will withdraw it because of a scoring problem, but I did want to bring this to the committee's attention. Today over 1 million individuals in the United States are infected with HIV, including about 406,000 with AIDS. New York City is one of the national epicenters of the HIV/AIDS epidemic, with over 110,000 people infected with HIV. Over 30 percent of those infected in New York City are women, and 75 percent are from minority groups. These devastating numbers are ones that my constituents are all too familiar with.

Like many of our colleagues, I was deeply disappointed that the critical AIDS drug assistance programs, known as ADAPs, only received a $10 million increase in this year's Labor-HHS appropriations bill. There is no question of the need for ADAPs. They have become a cornerstone of the Ryan White CARE Act since advances in drug treatments like antiretroviral therapies have had a profound effect on extending the quality and length of life of those infected with HIV/AIDS.

□ 1515

Appropriate and consistent treatment results in near complete suppression of HIV as well as preventing the emergence of drug resistance. Yes, it is expensive, but every life saved is worth it.

The President last year authorized a $20 million one-time emergency supplement to the ADAP program that will expire this September. Even with this emergency measure, as of May 12 of this year, almost 1,900 individuals were on ADAP waiting lists in 10 States. Nearly every ADAP State has already had to make incredibly tough choices on cost containment measures, such as closed enrollment, reduced formularities, per capita expenditure limits, lowered income eligibility, waiting lists, and increased client cost-sharing. Nine States even require individuals applying for ADAP to demonstrate HIV/AIDS advanced disease progression, at which point drug assistance has only a limited benefit.

Now, Mr. Chairman, it has come to my attention that many States have Ryan White CARE Act funds appropriated to them in previous legislative years that are at risk for expiration. My amendment simply grants a 1-year extension to States to use expiring, unexpended CARE Act funds, rather than allowing the funds to return to the Treasury. I do not understand why this was scored the way it was, and I intend to fight for a change.

The unspent funds typically result in delays in notice of grant awards from the Federal Government, timing issues relating to subcontracting of services, payroll savings due to State hiring delays or freezes, expenditure of other grant funds for similar services, or other unanticipated fluctuations in spending at the State level.

This Congress, we will reauthorize and continue to improve the Ryan White CARE Act, which will likely address some of these financing issues.

In the meantime, it is unfortunate that CBO scored my amendment as a new appropriation, as preserving these expiring, previously appropriated funds would have given States a new window of opportunity to help more people.

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

The CHAIRMAN. Does any Member seek time in opposition?

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of Rule XXI, which states in part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.''

This amendment addresses funds in other acts.

The CHAIRMAN. Does any Member wish to speak on the point of order?

Mr. ENGEL. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from New York. It is my understanding the gentleman is going to withdraw the amendment.

Mr. ENGEL. Yes.

The CHAIRMAN. The gentleman from Ohio may not yield on a point of order.

The Chair will recognize the gentleman from New York on the point of order. Does the gentleman seek to speak on the point of order?

Mr. REGULA. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The point of order is again reserved.

The gentleman from New York (Mr. ENGEL) has 2 minutes remaining on his amendment.

Mr. ENGEL. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding me this time. I would like to compliment him on a very thoughtful amendment.

I would hope, as this idea makes its way through conference, we can be constructive as the reutilization of unexpended Ryan White CARE Act funds will be a very great need to our various States.

In 1988, 1989 when the Ryan White CARE Act was initially authorized, Texas was number 13 on the list of HIV-infected persons. We are still facing the devastation of HIV/AIDS, and we realize that the number one killer of African American women from 25 to 44 is HIV. In addition, we have seen it increasing in other populations, Hispanics and Asians.

So for the sake of States that have not yet expended these dollars, this is a very important amendment. In particular, in my community, the Donald Watkins Foundation, Brentwood, St. John's, Montrose Clinic, Montrose Counseling, and the St. Thomas Clinic would benefit from these dollars. But I hope we will find a way to work through with the gentleman, and I thank him very much for a very thoughtful amendment. We need these unexpended funds, and we need them now.

Mr. ENGEL. Mr. Chairman, for the balance of my time I would like my friend, the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, to engage me in a brief colloquy.

Mr. Chairman, as I mentioned before, I intend to withdraw this amendment, but I hope this is an issue with which we can work as this bill moves through

the process. Ryan White funds and the AIDS Drug Assistance Programs provide critical assistance to our communities and our States, and they need further flexibility to expend expiring Ryan White CARE Act funds. I would ask the chairman if he would work with me in this regard.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, in response to the gentleman's comments, I would point out that we do have a modest increase in this program, and we will be sensitive to the gentleman's concerns in conference as we try to balance out all of the challenges that we have in this bill in terms of the resources available.

Mr. ENGEL. Mr. Chairman, I thank the chairman for his attention.

Ms. JACKSON-LEE of Texas. Mr. Speaker I rise today to speak in support of Mr. ENGEL's amendment to the H.R. 3010, the Labor HHS Appropriations bill. Mr. ENGEL's amendment would grant states an extension to use their expiring, unexpended Ryan White CARE Act funds, appropriated in previous years, through fiscal year 2006. The amendment would therefore prohibit expiring funds from being returned to the Treasury before the end of FY06. Reports indicate that State AIDS directors unanimously agree that expiring unexpended funds must be put back into the CARE Act, rather than being returned to the Treasury as is currently the case.

While administering Ryan White Care Act funds, States and Eligible Metropolitan Areas periodically finish fiscal years with small amounts of unspent funds. These amounts, typically ranging from five or ten percent of overall awards, may be requested in the subsequent fiscal year to provide services during that fiscal year. The unspent funds typically result from delays in notice of grant awards from the Federal government, timing issues related to subcontracting of services, payroll savings due to State hiring delays or freezes, expenditure of other grant funds for similar services, or other unanticipated fluctuations in spending at the State level. Occasionally, the amount of unexpended funds reaches beyond ten percent of a grantee's overall award for reasons specific to the individual jurisdiction.

Currently, the FY06 Appropriations bill provides $2.1 billion for Ryan White AIDS programs, which is $10 million (2 percent) more than the current level but equal to the administration's request. This total includes $610 million for the emergency assistance program—which provides grants to metropolitan areas with very high numbers of AIDS cases—$1.1 billion for comprehensive-care programs, $196 million for the early-intervention program, and $73 million for the Pediatric HIV/AIDS program.

In closing, it is important for me to say a few words about Ryan White. As many of you know, as a result of his infection, Ryan White was expelled from his school, on the account of being a 'health risk' to other students. This shameful behaviour on behalf of the school board, as well as multiple death threats to him and his family, required the White family to move to Cicero, Indiana. Having found relative peace in Cicero, Ryan White began a nationwide campign to help educate communities about HIV/AIDS. His inscesant work landed him in Washington, DC to testify before the President's Commission on AIDS. His words, works, and wills, were enshrined in The Ryan White CARE (Comprehensive AIDS Resource Emergency) Act, signed 4 months after his death (April 8, 1990).

This is a very important issue, and I urge my colleagues to support the Engel amendment.

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

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time at the end of the bill to explain why I am going to vote against the bill. I am speaking as one Member of the House; I am not speaking as ranking Democrat on the subcommittee or committee. I simply wanted people to know why I am going to oppose this bill; and I want to, at the same time, explain my motion to recommit.

The good thing about this bill is that we repaired most of the damage to the Corporation for Public Broadcasting. Most, but not all. But let us understand, this bill, in my view, is still an assault on the country's future. This bill is just the start of cuts planned over a 5-year period to implement the Republican budget resolution that is placing the importance of $140,000 tax cuts for those making $1 million a year ahead of our long-term investments in education of our children, the health care of our people, and the security of American workers.

This is the most important bill that we will consider this year in terms of meeting the needs of the average American family and in building the long-term strength of our society. More than any other, it is the bill where we care for our neighbors. It is the bill that determines how well we meet our obligations to those in society who have not been among the most fortunate. This bill fails to meet those tests in some dramatic ways, and I would like to point out just a few of them.

Because of the fact that this House is deciding that large tax cuts for very well-off people are more important than anything else, this bill, on the worker protection front, guts the program that we rely on to try to protect our workers from having to compete against child and slave labor. It cuts that program by 87 percent, this at a time when the administration is asking that we pass new trade legislation with CAFTA.

Seven and a half million Americans are out of work, but this bill cuts the employment service by $116 million. Forty-five million Americans are without health insurance, but this eliminates community access programs that help people get that health care. This bill cuts by 84 percent the funding for training grants for health care professionals. It cuts rural health programs by 41 percent.

The number of grants at NIH for research in all kinds of diseases will be cut by 500 from just 2 years ago. The community services block grant, the program where the poorest people in this country turn when they have nowhere else to go, is cut by half in this bill, and the No Child Left Behind bill is cut by some $800 million below last year. Mr. Chairman, 1.7 million fewer disadvantaged children will receive care under after-school programs, and 56,000 fewer teachers will get high-quality training. This bill provides only half of the increase promised by the Republican majority for the maximum Pell grant.

So for all of those reasons, I am going to offer a straight motion to recommit so that this bill can go back to committee, so that these items can be corrected, with one addition. As we said earlier, we found out today that our efforts to try to increase funding for veterans health care for the last 6 months were absolutely necessary, even though we had been told by the VA that they had more than enough money for veterans health care.

We want this bill to go back to the committee so that the committee can also do what it should have done in the first place, which is to add $1 billion on an emergency basis to take care of the shortfall in VA health care that the White House and OMB have been hiding from the American people and hiding from veterans for months.

So I will personally urge a vote for my motion to recommit; and when the vote on final passage comes, I will vote against it, because this bill just does not measure up to our national obligations.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 14 offered by Mr. HAYWORTH of Arizona; amendment offered by Mr. VAN HOLLEN of Maryland; amendment No. 11 offered by Mr. PAUL of Texas; amendment offered by Ms. DELAURO of Connecticut; and amendment No. 1 offered by Mr. HINCHEY of New York.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 14 OFFERED BY MR. HAYWORTH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 256, not voting 31, as follows:

[Roll No. 315]

AYES—146

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Blackburn
Boehner
Bonner
Bono
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Jindal
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Kolbe
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Ney
Northup
Norwood
Otter
Paul
Pearce
Pence
Peterson (MN)
Pickering
Pitts
Pomeroy
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sessions
Shadegg
Shaw
Shuster
Simpson
Smith (TX)
Sodrel
Sullivan
Tancredo
Taylor (NC)
Thornberry
Tiberi
Walden (OR)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOES—256

Abercrombie
Ackerman
Alexander
Allen
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Bonilla
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Calvert
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fossella
Frank (MA)
Gerlach
Gibbons
Gillmor
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Platts
Poe
Pombo
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reynolds
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Sherwood
Shimkus
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—31

Andrews
Baca
Becerra
Bilirakis
Blunt
Boozman
Boyd
Camp
Capito
Clay
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Nunes
Reyes
Rogers (AL)
Ros-Lehtinen
Ryan (OH)
Slaughter
Taylor (MS)
Udall (NM)
Watson
Wilson (NM)

□ 1549

Ms. GRANGER, Ms. KILPATRICK of Michigan, Ms. CORRINE BROWN of Florida, and Messrs. MARSHALL, GONZALEZ, BOEHLERT and GRAVES changed their vote from ''aye'' to ''no.''

Messrs. EVERETT, BONNER, GILCHREST, MARCHANT, RYAN of Wisconsin and Mrs. NORTHUP changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT OF INTENTION TO PERMIT 5-MINUTE VOTING ON MOTION TO RECOMMIT

(Mr. DELAY asked and was given permission to speak out of order.)

Mr. DELAY. Mr. Chairman, I simply want to put all Members on notice that as soon as the Committee rises, I will seek an order of the House to permit 5-minute voting on any motion to recommit.

I mention this now so that Members can have as much notice as possible.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Without objection, 5-minute voting in the Committee of the Whole will resume.

There was no objection.

AMENDMENT OFFERED BY MR. VAN HOLLEN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 178, not voting 31, as follows:

[Roll No. 316]

AYES—224

Abercrombie
Ackerman
Allen
Baird
Baldwin
Barrow
Bass
Bean
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Foley
Ford
Frank (MA)
Gingrey
Gonzalez
Goode
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff

Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shays
Sherman
Shimkus
Simmons
Simpson
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weller
Wexler
Woolsey
Wu
Wynn

NOES—178

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Goodlatte
Granger
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shaw
Sherwood
Shuster
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—31

Andrews
Baca
Becerra
Bilirakis
Boozman
Boyd
Camp
Capito
Clay
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Nunes
Reyes
Rogers (AL)
Ryan (OH)
Skelton
Slaughter
Taylor (MS)
Thomas
Udall (NM)
Watson
Wilson (NM)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in the vote.

□ 1557

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 97, noes 304, not voting 32, as follows:

[Roll No. 317]

AYES—97

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Biggert
Blackburn
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Cannon
Chabot
Chocola
Cole (OK)
Cox
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Drake
Duncan
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hart
Hayes
Hefley
Hensarling
Herger
Hinchey
Hoekstra
Hostettler
Istook
Jenkins
Jindal
Johnson (IL)
Kennedy (MN)
King (IA)
Kingston
Kline
Lewis (KY)
Linder
Mack
Manzullo
Marchant
McCotter
McHenry
McKinney
McMorris
Miller (FL)
Miller, Gary
Moore (WI)
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Sodrel
Souder
Stearns
Tancredo
Terry
Thornberry
Upton
Weldon (FL)
Weller
Westmoreland
Wexler

NOES—304

Abercrombie
Ackerman
Alexander
Allen
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Buyer
Calvert
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Hall
Hastings (FL)
Hastings (WA)
Hayworth
Herseth
Higgins
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (CA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (PA)
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—32

Andrews
Baca
Becerra
Bilirakis
Boozman
Boyd
Camp
Capito
Clay
Davis, Tom
Delahunt
Fattah
Gohmert
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meek (FL)
Meeks (NY)
Nunes
Peterson (PA)
Reyes
Rogers (AL)
Ryan (OH)
Skelton
Slaughter
Taylor (MS)
Udall (NM)
Watson
Wilson (NM)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1604

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. DELAURO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 165, noes 234, not voting 34, as follows:

[Roll No. 318]

AYES—165

Abercrombie
Ackerman
Allen
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
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
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Tierney
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—234

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
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
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—34

Andrews
Baca
Becerra
Bilirakis
Blunt
Boozman
Boyd
Camp
Capito
Clay
Costa
Davis, Tom
Delahunt
Fattah
Gohmert
Goode
Gutierrez
Harman
Harris
Jefferson
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Nunes
Reyes
Rogers (AL)
Skelton
Slaughter
Taylor (MS)
Taylor (NC)
Udall (NM)
Watson
Wilson (NM)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1610

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 210, not voting 31, as follows:

[Roll No. 319]

AYES—192

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

NOES—210

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner

Bono
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (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
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—31

Andrews
Baca
Becerra
Berman
Bilirakis
Boozman
Boyd
Camp
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Goode
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Nunes
Reyes
Rogers (AL)
Skelton
Slaughter
Taylor (MS)
Taylor (NC)
Udall (NM)
Watson
Wilson (NM)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1618

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BILIRAKIS. Mr. Chairman, due to a previous and unavoidable appointment, I was unable to vote on several amendments to H.R. 3010, the FY 2006 Labor, Health and Human Services, Education Appropriations Act. Had I been present, I would have voted ''aye'' on rollcall votes numbered 315, 316 and 317, and ''no'' on rollcall votes numbered 318 and 319.

The CHAIRMAN. The Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2006''.

Ms. JACKSON–LEE of Texas. Mr. Chairman, I rise in support of the proposals that seek to prohibit the use of funds in the bill to distribute the personal information of Medicare and Medicaid beneficiaries to private companies for marketing purposes. The Americans who receive Medicare and Medicaid benefits already suffer from ailments that debilitate and weaken them from a health standpoint. This legislation should not be permitted to debilitate them from a fiscal standpoint either.

According to data, more people were covered by Medicare and Medicaid in 2003 than in 2002, while the percentage and number of people covered by their employers fell from 61.3 percent—175.3 million people—to 60.4 percent—174 million people. Mr. Chairman, this is a lot of people whose personal information could be jeopardized by the haphazard distribution to the marketing community.

The situation with Choicepoint and others should provide more than adequate proof that information can be used to harm people and that it can be done rapidly. Allowing funds to facilitate the free dissemination of personal information by the Federal Government only exacerbates the vulnerable nature of personal information databases. The Medicaid and Medicare databases were not created for the purpose of business development; therefore, the information contained in these databases should be protected unless consent is obtained from the person described therein.

For these reasons, Mr. Chairman, I support the gentleman's amendment.

Mrs. WILSON of New Mexico. Mr. Chairman, the bill would decrease funding for disadvantaged children in low income schools by $115.2 million from FY 2005 levels. The bill also included $258.5 million less for the Bureau of Health Professions in the Health Resources and Services Administration that administers important health professions training, scholarship, and loan repayment programs, including programs encouraging diversity in the health workforce. The legislation included $84.6 million less for rural health programs than was provided in FY 2005. Because I believe this bill would have inadequately funded important education and health programs, I would have voted against the legislation.

Mr. MOORE of Kansas. Mr. Chairman, I rise today in opposition to the funding levels in H.R. 3010, the FY 2006 Labor-HHS-Education Appropriations Act, for the No Child Left Behind (NCLB) Act, the Individuals with Disabilities Education Act (IDEA), and Title VII Health Professionals programs.

I voted for NCLB because I believe in increased accountability for our nation's public schools to ensure that the promise of a high-quality public education can be realized for each student in our nation. Before the vote on NCLB, I heard reservations from local educators and my constituents that NCLB not become another unfunded mandate like IDEA for special education. When Congress approved and the President signed NCLB, however, I believed that the federal government would provide the promised funding to enact these reforms.

Since 2002, Congress and the Administration have not fully funded NCLB. In H.R. 3010, Congress and the Administration cut NCLB overall funding by $806 million (3.3 percent) below the current level. Under this bill, the NCLB funding shortfall will be $13.2 billion for FY 2006 and over $40 billion since the law's enactment.

In addition, H.R. 3010 cuts the $603 million increase the Administration proposed for Title I to help low-income children improve their reading and math skills to only an $100 million increase. The Administration's request was already inadequate, but these additional cuts put Title I funding $9.9 billion under what is promised under NCLB for FY 2006.

Congress and the Administration have not fully funded IDEA, a program that helps local schools and school districts pay for the costs of providing educational services to special needs children that are mandated by federal law. The federal government has never provided 40 percent of the costs it initially promised when it enacted this important law. H.R. 3010 provides $3.9 billion less than Congress promised in the IDEA Improvement Act of 2004. In addition, this bill even cuts the $508 million increase proposed by the Administration to only $150 million. Under this bill, the federal share of special education costs will actually drop from 18.6 percent to 18.1 percent next year.

In the 2004–2005 school year, 10 states and 7,194 school districts saw cuts in Title I funding, including my state of Kansas. For the 2005–2006 school year, Kansas along with nine other states will again receive less Title I funding. For my home state of Kansas, the combined funding shortfall for NCLB and IDEA for FY 2006 is $240 million, which is shifting the burden of meeting these new requirements back to Kansas taxpayers. With the deadline of expanding assessment to grades 3 through 8 scheduled for the 2005–2006 school year and more districts being identified under Adequate Yearly Progress (AYP), Congress and the Administration are not keeping pace with increasing demands at the local level.

The federal government must provide our school with the resources and tools necessary to help them meet the new standards imposed by NCLB. It is simply a matter of fairness and common sense. This is why I have introduced H.R. 2694, the Keeping our Promises to America's Children (KPAC) Act of 2005. This legislation would suspend implementation of NCLB until the law is fully funded.

I would also like to express my concerns about the cuts to Title VII Health Professions programs included in H.R. 3010. The elimination of the programs will have an immediate impact on the training and recruitment of health professions students and the educational opportunities developed and supported by Title VII.

Title VII programs are unique in that they are the only federal investment in interdisciplinary training, which is vitally important, as care is often provided in several different settings.

The programs are also designed to enhance minority representation in the health care workforce and reduce shortages of health professionals in underserved areas, such as inner cities and the many rural regions throughout

the country. Community Health Centers and the National Health Service Corps, for example, rely on graduates of Title VII programs to fill their ranks.

Congress talks a lot about values. I think a true measure of values is not what people say, but where Congress decides to spend our money or make budget cuts. Funding for these important programs must be restored in the final FY 2006 Labor-HHS bill. These cuts account for almost $6 million in Kansas and $5 million for the K.U. Medical Center.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, today we will vote on H.R. 3010, the Labor, Health and Human Services, and Education bill for fiscal year 2006. On behalf of the educators, administrators and students in Dallas, Texas, I would like to express my strong opposition to the education appropriations outlined in this measure. The inadequate overall funding in H.R. 3010 completely undermines the public prioritization of education as a paramount concern.

Make no mistake—these education cuts come as no surprise. Beginning with the passage of the House budget resolution for FY 2006, my Republican colleagues have shown their true intentions with regard to education funding. As passed, the budget resolution provides $56 billion in discretionary funding for the Department of Education. This is a $530 million, or 0.9 percent decrease over the current fiscal year (FY 2005). This is the first time in over a decade that total education funding has been cut.

Although our children have no legislative voice, they represent our Nation's future and deserve our investment in their education today. As it stands, H.R. 3010 would cut funding for reading tours, teacher quality initiatives, bilingual instruction, class size reduction, school modernization, violence prevention initiatives, afterschool services and many other vital programs.

Specifically, the House Labor-HHS-Education Appropriations bill would cut. No Child Left Behind by $806 million (3.3 percent) below the current level. Under this bill, the NCLB funding shortfall will be $13.2 billion next year and over $40 billion since enactment. The bill also cuts the $603 million increase the Administration proposed for Title I to help low-income children improve their reading and math skills to only $100 million. The Administration's request was already inadequate. However, under this bill, Title I funding will be $9.9 billion below NCLB's funding promise for FY 2006.

The bill freezes After School Centers, virtually for the fourth year in a row at $991 million even though only 38 percent of all after school applications nationwide could be funded last year. We are turning away children even though more than 14 million kids are unsupervised after school each day.

It slashes Education Technology by $196 million (39.5 percent) on top of a $196 million cut last year. One in four states have no other dedicated technology funds to track NCLB student achievement data, improve teachers' use of technology, and close the achievement gap through online learning.

It eliminates Comprehensive School Reform grants to 1,000 high-poverty schools by eliminating the program. Rigorous independent evaluations have shown that comprehensive school reform models such as Success for All, America's Choice, High Schools That Work, First Things First, and Talent Development are making a significant difference in helping schools implement integrated, schoolwide reform strategies. This bill turns its back on these schools.

The bill cuts investments in teachers. It freezes the main NCLB program to put a qualified teacher in every classroom—Teacher Quality State Grants—at $2.9 billion for the 3rd consecutive year of a freeze or cut. The bill denies 80 percent of the Administration's $500 million request to provide an incentive for the best teachers to teach in the most challenging high-poverty schools. It cuts funds requested for math and science teachers by $79 million (29 percent). It even cuts teacher training in American history by $69 million (58 percent).

It freezes Impact Aid payments to 1,300 school districts for over 1 million military and other Federally-connected children, funding Impact Aid at approximately 35 percent below the maximum payments authorized for FY 2006. The bill also freezes flexible innovative education grants, English language training, civic education, State assessments, and rural education. Some of these programs have been frozen for four years in a row.

Although the Republican Majority promised low-income students a $100 increase in the maximum Pell Grant in the 2006 Budget Resolution, this bill provides only half that. The $50 increase would offset only 2 percent of the additional $2,300 in four-year public college costs since 2001.

If enacted, H.R. 3010 would be a grave disservice to our children and the future of our Nation. For these reasons and more, I oppose the unsatisfactory education funding levels in this appropriations bill.

Unfortunately, underfunded education initiatives is not the only problem with this bill. The bill disinvests in job training and help for the unemployed—cutting these programs by $346 million below the current level while 7.6 million Americans remain out of work.

Finally, this legislation lacks appropriate funding levels for in the human services area, the Committee cuts in half the Community Services Block Grant, a program aimed at helping the poorest people in our communities who often have no other place to turn. This is an improvement over the President's plan to abolish the program entirely, but it still leaves more than 1,000 local community services agencies seriously short of resources to assist low-income people. The purpose of this block grant is to provide flexible funds to meet whatever a local community considers their most important needs, whether it be for job training, emergency food aid, programs for low-income seniors, or home weatherization.

The bill also cuts the Low-Income Home Energy Assistance Program (LIHEAP) by almost $200 million—even though there's no reason to expect that we won't have another winter of sky-high heating oil and natural gas prices. Over the past four years, the average cost of heating a home with oil has almost doubled, and the share of that cost covered by the average LIHEAP grant has fallen by half, from 49 percent to 25 percent.

Clearly, I cannot support this bill as written. In its current form, this legislation is nothing less than an insult to the American people. It inadequately and irresponsibly allocates money to Labor, Health and Human Services, and Education. However, should this bill return from the Senate with the appropriate funding levels, I will gladly support it. I sincerely hope we can work out the problems and pass a responsible bill that responds to the needs of our children, workers, and elderly citizens.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in reluctant opposition to the Labor-HHS-Education Appropriations bill. I say reluctant because as a member of the Labor-HHS-Education Appropriations Subcommittee I have worked closely with the other members of the subcommittee during our budget oversight hearings and especially with our chairman, RALPH REGULA, to highlight programs of importance to my constituents. Chairman REGULA and the staff of the subcommittee have been extremely patient with my many requests, and Chairman REGULA has been extremely generous, within his tight budget allocation, in trying to make progress on several important priorities of mine.

The first of those priorities is the national media campaign to fight underage drinking, which is currently underway by the Ad Council. Although the subcommittee has provided project funds for this important effort in the past, for the first time, the chairman has included this funding as a programmatic priority in the office of the Secretary of Health and Human Services. Representative FRANK WOLF and I were joined by 44 of our colleagues in requesting the funds to carry out a multimedia campaign directed at parents, and I am grateful to Chairman REGULA, who understands the terrible impact of underage drinking on our youth and the importance of an effective national media campaign to address it.

In addition, Chairman REGULA has provided increases in two areas to help infants and their families. First, CDC—the Centers for Disease Control and Prevention—conducts a national program for education and prevention of birth defects by encouraging women of childbearing age to take the recommended amount of folic acid daily. Based on this effort, as well as the fortification of U.S. grain products with folic acid, the rate of neural tube defects has decreased by 26 percent over 7 years, and the committee has continued to provide incremental increases to this important CDC program. Second, the committee has increased funds for the Health Resources and Services Administration's newborn screening program for early identification of infants affected by certain genetic, metabolic, hormonal and or functional conditions for which there are effective treatment or intervention. In the report, HRSA is encouraged to use these new funds for the development of parental and provider education material and programs to promote the importance of newborn screening.

I appreciate Chairman REGULA's generosity in providing funds for these priorities. He truly understands that the Labor-HHS-Education Appropriations bill is the people's bill. It makes it doubly difficult for me to cast a vote in opposition to the bill because I know he has worked hard to distribute the limited resources he has been given in a fair and conscientious way. My ''no'' vote on this bill should therefore in no way be seen as a lack of respect or lack of appreciation for RALPH REGULA and his efforts on behalf of those who depend on the resources provided in this bill.

However, this bill, more than any other appropriations bill we act on, by providing the funds for health and education programs of importance to our constituents, I goes to the

heart of what we Democrats in the House stand for and for what I stand for as a Member of Congress representing the people and communities of the 34th District of California. These programs are just too important, and the cuts and terminations in this bill are just too severe, for me to vote for this bill at this time.

I will continue to work with Chairman REGULA, Ranking Member DAVID OBEY, and the other members of our subcommittee as we conference the bill with the Senate, with the hope that we can identify additional funds and make the improvements to this bill that will make it one of which we can all be proud and which we can all support.

Ms. DEGETTE. Mr. Chairman, I rise to express my concern that funding for Title VII programs have been cut in this bill. VII programs provide direct financial support for healthcare workforce development and education. It is imperative to provide adequate funding so that well-trained health care providers can continue to meet the needs of the American people.

The house showed great leadership last year by providing $300 million in funding, and I believe that any decrease could hamper the programs' ability to train health professionals to care for the neediest populations.

The President's budget proposes, for the fifth year in a row, to eliminate many of the programs that educate and train a variety of health care providers, such as pharmacists, dentists and pediatricians.

For a number of years now, I have organized Members to express support for this important program, and urged the Appropriators to fully fund it in the Labor-Health and Human Services-Education bill. For the first time this year, the House has failed to restore this funding.

These massive cuts will eliminate key programs that make it possible for our health professions schools to develop training infrastructures and high quality education.

The Title VII Health Professions programs are also the only federal programs designed to train providers in interdisciplinary settings to respond to the needs of special and underserved populations.

The programs have shown to increase minority representation in the health care workforce, which I believe is absolutely essential for our health system.

At a time when the American people have come to rely on their health care providers more than ever, eliminating this resource would be devastating to the country's neediest communities.

Mr. KING of Iowa. Mr. Chairman, I offer an amendment to prohibit any funds from being spent by the Department of Education in violation of current federal law.

According to existing federal law, any state providing illegal aliens in-state tuition discounts must provide these discounts to all students, regardless of state of residence. Section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 clearly states that:

''Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.''

My amendment simply seeks to enforce existing law.

Not only is providing in-state tuition to illegal aliens against the law, it would also place a huge financial burden on our society. The costs to states of providing in-state tuition to illegal aliens throughout the U.S. help illustrate the high cost of these measures. Approximately 126,000 illegal aliens under 21 were enrolled in college in the year 2000. At nonresident tuition rates, they would pay between $503 million and $655 million annually. If they were made eligible for in-state tuition discounts, they would pay only $155 million to $201 million—leaving taxpayers to make up the difference of $349 million to $454 million. Given the fiscal constraints our nation is currently under, no good reason exists to spend additional money to give tuition discounts to illegal aliens.

As public universities across the country increasingly limit enrollment increasing the intake of illegal aliens into these schools will mean fewer opportunities and less aid for United States citizens and legal immigrants. This will also result in greater expense to the state taxpayers. Out-of-state tuition is typically two to three-and-a-half times higher than in-state tuition. The revenue lost as a result of providing in-state tuition to illegal aliens would have to be paid for by someone.

Finally, giving special treatment to illegal aliens is fundamentally unjust to legal immigrants who have invested a great deal to comply with our immigration laws or obtain legal citizenship. We should not reward those who have broken our immigration laws with the same benefits as those who have made an effort to respect the law. This measure is a fundamentally unjust and expensive attempt to integrate illegal aliens into our state and federally funded higher education systems.

Please join me in supporting this amendment to enforce existing law and avoid rewarding law-breakers.

Mr. BLUMENAUER. Mr. Chairman, the fiscal year 2006 Labor, Health and Human Services, Education, and Related Agencies appropriations bill is one of the most important bills for shaping our domestic priorities. Unfortunately the bill before this Congress imposes draconian cuts to the essential services that Americans rely on everyday.

The $1.2 billion cuts spread throughout these agencies will be devastating to the future of our Nation. I am astonished to see that the Department of Education will see its smallest increase in a decade, which comes at a time when school districts across the Nation are struggling to come up with adequate funding to address the unfunded mandates of President Bush's No Child Left Behind. This is the wrong kind of message to be sending to our children and teachers.

The one positive point during this debate was the passage of the amendment to restore the $100 million cut to the Corporation for Public Broadcasting (CPB). This vote signaled the bipartisan support that can be rallied to overrule the ideologically driven agenda of some in Congress. Millions of people across the country contacted Congress this week in support of CPB and the overwhelming vote in favor of the amendment to restore funding (284–140, 87 Republican and every Democrat in support) is an indication of the more reasonable approach the country expects from Congress.

Unfortunately, this bill eliminates 48 programs and slashes funding for critical programs across the country. I will not support a bill that falls so short in meeting America's needs, in fact, creates more disparities. We must do better to address the obligations we have to the people of this country.

Mr. KUCINICH. Mr.Chairman, I rise today to join my colleagues in urging full funding of the National Children's Study.

Two of the most important health studies ever conducted were large, ambitious epidemiological studies. The Framingham Study followed the health and risk factors of thousands of men and women for fifty years. The result has been a major change in the way we view, treat and prevent heart diseases. The Nurse's Study has monitored the health of over one hundred thousand women for decades. It, too, has resulted in unprecedented leaps forward in public health.

Now, we must turn our attention to one of the biggest sources of public health threats of our time: our own environment. The National Children's study will follow 100,000 children from before birth until age 21. Similar to the Framingham study and the Nurse's study, it could yield giant steps forward in our efforts to solve some of the most complex and pervasive health problems of our time: obesity, asthma, and autism are just a few. And we could start to see results within a few years of data collection.

Yet the study has been left in a holding pattern. In order to begin recruiting participants in the study, 69 million dollars is required for this year. Only 12 million dollars is provided in the FY 06 Labor HHS bill.

I hope that the conference committee allocates 69 million dollars in the conference report for the FY 06 Labor HHS Appropriations bill to the National Children's Study. We are not doing our future children any favors by postponing this study until it is financially convenient. The need is here. The possibilities are here.

Mr. BISHOP of New York. Mr. Chairman, today I rise to express my deep concerns about how this bill falls $1.6 billion short in funding our Nation's most critically important domestic priorities—particularly education. This bill is a stunning example of the impact that this Congress's misplaced priorities can have on what most consider to be a basic human right—access to a quality education.

We have made a conscious choice: While we give away tax cuts worth $140,000 to millionaires, families earning $25,000 to $30,000 a year won't be able to afford sending their children to college this year. It's an unconscionable choice that defies our priorities and our values of standing up for middle class Americans.

Before I was elected to Congress, I spent 30 years as a college administrator. In that time, I came to fully understand how difficult it is for students and their families to afford college. Every day, I worked with parents and their children—scraping up money, grants, scholarships, whatever we could find—to help them realize part of the American dream—the opportunity to earn a college education.

But for the fourth straight year, Congress has short-changed students by cutting billions of dollars from the authorized level under law—$13.2 billion short of what is authorized for FY 06 and over $40 billion short since its enactment in 2001.

Another public law we have abandoned is the IDEA Improvement Act, which has been underfunded by nearly $4 billion since its enactment. For our Nation's 7 million disabled children, IDEA Part B grants alone fall short of the President's budget request by over $500 million.

At a time when some of the Nation's poorest school districts are fighting to stay open, this bill cuts Title I funding for the neediest of our elementary and secondary schools by $500 million below the President's request.

While in the past year alone, tuition has increased an average of 10.5 percent at 4-year public universities, this bill provides only a modest $50 increase in the maximum Pell grant—a full $1,000 short of what the President promised in 2001.

And, ironically, at a time when this Administration and Republican Congress talk about morality and family values in public affairs, this bill cuts local public TV and radio funds for childrens' shows like Sesame Street and Reading Rainbow.

My specific concerns about the higher education shortfalls stem from my belief that a quality education is integral to the success of Americans and the nation as a whole. As an increasing number of students graduate from high school and pursue postsecondary education and training, we must make the necessary investment to deliver accessible, affordable and excellent education to all Americans.

Each year, millions of hardworking American students and their families struggle to cover the cost of attending college, even after exhausting all of the options available to them such as scholarships, student loans, Pell grants, and college work-study.

The typical low-income student falls $3,800 short of college costs even after their family contribution, student loans, grants, and work have been accounted for.

Today, an affluent student in the bottom percentile of their class is more likely to go to college than an economically disadvantaged student at the top of their class.

With college enrollment expected to expand by 14 percent, to more than 15 million students over the next decade, now is the time that Congress must invest its resources towards helping students gain access to college.

But under this bill, the percentage of college costs covered by the Pell Grant would drop to a new low of 32 percent. This is compared to thirty years ago when the Pell Grants paid for 72 percent of the cost for a 4-year public college.

The lack of a significant increase in the Pell Grant comes at a time when changes to the tax allowance formula used to calculate the Department of Education's ''Expected Family Contribution'' eliminated Pell Grant awards for over 90,000 students, and reduced scholarships for an additional 1.3 million students.

For the second year in a row, this bill also freezes funding for Supplemental Education Opportunity Grants (SEOG) and College Work Study. This is the second year in a row that SEOG and Work-Study have received flat funding.

With this bill, we have made a conscious choice—to provide more comfort for the comfortable at the expense of those who are trying to make a better life for themselves.

Mr. ETHERIDGE. Mr. Chairman, I rise in opposition to H.R. 3010, the Departments of Labor, Health and Human Services and Education Fiscal Year 2006 Appropriations Act. H.R. 3010 severely under funds education, health care, and job training efforts that are crucial to North Carolina and to the country.

As the only former state schools chief serving in Congress, I know firsthand the devastating effects that these education cuts will have. At a time when we are asking our schools to do more than ever, these education cuts will destroy the morale of our teachers, parents and students. Not only does this appropriations bill continue to under fund No Child Left Behind, but it also shortchanges special education for 6.9 million children, fails to raise the maximum Pell Grant and eliminates successful education initiatives like drop out prevention. These education cuts will make it impossible for our schools to meet high standards of accountability.

Unfortunately, H.R. 3010 also fails to provide adequate funds for key health care programs. In rural communities it is often hard to find a doctor, and emergency rooms can be dangerously far away. This appropriations bill slashes funding for rural and preventative health. Activities that would be terminated include initiatives designed to encourage new medical and dental school graduates to choose primary care specialties and to practice in rural and urban under-served areas. I am also concerned about the inadequate funding for Preventative Health Block Grants and Community Health Centers, both of which provide much needed services to the people of North Carolina's 2nd District.

Mr. Chairman, I urge my colleagues to vote against this bad bill.

Mr. UDALL of Colorado. Mr. Speaker, I rise in opposition to H.R. 3010, which provides federal funding for health, education and worker programs. This bill contains $1.6 billion less than the current year and fails miserably to make important basic investments in education, healthcare, job training and job protection programs.

On healthcare, the bill takes a huge step backward in efforts to maintain basic health care services for the people in this country who are uninsured or underinsured. It eliminates the Healthy Communities Access Program, which helps health centers and public hospitals provide care for the uninsured. The bill cuts rural health care program funding almost in half, and it wipes out almost all of the Title VII health profession training programs that institutions like the CU Health Sciences Center need in order to provide critical training and education for medical students and residents who aim to practice in rural, low-income, and under-served areas.

And while the bill eliminates or cuts funding for several programs, it also fails to adequately fund others. The bill is $200 million short for community health centers to cover rising health care costs at existing centers or to expand care for the uninsured. The National Institutes of Health, which works to find cures for many diseases, gets a paltry .5 percent increase in funding, the smallest percentage increase in 36 years which is not even enough to keep up with inflation in research costs. State and local health departments will be hobbled in protecting the public against infectious and other diseases because the bill cuts the Preventive Health Block Grant by 24 percent. Further, grants that help health departments improve their preparedness against bioterrorism and other public health emergencies are cut by $75 million. And the Ryan White AIDS programs funding is frozen, even though the number of people living with HIV/AIDS has been rising by more than six percent each year.

On the education front, the Republican Majority has imposed the first freeze on education funding in a decade while requiring local school districts to implement federal mandates under the No Child Left Behind Act. Though I am pleased to see some of the programs that were cut in the President's budget were restored in this bill such as vocational programs, I am concerned by the low levels of funding for several education programs.

Our nation has seen a decreased number of students studying the science, technology, engineering and mathematics (STEM) disciplines, and in turn fewer Americans are seeking careers in STEM fields. The Math and Science Partnership provides grants to recruit STEM majors into teaching, and links current teachers with state agencies or universities to improve teaching skills. This program, coupled with its counterpart at the National Science Foundation, works to improve the quality of teaching in math and sciences that will excite students to study these disciplines. This bill cuts this program by $11 million from the current budget and $79 million below the President's request. Unless we invest in these programs we will continue to see the decline in the number of STEM majors and those seeking these careers.

I am also concerned by the funding levels provided for Part B state grants under IDEA. Last Congress we passed an authorization for IDEA that sought to reach full funding of the program by 2011. This budget is $3.9 billion below the FY2006 level authorized in the IDEA Improvement Act. Though I am pleased to see this program received an increase of $140 million over the FY05 level, I do not think we are doing enough to help states provide adequate education for disabled students.

I am pleased that the House approved the Obey amendment to restore $100 million for public broadcasting. The Corporation for Public Broadcasting provides an important service to Americans that could not be possible without federal funding. In an effort to maintain independence the Corporation for Public Broadcasting receives funding two years in advance. I believe it is important to maintain the independence of public broadcasting and we should not be taking from already appropriated funds. I am proud that the House acted to protect this excellent programming and reject the cuts originally included in this bill.

Overall, this bill makes drastic cuts to critically important health care, education and job training programs, and it fails to adequately fund other programs and that is why I cannot support it.

Mr. KELLER. Mr. Chairman, I am pleased that both Republican and Democrats have accepted my amendment and that it has passed today as part of the unanimous consent agreement.

Mr. Chairman, I believe it was a colossal waste of taxpayer dollars by the U.S. Department of Education to pay $240,000 to columnist Armstrong Williams to promote The No Child Left Behind Act.

This amendment ensures that it will never happen again by providing that no taxpayer

funds shall be used, either directly or indirectly, by private contractors, which include public relations firms, journalists, and media commentators, to support or defeat legislation pending before this Congress.

The policy behind my amendment is straightforward. Using taxpayer dollars to bribe journalists to bias their news coverage in favor of legislation is a waste of taxpayer money, it is a black eye on the independence of our free press, and it undermines the integrity of our democracy.

Mr. Chairman, let me give you some background as to why this amendment is necessary. In January of this year, media reports revealed that the U.S. Department of Education entered into a $1 million contract with a private contractor, known as the Ketchum Public Relations firm. This PR firm then turned around and paid $240,000 in a sub-contract to newspaper columnist and TV commentator Armstrong Williams to promote The No Child Left Behind Act.

Specifically, under the contract, Armstrong Williams was paid to ''regularly comment on NCLB during the course of his broadcasts,'' to ''encourage the producers'' of a cable TV program to ''periodically address'' the NCLB law, and it specified that the Secretary of Education and other education officials would have the right to appear from ''time to time'' as guests on Williams' TV programs.

Shortly after learning about this situation, President Bush criticized the Education Departments $240,000 payout to Armstrong Williams and ordered his cabinet secretaries not to hire columnists or commentators to promote administration policies.

Specifically, President Bush stated: ''All our cabinet secretaries must realize that we will not be paying commentators to advance our agenda. Our agenda ought to be able to stand on its own two feet. We need to make sure this kind of thing doesn't happen again.''

I agree with President Bush.

This is not a Republican or Democrat issue. It's a common sense issue. For example, while the Armstrong Williams matter happened during the Bush administration's watch, similar problems happened during the Clinton administration.

For example, the GAO noted that the Clinton administration's Health and Human Services department used actors in October of 1999 to portray reporters in fake news segments that were distributed to TV stations, without disclosing that the government had actually funded and produced the supposed news segments.

Mr. Chairman, it is dead wrong to use taxpayer dollars to pay private contractors, such as public relations firms, journalists and media commentators, to promote legislation pending before this Congress, and for that reason, I wholeheartedly thank my colleagues on both sides of the aisle for voting ''yes'' on my amendment.

Mr. STARK. Mr. Chairman, I rise in strong opposition to the Labor-HHS-Education appropriations bill today. This bill grossly underfunds key domestic priorities in education, health, human services, job training, public broadcasting, and the list goes on and on.

Appropriations bills typically include at least a slight increase in spending from the following year to make up for inflation, if nothing else. Instead, this bill actually cuts spending below last year's level by $1.6 billion. The cuts are so plentiful that it is hard to put together a concise statement highlighting my rationale for voting no.

President Bush and the Republicans in Congress proudly proclaimed their support for improving our Nation's education system when they passed the bipartisan No Child Left Behind law. Ever since that time, they've been avoiding putting the dollars behind that commitment. Today's bill is another example of this retreat.

The bill before us underfunds No Child Left Behind by $13.2 billion. It also goes on to freeze funding for after-school programs even though only 38 percent of eligible programs can obtain funding at these levels. It also shortchanges special education for 6.9 million children by failing to meet our government's commitment to IDEA. Head Start, a program well-documented in its effectiveness, fails to obtain the resources necessary for it to give a step up for millions of eligible children.

The bill is no better when it comes to important health care priorities. President Bush has gone out of his way to emphasize his commitment to ending AIDS around the globe. But, when it comes time to turn that sound bite into reality, he and his party turn their backs. This bill eliminates funding to the Global Fund to Fight HIV/AIDS and freezes almost all funds in the Ryan White AIDS programs which provide services to people suffering from HIV and AIDS here at home. At the same time the bill wastes $115 million on unproven abstinence only education programs.

This bill eliminates funding for HHS health professions training programs, slashes funding for public health efforts to increase preventive care, eliminates the Healthy Families Communities Access Program aimed at helping local advocates and governments develop solutions to cover the uninsured, and provides the smallest increase in 36 years for the NIH.

On the human services front, this bill fails to provide needed funds for child care. For the 4th year in a row, it freezes federal funding for the Child Care Block Grant even though millions of low-income families cannot afford adequate, safe child care for their children. It also cuts vital funding for low-income home energy assistance. And, it slashes funding for the Community Services Block Grant which provides funds to local communities to help them provide basic services to low-income families.

The provision in this bill that has received the most public attention is the provision to gut $100 million in funding for public education. I'm pleased that we passed an amendment on the House floor to eliminate that cut. So, we've protected PBS, NPR and other public broadcasting initiatives for now. But, make no mistake about it, the Republicans want to go much further than reducing funding. Much like they're working to privatize Medicare and Social Security, they would happily turn our airwaves—which are public space—over to the private sector as well.

These are a sampling of the many reasons I oppose the bill before us today. I urge my colleagues to join with me in voting ''no'' on the wrongheaded priorities of the Republican majority. Health, education and human services are core responsibilities of our Federal Government. This bill fails on all fronts.

Ms. KILPATRICK of Michigan. Mr. Chairman, I rise in opposition to this bill.

Let me begin by thanking Chairman REGULA, Ranking Member OBEY and their staff for their hard work in bringing this bill to the House floor.

Although the Committee has done its best, it is shameful the Committee had a limited amount of money to fund America's highest domestic priorities. This Republican led Congress and the Administration has put the $140,000 tax cuts for people who make $1 million or more a year; and spending $250 billion fighting the war in Iraq and Afghanistan ahead of the need to invest in our children, our education system, our health care system, and job training programs that will help American families.

This bill does fund many of the programs that the Administration wanted to cut or eliminate programs such as TRIO, GEAR UP, Vocational Education State Grants and Adult Education programs.

However, the bill before us today sorely underfunds or eliminates too many programs. The bill zeroes out 48 programs. The list is enclosed. Also, the bill provides the smallest increase for the National Institutes of Health in 36 years.

This bill cuts $806 million from No Child Left Behind.

This bill provides only a $50 increase in Pell grants, despite hundreds of dollars of increases in college tuitions and costs.

This bill cuts the Employment Service program by $116 million. The Employment Service program helps the unemployed with finding jobs and with 7.6 million Americans out of work this program is critical.

Quality pre-natal care and health services for low-income mothers and infants should be a priority but this bill cuts the Maternal and Child Health Block Grant program by $24 million and the Healthy Start program targeted to communities with high infant mortality by $5 million.

The Low-Income Energy Assistance Program that helps families pay heating bills is cut by $198 million at a time when gas prices are at their highest.

The Safe and Drug Free Schools program to keep school aged children off drugs and alcohol is cut by $37 million, which will devastate many families and communities.

Preventative Health Block Grants to state health departments are cut by $31 million.

The bill slashes the Education Technology Program by $196 million.

The Community College Initiative is cut in half by $125 million.

It freezes after-school centers for the fourth year in a row.

Mr. Chairman, this bill eliminates 48 programs, including the elimination of $100 million Department of Health and Human Services' contribution to the Global Fund to Fight HIV/AIDS, Malaria and Tuberculosis.

It eliminates comprehensive school grants for 1,000 high-poverty school districts by eliminating the program.

This bill eliminates 10 out of the 12 Title VII health profession training programs. These programs help ease the shortage of doctors, dentists, and other health professionals in underserved areas.

This bill eliminates the Health Communities Access Program that helps health centers and public hospitals better serve the uninsured.

Mr. Chairman, HR 3010 does not invest in our future, our families, or our country. The needs and values of Americans are not addressed. This bill shortchanges the American

people. The Appropriations Committee had to make tough choices because of the strict budget allocations brought on by the misguided and irresponsible tax cuts for the richest of Americans and the cost of the war, but programs that help millions of Americans should not be on the chopping block.

Congress is walking away from our commitment to equal opportunity and a better quality of life for all Americans. Greater access to job training, better jobs, affordable healthcare, quality education, and closing the disparity gap should be our goal.

The Labor, Health & Human Services, and Education bill falls far short of achieving these goals and strengthening American families.

FY 2006 LABOR-HHS-EDUCATION APPROPRIATIONS BILL PROGRAM TERMINATIONS

	FY 2005 Comparable	FY 2006 Committee
Department of Labor		
Responsible Reintegration of Youth	49,600,000	0
Denali Commission	6,944,000	0
Subtotal, Department of Labor	56,544,000	0
Department of Health and Human Services		
Healthy Communities Access Program (HCAP)	82,993,000	0
Health Professions Diversity: Faculty Loan Repayments & Fellowships	1,302,000	0
Health Careers Opportunity Program (HCOP)	35,647,000	0
Training in Primary Care Medicine and Dentistry	88,816,000	0
Area Health Education Centers	28,971,000	0
Health Education and Training Centers	3,819,000	0
Geriatric Health Professions Training Programs	31,548,000	0
Quentin N. Burdick Program for Rural Interdisciplinary Training	6,076,000	0
Allied Health and Other Disciplines Training	11,753,000	0
Public Health, Preventive Medicine and Dental Public Health Training	9,097,000	0
Health Administration Training Programs	1,070,000	0
Health Professions Workforce Information & Analysis	716,000	0
Sickle Cell Demonstration Program	198,000	0
Rural Health Research & Policy Development	8,825,000	0
Rural Emergency Medical Services Training	496,000	0
State Planning Grants for Health Care Access	10,910,000	0
Trauma Care/Emergency Medical Services	3,419,000	0
Denali Commission	39,680,000	0
NIH Extramural Research Facilities Grants	29,760,000	0
Community Food and Nutrition	7,180,000	0
National Youth Sports Program	17,856,000	0
Early Learning Opportunities Program	35,712,000	0
Subtotal, Department of Health and Human Services	455,844,000	0
Department of Education		
Comprehensive school reform*	205,344,000	0
Parental information and resource centers	41,886,000	0
Byrd scholarships	40,672,000	0
Arts in education	35,633,000	0
Alcohol abuse reduction	32,736,000	0
Ready to Learn	23,312,000	0
State grants for incarcerated youth offenders	21,824,000	0
Star schools	20,832,000	0
Foreign language assistance	17,856,000	0
Ready to teach	14,291,000	0
Javits gifted and talented education	11,022,000	0
Occupational and employment information	9,307,000	0
Exchanges with historic whaling and trading partners	8,630,000	0
Demonstration projects for students with disabilities	6,944,000	0
Community technology centers	4,960,000	0
Literacy programs for prisoners	4,960,000	0
Mental health integration in schools	4,960,000	0
Dropout prevention program	4,930,000	0
Tech-prep demonstration	4,900,000	0
Thurgood Marshall legal opportunity program	2,976,000	0
Women's educational equity	2,956,000	0
Underground railroad program	2,204,000	0
Excellence in economic education	1,488,000	0
Interest subsidy grants	1,488,000	0
Subtotal, Department of Education	526,111,000	0
Total—48 Programs	1,038,499,000	0

*The Committee bill includes $10 million to close out national activities and evaluations.

Mr. MARKEY. Mr. Chairman, I rise today to oppose the massive cuts to the Title VII health professions training programs which play a critical role in addressing the shortage of doctors, nurses, dentists and other health professionals in underserved areas and have proven to increase the diversity of the health care workforce.

The Republicans' fiscal year 2006 budget gives away $106 billion in tax cuts to the wealthiest in our society. Now, in order to pay for those cuts, they are making huge cuts to critical programs for the poor and the most vulnerable in our country. The Title VII health professions training programs are some of the many casualties of these tax giveaways.

In order to pay for tax cuts to the wealthy, this bill slashes funding for the Title VII programs by 84 percent, cutting the programs from $300 million to $47 million. These Title VII programs promote access to quality health care to for our nation's neediest citizens and they are only federal programs designed help prepare health professionals to respond to the needs of these special and underserved populations.

These programs are a vital component of the health education system in our country and are necessary to maintain the high quality health care that we expect. These cuts will have a dramatic impact on the system at a time when essential health care services are already facing funding cuts and program eliminations.

I urge you to oppose these cuts and I am hopeful that the Committee will work to increase funding for these programs in Conference.

Mr. BROWN of Ohio. Mr. Chairman, many Americans seeking disability benefits under the Social Security Disability Insurance program, more commonly know as SSDI, face intolerable delays in the processing of their claims.

SSDI is a true insurance program. All American workers pay into the program, and any working American who becomes disabled is eligible for assistance.

The Social Security disability system has a backlog of more than a half-million cases on appeal. Social Security Commissioner Jo Anne Barnhart testified last year that, on average, it took more than 3 years to complete processing of a disability claim on appeal, from the day it's filed to the day it's finally adjudicated.

These delays come with a high cost for the men and women forced to wait. For some, it means exhausting their life savings. Others lose their health insurance coverage, the family car, and even their homes. And as once-proud workers unable to pay their bills are reduced to borrowing from friends and family, some Americans lose even their dignity.

These delays have hit home in my Ohio district. One constituent, Bobbi from Sheffield, Ohio—a single mom injured in an auto accident in 2001—exhausted her life savings and was forced onto welfare while she waited. She finally received the support she had earned just last month, after waiting 4 years.

Another constituent, Ronald from Elyria, Ohio has a heart condition that left him disabled in 2001, but he had to wait 3 years for benefits.

The appropriations bill before us today offers a chance to improve the system, for these Ohioans and every American. This bill provides a badly-needed increase in administrative funding for the Social Security Administration.

A lot of these resources will go to funding administration of the new Medicare prescription drug benefit. But significant funding will be used to help SSA improve disability processing and reduce the claims backlog—with new technology and staffing.

I support the SSA administrative funding provision in this bill. But we can do better. The bill falls more than $100 million short of President Bush's request for Social Security administrative funding. Advocates for disabled Americans agree with the President that SSA needs every dollar of the President's request to attack the disability backlog.

I urge my colleagues to join me in supporting the SSA administrative funding level in this bill.

But I urge you then to work with me as this bill advances, to seek full funding of President Bush's SSA administrative budget request.

There has been a lot of talk lately about the future of Social Security. But our first obligation should be to make Social Security work as well as it can right now.

Mr. NUSSLE. Mr. Chairman, today we are considering the largest—and arguably most complex—of the domestic appropriations bills—the measure for Labor, Health and Human Services, and Education, H.R. 3010. I am pleased to say, as it addresses many of Congress's most sensitive domestic priorities, it also meets our fiscal responsibilities: it complies with the Budget Act, with our agreed spending levels, and with specific provisions of the budget resolution for fiscal year 2006.

THE BUDGET RESOLUTION

H.R. 3010 provides $142.5 billion in discretionary budget authority and $143.7 billion in new outlays for programs within the Departments of Labor, Health and Human Services, Education, and related agencies. This level represents a slight reduction from 2005: $329 million in budget authority. This reflects the need to restrain the rate of increase for non-defense, non-homeland security domestic discretionary programs, which provided the overall policy framework for this year's budget resolution. The $329-million reduction from 2005—which is just two-tenths of 1 percent—may feel more like $1 billion to the agencies funded by the bill. That is because the Appropriations Committee, in response to a White House request, included about $890 million for the 2003 Medicare prescription drug law's startup costs. Other programs in this bill had to make up the difference.

But such trade-offs are intrinsic to budgeting. As a result, as noted, the bill complies with the FY 2006 Budget Resolution. Its spending levels are within the subcommittee's 302(b) suballocation of new budget authority. To meet the cap, the bill includes a few rescissions. The bill does not contain emergency funds. It complies with the budget resolution provisions on advance appropriations.

Regarding this last point, the FY 2006 Budget Resolution places a total limit for advance appropriations in FY 2006 at $23.158 billion. The bill before us today will consume most of those funds, by providing $18.885 billion in advance appropriations for FY 2007. All of the accounts for which advances are made in the bill are listed as eligible within the budget resolution. Because no advance appropriations have yet been enacted this year, the bill does not cause a breach of this limit. Still, the House should be aware only $4.273 billion will remain available for advance appropriations.

PROGRAMMATIC PROVISIONS

Under this bill, Education would enjoy a slight ($120 million) increase, to $56.7 billion—which is $478 million over the President's request. In addition to that figure, the bill includes $4.3 billion to make up the Pell Grant backlog. This amount does no count against budget limits because it is scored as mandatory.

Additionally, the bill continues the commitment the House has made to the National Institutes of Health, providing $230 million more than last year. This brings total NIH funding to $28.5 billion. Worker retraining and dislocated worker assistance programs are also restored and augmented, which should help us continue to expand employment and ensure that Americans who want to work will be able to find good jobs. Dislocated Worker Assistance is funded at $1.4 billion, $62 million above the request.

CONCLUSION

I commend the Committee on Appropriations for bringing us a bill that funds many priority programs Members care about while living within our means in an era requiring tougher fiscal discipline. This is a responsible bill that fulfills our commitments to the public while living within the constraints of difficult fiscal times.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in opposition to the proposed cuts of more than $100 million to the Corporation for Public Broadcasting. This organization funds over 1,000 public television and radio stations nationwide, and the funding from Congress is essential to its functioning. CPB also funds producers, educators and technology specialists for the development of new public television and radio programming and new media. The CPB supports educational programs, as well as, provides education resources for parents and teachers.

I support the mission of the Corporation for Public Broadcasting in its goal of providing the public with education and informative media sources. In a time when much furor exists over the decency of much of what is broadcast on our televisions and radios, it is only logical that Congress support an organization that has held traditional values to a high standard which is reflected in its programming. Children's programs such as Sesame Street and Arthur, programs which undoubtedly educate our children and instill them with positive values, will lose the necessary funding that keeps them on television. This is simply unacceptable.

When CPB comes to the Hill, it is clear that children of lawmakers from both sides of the aisle watch public television. Children from both parties laugh at Elmo and get their picture taken with Cookie Monster. Like my colleagues, my office has also received hundreds of phone calls urging Congress to restore funds for public broadcasting. Our constituents do not support these cuts which represent 25 percent of CPB's overall funding. I urge my fellow members to oppose the proposed cuts to the Corporation for Public Broadcasting.

Mr. ENGEL. Mr. Chairman, I rise today to urge that full funding for Title VII health professions programs be restored in the FY 2006 Labor-HHS Bill. The elimination of funding for valuable programs such as the Area Health Education Center (AHEC) and the Health Education and Training Center (HETC) would have an immediate, damaging impact on medical education, care, and research, especially in the State of New York.

Title VII authorizes grants for important programs designed to address problems such as recruitment and retention of providers for health centers, shortages in nursing and allied health, and the under-representation of minorities in the health care professions. These healthcare training programs are the only federal programs designed to increase the supply of primary medical care providers and public health professionals in underserved areas, such as inner cities and rural regions throughout the country. In addition, these programs seek to train more health professionals in fields experiencing shortages, improve the geographic distribution of health care personnel, and enhance minority representation in the pool of practicing health professionals.

New York has benefited greatly from Title VII health professions programs. In FY 2005, New York institutions received over $20 million in Title VII programs. However, continual annual budget cuts pose a great risk to health care in the state of New York. Without federal funding, the AHEC system will be greatly hindered in its ability to address the problems of access to health care, diversity of the health care workforce, and recruitment and retention of health care professionals in medically underserved areas. For these reasons I support the restoration of funding for Title VII health professions programs through the FY 2006 Labor-HHS Appropriations bill.

Mr. TAYLOR of Mississippi. Mr. Chairman, due to a family medical emergency, I am departing Washington, DC, at 10:30 a.m. on Friday, June 24th.

As a result, I will miss votes on the amendments to and final passage on H.R. 3010, the Departments of Labor, Health and Human Services, Education and Related Agencies Appropriations Act for Fiscal Year 2006. Upon my return to Washington, I will submit a statement indicating how I would have voted had I been present.

Ms. HOOLEY. Mr. Chairman, I am pleased that elements of the amendment I had intended to offer were incorporated into the en bloc amendment offered by Chairman REGULA.

As our troops return home from active duty service, a growing number of them are unable to return to the jobs they left behind. In the transition back to civilian life, they are encountering problems ranging from difficulties finding employment to being passed over for promotions to getting laid off under suspicious circumstances.

The Veterans Employment and Training Service (VETS) provides these veterans with the resources and services they need to make the transition from military to civilian life. VETS provides veterans with valuable training and job placement services as well as protecting the employment and reemployment rights of veterans, Reservists and National Guard Members.

With the influx of returning soldiers, the Veterans Employment and Training Service

needs additional resources to meet the growing demands of our veterans. More and more veterans will be looking for employment, which means increased demands for both job training and placement services as well as assistance with any discrimination claims.

This amendment will address these issues by providing $5 million to the Veterans Employment and Training Service so they have the money they need to meet the needs of our returning troops.

Of this funding, $3 million will go to the Veterans Workforce Investment Program which provides employment services to recently separated and service-connected disabled veterans. This program is currently funded at $7.5 million, a $1 million cut from last year. At a time when more and more soldiers are returning home and looking for jobs, we need to be providing more funding for this vital initiative, not less.

It also includes $500,000 for the National Veterans Training Institute, which conducts specialized training for veterans' employment and training service providers.

The remaining $1.5 million would be used to educate both service members and employers about the employment rights of veterans, including their rights and responsibilities under the Uniformed Services Employment and Reemployment Rights Act (USERRA), which prohibits workforce discrimination based on military service.

America has a responsibility to those who risked their lives to secure our freedom. Particularly today, as more soldiers come home from the battlefields of Iraq and Afghanistan, we must make every effort to help veterans reintegrate into civilian life, and that means helping America's veterans get back to work.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. PUTNAM, 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. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 337, 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.

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the minimum time for electronic voting on any motion to recommit may be 5 minutes, notwithstanding that it would be the first vote in a series.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, we cannot hear.

Mr. Speaker, I withdraw my objection, and I support the gentleman's motion.

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

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

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

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

Mr. OBEY. I most certainly am.

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

The Clerk read as follows:

Mr. OBEY of Wisconsin moves to recommit the bill, H.R. 3010, to the Committee on Appropriations.

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

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

There was no objection.

Mr. OBEY. Mr. Speaker, I ask unanimous consent that the motion be debatable and that debate be limited to 2 minutes, equally divided between the proponent and an opponent.

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY) for 1 minute on the motion to recommit.

Mr. OBEY. Mr. Speaker, this is a simple, straight motion to recommit so that the committee can repair the shortcomings in the education, health care and worker protection programs in the bill, and so that the committee can respond to the announcement of the Veterans Administration yesterday by adding a billion dollars to veterans health care programs.

I urge an ''aye'' vote on the motion to recommit. I will be voting against final passage, and I would hope a good many others will, too.

Mr. REGULA. Mr. Speaker, I claim the time in opposition to the motion to recommit.

Mr. Speaker, I urge a ''nay'' vote on the motion to recommit. I think this bill is fair, balanced, and good given the amount of money that is available. We do a lot of important things in education, health research, and in the Department of Labor. I urge all my colleagues to vote for the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of the motion to recommit offered by Ranking Member OBEY to increase funding for priority education, health care, human services and job training programs by $11.8 billion. In terms of education programs, the bill eliminates 24 education programs funded at $526 million in 2005. The largest of the terminated programs is Comprehensive School Reform. The bill also eliminates drop out prevention activities, parent assistance centers, arts education, K–12 foreign language instruction, Ready to Learn, Ready to Teach, and community technology centers.

In addition, the bill cuts No Child Left Behind below the current level. Specifically, H.R. 3010 cuts the program by $806 million (3.3 percent). Next year, school districts must achieve increasingly rigorous NCLB academic standards, administer annual reading and math tests to 3rd through 8th graders, and meet new standards for highly-qualified teachers. Despite these facts, funding for the program will fall $13.2 billion below its FY06 authorization and cumulative shortfall since enactment of the program will exceed $40 billion under the bill.

As it relates to health care issue, the bill continues to make cuts across the board which either eliminates important programs or at least cuts there funding in half. For example, the bill cuts rural health outreach grants from $39 million in FY05 to $11 million in FY06. These grants support rural hospitals, clinics, health departments and other providers to help improve primary health cares services in rural areas (including dental care, mental health treatment, and hospice care).

H.R. 3010 also supports fewer healthy start grants. Specifically, the bill produces a $5 million (5 percent) cut in the Healthy Start initiative, which makes targeted grants to improve prenatal and infant care in areas with high infant mortality rates. This funding level will allow renewal or replacement of only about half the 12 Healthy Start grants up for re-competition in FY06.

I would also like to take a moment to express my concerns with some of the many funding cuts for Title VII programs in this year's appropriations bill. While I am pleased to see that funding was provided for Minority Centers of Excellence ($12 million) and Scholarships for Disadvantage Students ($35 million), I am disappointed that Area Health Education Centers, Health Education and Training Centers, and Health Professions Training Programs were all zeroed out. These programs have been addressing the needs of medically underserved communities in Texas since 1991 by playing a key role in providing health services and health care professionals for our most vulnerable populations.

In regards to job training, H.R. 3010 makes cuts to training, employment and unemployment services. Although the economy has not fully recovered from the last recession, and 7.6 million Americans unemployed in May 2005, the bill cuts $346 million (3.6 percent) from critical services to unemployed, displaced and incumbent workers.

In light of the above stated cuts, I strongly support the amendment by Mr. OBEY. Again, his amendment would increase funding for priority education, health care, human services and job training programs by $11.8 billion. These are very important programs and we must provide funding for them. I encourage my colleagues to support the Chairman's amendment.

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the order of the House today, this will be a 5-minute vote, and pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for the electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 185, noes 216, not voting 32, as follows:

[Roll No. 320]

AYES—185

Abercrombie
Ackerman
Allen
Baird
Baldwin
Barrow
Bean
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
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
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
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
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
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
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
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
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
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (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)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—32

Andrews
Baca
Becerra
Berman
Boozman
Boyd
Camp
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Goode
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Moran (KS)
Nunes
Reyes
Rogers (AL)
Skelton
Slaughter
Tanner
Taylor (MS)
Taylor (NC)
Udall (NM)
Watson
Wilson (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded that 2 minutes remain in this vote.

□ 1629

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.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 250, nays 151, not voting 32, as follows:

[Roll No. 321]

YEAS—250

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
Engel
English (PA)
Evans
Everett
Farr
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matsui
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Oxley
Pascrell
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield

Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—151

Ackerman
Allen
Baird
Baldwin
Barrow
Berkley
Berry
Bishop (NY)
Blumenauer
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Edwards
Emanuel
Eshoo
Etheridge
Filner
Flake
Ford
Frank (MA)
Franks (AZ)
Gibbons
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Hefley
Herseth
Hinchey
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Price (NC)
Ramstad
Rangel
Ross
Roybal-Allard
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Sherman
Simmons
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Tancredo
Tauscher
Tierney
Udall (CO)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—32

Andrews
Baca
Becerra
Berman
Boozman
Boyd
Camp
Capito
Davis, Tom
Delahunt
Fattah
Gohmert
Goode
Gutierrez
Harman
Harris
Jones (NC)
LaTourette
Lewis (GA)
Meeks (NY)
Moran (KS)
Nunes
Reyes
Rogers (AL)
Skelton
Slaughter
Tanner
Taylor (MS)
Taylor (NC)
Udall (NM)
Watson
Wilson (NM)

□ 1637

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

Mr. MEEHAN and Mr. WYNN changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. WILSON of New Mexico. Mr. Speaker, because I attended a BRAC Commission hearing in New Mexico, I missed the vote on final passage of the Departments of Labor, Health and Human Services, and Education Appropriations Act for Fiscal Year 2006, H.R. 3010 (rollcall vote No. 321). If I had been there, I would have voted no on final passage.

Additionally, if I had been in attendance, I would have voted in favor of the Obey Amendment to restore funding for the Corporation for Public Broadcasting (rollcall vote No. 305).

MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monohan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 714. An act to amend section 227 of the Communications Act of 1934 (47 U.S.C, 227) relating to the prohibition on junk fax transmissions.

S. 1181. An act to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill.

The message also announced that pursuant to Public Law 108–136, the Chair, on behalf of the Democratic Leader, appoints the following individual to serve as a member of the Veterans' Disability Benefits Commission.

Mr. Ken Jordan, of California, vice Mr. Mike O'Callaghan of Nevada.

REPORT ON H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Mr. KOLBE, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–152) on the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON H.R. 3058, DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, DISTRICT OF COLUMBIA, INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

Mr. KNOLLENBERG, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–153) on the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPUBLICANS DEFEAT DEMOCRATS IN ANNUAL CONGRESSIONAL BASEBALL GAME

Mr. OXLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

Mr. HOYER. Mr. Speaker, reserving the right to object, I so want to object to what happened last night and he is going to talk about it, but I know that comity demands that I do not object.

I yield to my friend from Ohio.

Mr. OXLEY. I thank the gentleman for yielding. What gave it away?

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio (Mr. OXLEY) is recognized for 1 minute.

There was no objection.

Mr. OXLEY. Mr. Speaker, this is, of course, what they call the bragging rights, the day after the annual congressional baseball game.

Mr. Speaker, last evening at historic Robert F. Kennedy Stadium, the Republican baseball team defeated the Democrats by a score of 19–10. We most appreciate everybody's participation. Mr. Speaker, this was the largest crowd in the history of this vaunted contest that goes back, in the modern era, some 45 years. We had almost 6,000 spectators. The winners in this contest were not the Republicans, really, but the charities that were involved that will benefit greatly. We raised about $125,000 for the Boys and Girls Club of Washington and the Adult Literacy Council.

I want to thank all of the players who participated, particularly Kevin Brady, the second baseman for the Republican squad, who was voted our MVP. Kevin has had a checkered career recently. The last two seasons before this, he did not last through the first inning because of injuries. This year he played the entire game and had a couple of hits and played well in the field and was voted our MVP.

Our congratulations also go to Jay Inslee from the Evergreen State who played magnificently at third base for the Democrats and was awarded the MVP award by the manager of the Democratic team, my good friend, Martin Sabo, a great sportsman and a real leader.

We enjoyed the game immensely. I want to publicly thank the gentleman from Maryland for hosting us for so many years up in Bowie; but we had an opportunity, as he knows, to move to the major league ballpark, and to play in a major league ballpark, I think I speak for all of our players, was like getting our youth back, at least for 2 or 3 hours out there in that contest.

I want to thank all of the sponsors and all of the people who purchased tickets for this event. It was truly a great historic event on the Hill and one that we look forward to participating in next year.

I will be glad to yield to my friend from Maryland.

Mr. HOYER. I thank my friend for yielding.

On behalf of our side, we want to congratulate the Republicans on their victory. I was sorely tempted to object to this whole colloquy.

Mr. OXLEY. I would have found a way somehow to get this in.

Mr. HOYER. It is always a terrific evening where everybody enjoys themselves. There is good comradeship on the field, across the party lines. It is good fun. The Republicans had a great game, particularly early on. They got way ahead of us. We tried to catch up and could not do it, but it was a fun evening.

Mr. Speaker, the Bowie Bay Sox, a Double A team in the Baltimore Oriole organization, and the Bay Sox Stadium located in Bowie, Maryland, in my district, has been the host of this ball game over the last 6 or 7 years. It is a great little stadium, one of the best minor league stadiums, I think, in the country. It is a fun place to play, but it is approximately 25, 30 minutes from here and, with traffic, a longer period of time.

As the gentleman from Ohio (Mr. OXLEY), the manager of the Republican team, has pointed out, we had double the crowd, maybe even more than double the crowd, the largest crowd in our history, and the beneficiaries, of course, are the children and the families and the institutions that benefited from the contributions made by the people who attended and by those sponsors who generously provided resources to support this game.

I want to congratulate the gentleman from Ohio (Mr. OXLEY). I know on behalf of the gentleman from Minnesota (Mr. SABO), the Democratic manager for many, many years who is not on the floor, I want to congratulate him and all of our players as well. It is a fun evening. It is a good evening. We congratulate the winners.

We are out recruiting very heavily. We used to recruit people who we thought would be good Members of Congress. We have slightly changed our focus. We are trying to get some good ball players. But we will work at it.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring who is going to do the schedule today.

Mr. MCHENRY. I shall, Mr. Speaker. I am Congressman PATRICK MCHENRY, a new Member from North Carolina.

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

□ 1645

LEGISLATIVE PROGRAM

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

Mr. MCHENRY. Mr. Speaker, based on the kindness of the majority leader allowing for new Members to be involved in this process, the majority party's governance of the House, I would seek to outline for fellow Members what the majority intends to do next week in terms of the agenda. Normally this is what the minority whip would ask at this point; however, I certainly see him leaving the floor.

Mr. Speaker, the House will convene on Monday at 12:30 p.m. for morning hour debates. At 2 p.m. we will move to 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 the day. Any votes called on these measures will be rolled until 6:30 p.m.

On Tuesday and the balance of the week, the House will consider several measures under the rule: The Foreign Operations Appropriations Act for Fiscal Year 2006; the Transportation, Treasury, Housing and Urban Development Appropriations Act for Fiscal Year 2006; and H.R. 2864, the Water Resources Development Act of 2005.

At this point, Mr. Speaker, I certainly want to thank the majority leader for his hard work on keeping our agenda on track here in the House. I certainly thank him for his leadership, and I want to thank the majority leader also for providing more opportunities for new Members of the House. Unfortunately, it seems that the minority whip did not see that as a good opportunity to broaden the base and allow others to have a role in this House.

ADJOURNMENT TO MONDAY, JUNE 27, 2005

Mr. MCHENRY. 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. THORNBERRY). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MCHENRY. 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 North Carolina?

There was no objection.

HEALTH CARE FOR VETERANS

(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, we have been speaking about the tragedy in Iraq, the need for a plan, and we have formulated the Out of Iraq Caucus that really responds to the American people who have lost confidence in the reason why we went to war, some 50 to 60 percent. And even though we have heard from Secretary Rumsfeld on defending the status quo that the insurgent battle has been won, we know that the commanding general has said it is ongoing.

But to add consternation to that, I share with my colleagues that funds for health care for veterans is $1 billion. We see here in the Washington Post the outrage of Senate Republicans, and I thank the gentleman from Texas (Mr. EDWARDS) for bringing it to our attention.

We should not leave this place until we respond to the needs of returning veterans who now come home after fighting in Iraq and Afghanistan where we are $1 billion short for their care. What are we saying to those who are willing to sacrifice their lives on the front lines of Iraq and Afghanistan? When they come home with liver disease, when they come home with trauma, mental illness, we have no place for them to go.

CONGRATULATING FIFTH GRADE STUDENTS OF HILLANDER ELEMENTARY SCHOOL

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

Mr. CONAWAY. Mr. Speaker, I would like to congratulate the fifth grade students of Hillander Elementary School in Midland, Texas for raising $4,200 on Saturday, April 30, 2005, for the honorable men and women of the Midland-based Texas National Guard Company C, 2nd Battalion, 142nd Infantry, who have been deployed in the Middle East for some 5 months now.

Mary Clare Holmes, a student at Hillander, devised plans for a fundraiser after hearing stories of children who raised money for the victims of last year's tsunamis. With these fellow youngsters in mind, she enlisted her classmates to raise money through a bake sale for their hometown troops.

They devoted their time to helping our men and women fighting for freedom abroad by making items such as salsa, bundt cake, and cookies for the sale. They set a positive example not only for our Nation's youth but showed the American spirit of giving that should be an example to everyone. The noble efforts of these students were well received in the community and the items for sale were quickly purchased.

With the resounding success of the bake sale, the students wanted to make sure the proceeds were used in a way that would most benefit the soldiers and their families. With the advice of local army officials, the students decided that the money they raised would be best used to purchase phone cards. The efforts of the fifth graders at

Hillander will allow the brave men and women defending freedom abroad to spend more time in touch with their loved ones. The students at Hillander set a wonderful example of how a small unselfish effort can greatly benefit our military personnel.

I am proud to have compassionate and caring youngsters in my district, and I know our soldiers abroad will greatly appreciate their efforts.

ANNOUNCEMENT OF OFFICIAL OBJECTORS FOR PRIVATE CALENDAR FOR 109TH CONGRESS

The SPEAKER pro tempore. On behalf of the majority and minority leaderships, the Chair announces that the official objectors for the Private Calendar for the 109th Congress are as follows:

For the majority:
Mr. COBLE of North Carolina;
Mr. CHABOT of Ohio; and
Mr. FEENEY of Florida.
For the minority:
Mr. BOUCHER of Virginia;
Mr. SCHIFF of California; and
Mr. GRIJALVA of Arizona.

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 Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to take the Special Order time of the gentleman from Minnesota (Mr. GUTKNECHT).

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

There was no objection.

U.S. SUPREME COURT DECISION STRIKES SERIOUS BLOW TO CONCEPT OF PRIVATE PROPERTY

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, the U.S. Supreme Court yesterday handed down a decision that will ultimately be very harmful to our freedom and our prosperity. In a 5-to-4 decision, the Court decided that a city government could take a private home by eminent domain for the benefit of another private party.

This decision was in the case of Kelo v. City of New London, Connecticut, and it strikes a serious blow right at the heart of or the concept of private property, which our Founding Fathers believed in so strongly. If anyone does not realize how important private ownership of property is to both our freedom and our prosperity, they should do a more detailed study of economics and world history. The most prosperous countries in the world, without exception, have been those that gave the greatest protection to private property. Not only is it important to individuals, it is important to government as well.

It sounds great for a politician to create a park; however, now that we have so many Federal, State, and local parks, we cannot take care of them properly. Also, most of them are vastly underused. But more importantly, when property goes from private to public ownership, it goes off the tax rolls. This means that taxes have to continually go up on the property that remains in private hands for the always increasing costs of schools and other public functions.

We can never satisfy government's appetite for money or land, Mr. Speaker. I will repeat that. We can never satisfy government's appetite for money or land. They always want more. The Federal Government already owns over 30 percent of the land in this Nation. Another 20 percent is held by State or local governments or quasi-governmental agencies. So today about half the land is in some type of public ownership. But government always wants more and is continuously taking more. In addition, there are more and more restrictions being placed on the land that remains in private ownership, so developers are having to crowd more and more people into apartments, townhouses, or homes on postage-stamp lots, all at a rapidly escalating prices.

Some have said we do not need to worry about this decision because this new power will be used sparingly by local governments. Those who say that either do not really believe very strongly in the right of private property or they do not realize how government at all levels can rationalize or justify almost anything, especially almost any taking of property.

Justice Sandra Day O'Connor in her dissent against the Court's decision said: ''The Court today significantly expands the meaning of public use. It holds that the sovereign may take private property currently put to ordinary private use and give it over for new, ordinary private use so long as the new use is predicted to generate some secondary benefit for the public, such as increased tax revenue . . . But nearly any lawful use of real private property can be said to generate some incidental benefit to the public. Thus,'' she said, ''there really is now no realistic constraint on the taking of private property.''

Justice O'Connor went on to say, ''For who among us can say she already makes the most productive or attractive possible use of her property? The specter of condemnation hangs over all property. Nothing is to prevent the State from replacing any Motel 6 with a Ritz Carlton, any home with a shopping mall, or any farm with a factory.''

She later added, ''Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process . . . As for the victims, the government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result.''

In my home region of East Tennessee, government has taken huge amounts of land. Almost all has been taken from poor or lower-income families who would be wealthy today if they still had their beautiful land. Justice Clarence Thomas said in his dissent, ''Something has gone seriously awry with this Court's interpretation of the Constitution. Though citizens are safe from the government in their homes, the homes themselves are not.'' Justice Thomas went on to say, ''The consequences of today's decision are not difficult to predict, and promise to be harmful . . . Extending the concept of public purpose to encompass any economically beneficial goal guarantees that these losses will fall disproportionately on the poor.''

Mr. Speaker, this decision by the U.S. Supreme Court is a very dangerous one and will end up being especially harmful to the poor and lower-income and working people of this country.

Thomas Jefferson once said, ''A government big enough to give you everything you want is a government big enough to take away everything you have.''

TRIBUTE TO MAYOR JERALD AUGUST GLAUBITZ

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

Mr. HOYER. Mr. Speaker, the men and women of America's greatest generation, the generation that saved freedom and defeated tyranny, pass quietly from this life each day. Too quietly, I believe. For this generation of Americans must never forget that we are the beneficiaries of their selfless acts and their sacrifice. They made America what it is today: free, strong, and vibrant.

Today, Mr. Speaker, I want to recognize and salute the many contributions of one member of that great generation, Jerald August Glaubitz, who passed away on April 26 at the age of 84.

□ 1700

Jerry Glaubitz was a constituent of mine. He was a friend of mine. In some

respects, he was a mentor of mine. I have known him for almost 40 years. More importantly, he was a trusted public servant, a patriot, and a good personal friend.

A native of Murdock, Nebraska, Jerry was just 18 years old when he joined the United States Navy in 1938. He was stationed on the U.S.S. *San Francisco* and was present at Pearl Harbor on that day of infamy in December 1941 when 2,300 sailors and civilians lost their lives.

Jerry Glaubitz survived the treacherous Japanese attack at Pearl Harbor and remained determined to honor the memory of those service men and women who were not as fortunate. Jerry served as the president of the Pearl Harbor Survivors Association, and he played a key role during the observation of the 50th anniversary of that attack.

After the war in which Jerry served, he returned home, more than determined than ever to live a life defined by the love of his wife and family, a life marked by his commitment to community and to his Nation. For 43 years, from 1961 to 2004, Jerry Glaubitz served as the mayor of Morningside, Maryland, a town of approximately 1,000 citizens, a small town, a vibrant town, a town where every neighbor knew one another and every neighbor was concerned about one another.

At his retirement, he was the longest-serving mayor in our State, and one of the longest serving mayors in the Nation. Morningside Councilman Jim Ealey said recently, ''Jerry took over the town when it was a one-horse town and nourished it and contributed everything he had to that town.''

Jerry also was a mainstay on the Morningside Volunteer Fire Department, joining the department in 1947 and serving as president, chief, and chaplain over the next 5 decades. He was a past president of the Maryland State Fire Association and the Prince George's County Volunteer Firemen's Association.

I had the great privilege as chairman of the caucus and as a member of the State Senate of Maryland of working closely with Jerry, both in his capacity as the mayor of Morningside, the president of the state fire association, and the county fire association. I can think of few people, Mr. Speaker, who cared more about their family, their community, and their country than did Jerry Glaubitz.

I want to extend my heartfelt sympathy to his beloved wife of 62 years, Jean; his daughter, Carol; his son, Larry, and all of his family and friends. And I hope, Mr. Speaker, that they find comfort in the fact that his was a life well-lived, a life that enriched countless others. A God that is merciful has taken Jerry to be home. He took him from a country that is grateful for his service and a community that is better for his life.

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.)

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

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

ORDER OF BUSINESS

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

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

There was no objection.

SMART SECURITY AND DECEPTIONS IN IRAQ

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

Ms. WOOLSEY. Mr. Speaker, the common theme to the war in Iraq has been the Bush administration's ability and willingness to mislead the American people. First, they misled about the weapons of mass destruction. Then, nearly 2 years ago, they falsely declared the end of major combat operations. Now, they are openly declaring the success of the mission, and President Bush regularly speaks of an increasingly democratic Iraq.

This assessment suggests the degree to which the President fails to comprehend the disastrous lack of security that has plagued Iraq over the last 2 years. Personally, I am frightened that our own President has such a failed understanding about the reality of the war that he started.

Just as disturbing were recent comments by Vice President DICK CHENEY. In an interview, he said that the Iraqi insurgency was in its ''last throes.'' I am not sure which press reports the Vice President has been reading but, somehow, I do not think his optimistic assessment of Iraq's insurgency is grounded in real fact.

Unfortunately, misleading assessments of the war like these do not magically secure Iraq from the true threats that it faces. And the true threats are an increasingly strengthened Iraq insurgency, bolstered by the continued United States military occupation of Iraq.

On the ground, a violent wave of car bombings and other attacks killed 80 U.S. soldiers and more than 700 Iraqis in the month of May alone. Vice President CHENEY calls this the ''last throes''? And by mid-June, almost one-third more troops were killed than during all of the month of May.

At some point, the Bush administration needs to admit what the rest of the American people know, that its current strategy for Iraq is failing.

Recent polls show that 63 percent of Americans want our troops to come home. Now it is time for the President to start listening to the American people, the people he works for.

Members of Congress from both sides of the aisle understand that our Iraq policy is a disaster. When the House recently debated the Defense Authorization Act for fiscal year 2006, 122 Democrats, five Republicans, and one Independent voted in favor of my amendment simply expressing the sense of the Congress that the President should establish a plan for the withdrawal of troops from Iraq and bring his plan to the Congress.

Mr. Speaker, Americans are less secure, not more secure, as a result of the war in Iraq. This war has created a whole new generation of terrorists whose common bond is their hatred for the United States and our aggressive militarism. We have asked the President to address Iraq's lack of security. We have asked him to come up with a plan for ending the war. He has not, so we will. And when we put our plan in place and when the troops come home, we can begin to plan for the future.

Fortunately, there is a plan that would secure America for the future. That plan is the SMART Security resolution which I recently reintroduced with the support of 50 of my House colleagues. SMART is a Sensible Multilateral American Response To Terrorism for the 21st Century, and it will help us address the threats we face as a Nation.

SMART will prevent acts of terrorism in countries lick Iraq by addressing the very conditions which allow terrorism to take root: poverty, despair, resource scarcity, and lack of educational opportunities. Instead of rushing off to war under false pretenses, SMART Security encourages the United States to work with other nations to address the most pressing global issues. That way we will be able to deal with global crises diplomatically instead of resorting to armed conflict.

Instead of maintaining a long-term military occupation of Iraq, our future efforts to help the Iraqi people must follow the SMART approach: humanitarian assistance, coordinated with our international allies, to rebuild Iraq's war-torn physical and economic infrastructure.

Mr. Speaker, the Bush administration needs to take a long, hard, and honest look at the effects of our policies in Iraq. Once they do, they will understand that the United States is less safe than we were before we got ourselves into this preemptive war and that we must end this long and destructive war.

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 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 California (Mr. SCHIFF) is recognized for 5 minutes.

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

PAYING TRIBUTE TO AMERICA'S HEROES, U.S. ENERGY POLICY, AND FOCUSING ON PREVENTIVE HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Tennessee (Mr. WAMP) is recognized for 60 minutes as the designee of the majority leader.

Mr. WAMP. Mr. Speaker, over the next several minutes, we here in the majority are going to talk about two issues that are incredibly important to the future of our country: our energy policy and then preventive health care and personal responsibility in trying to get our arms around the rising costs of health care.

But before I begin our discussion on energy, and especially in light of the commentary that we just heard on the House floor and the very patriotic tribute by the gentleman from Maryland to the Greatest Generation, I thought I would pause and pay a tribute to a person who I may have met, I am not sure, but I heard this week about his life, and he died a week ago in Iraq, a young patriot named Noah Harris, Second Lieutenant, United States Army, a platoon leader from Ellijay, Georgia.

Mr. Speaker, three summers ago he was interning here in Washington in the office of the gentleman from Georgia (Mr. DEAL), and he felt a passion to volunteer to serve our country at this time of war in response to the terrorist threat, and he signed up, and he went.

I happened to be taking a tour group through the Senate this week, just yesterday, and I sat in the Senate gallery and I heard the distinguished Senator from Georgia, Senator ISAKSON, pay tribute to Noah Harris's life, because in May of this year, Lieutenant Harris sent Senator ISAKSON this note from Iraq to Senator ISAKSON. He said, ''Now I am serving my country as an infantry officer in Iraq. I am proud to say that the situation is improving here. The media often misses the big picture. Our presence here is not just about Iraq, it is sending a message to the oppressed peoples of the world that freedom can be a reality. Freedom is the greatest gift that we, the United States, has been granted and, as such, it is our responsibility to spread it. For it to become a permanent fixture in our future and our children's future, we must give it to all those that desire it.''

Mr. Speaker, he said that last month; and then, last week, he gave that full, that last full measure of devotion to our country. I pay tribute to this great American hero. Tomorrow, they will gather in the mountains of north Georgia, down below my district in Tennessee, to pay their last respects to him.

But he represents so many of our brave and proud citizens who are willing to volunteer to lay their life on the line and stand between a threat to our civilian population and advance the cause of freedom around the world. I think we have to hold them up as the greatest of our citizens and, frankly, stand behind the mission that they believe in.

He sent the word back that he believed in what he was doing and it was making a huge difference in the world. That is why it is important for us to come to the floor; and I pulled these words out of my pocket as I heard the testimony on the floor, because I think we need to honor the life of Noah Harris and every other one like him.

Now, our national security does hang in the balance as it relates to our energy security. The case is very clear, I believe, that we need a national energy policy, the first one in a generation. And for three consecutive Congresses, we have gotten close to having an agreement between the House and the Senate for a national energy policy, but we have not yet sent a bill to the President of the United States.

We stand on the threshold of doing that today, because the House has passed a bill and the Senate is very, very close. I think they have had a cloture vote and they expect to pass the bill this coming Tuesday in the United States Senate so that we can go to conference and work out the differences and, ultimately, send a national energy policy to the President of the United States, hopefully in July, so that we can then send word to our private sector and anyone in the energy industry what the national policy is so those investments will follow.

Now, here in the House, we have had some reorganization around this issue of energy. I serve on the House Policy Committee under the very able leadership of the gentleman from Arizona (Chairman SHADEGG), and he recently reorganized the policy committee in the House to name a new Subcommittee on Energy and Technology and asked me to chair that subcommittee. I come to the floor tonight in that regard, and I want to discuss this issue of advancing tax policies and incentives to encourage energy independence, to make sure we have the energy resources for us to maintain our productivity as a Nation. I believe it is a win-win-win opportunity for the United States of America, and I will tell my colleagues why.

I believe the 3 years that we balanced the budget here in the late 1990s were a direct result of increased revenues to the Federal Treasury. Now, we did show some spending restraint for the first time in a generation by holding the growth of government spending below inflation and allowing revenues to exceed expenses, but it really was a revenue-generated effort to balance the budget. The revenues were generated largely because, for a sustained number of years, we led the world in the information explosion.

□ 1715

You think of Microsoft and you think of software and you think of the whole advancement of information technology this country led, in a major way, this breakthrough in the economy, and, as a result, record revenues with a sound robust economy were generated and we balanced the budget.

I would also tell you that given the challenges we face in the wake of September 11, the likelihood that we balance the budget again is very low unless we have another sector of our economy that explodes with export-driven manufacturing technology that will cause revenues to dramatically climb. And I say that as a member of the Appropriations Committee, because if you eliminate all of the nondefense, nonhomeland security discretionary spending of the government, you would still be at a break-even. If you eliminated all of the nondefense, nonhomeland security, discretionary spending you would still either be at a budget deficit or very close.

So it is very difficult to balance the budget unless you have increasing revenues. This whole sector called entech, energy technologies, presents that kind of an opportunity for this country to grow the U.S. economy, export energy solutions to the world, solve many of our own energy and homeland security problems, and serve the world right. It would actually cause such global leadership from the United States, that we would solve a whole lot of our problems all at once.

A very prominent person in the energy sector that I know personally named Riley Bechtel, the chairman and CEO of one of the largest family-held companies in this country, I think a fourth- or fifth-generation energy company called Bechtel National, he told me right after September 11 that we needed to understand that energy security is homeland security. Energy security is national security. And I think that is the approach that the Congress has taken today.

And I will also tell you that a very prominent editorialist with the New York Times, Thomas Friedman, who

sometimes I agree with and sometimes I do not, but he is a very bright man and he understands the world as well as anyone, he basically has said over and over again in the wake of September 11 that if our country will demonstrate global leadership on energy and the environment, we will help ourselves with the nations of the world that have had either envy or distaste for our country in the past, and in terms of foreign policy we will improve our position in the world.

Before I go into the details of the comprehensive solution of this, I want to yield to one of the most prominent Members of the House, a person I came in with 11 years ago, a senior member of the Energy and Commerce Committee, from the State of New Hampshire, a person who has been a real leader on renewable energy.

I assume he could be a conferee, I do not think they have been named yet, but he should be a conferee yet. That is up to the gentleman from Texas (Chairman BARTON) the distinguished gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, in the 11 years that I have been in Congress I have been in Washington at 5:20 in the afternoon on Friday exactly twice. The first was when the Federal Government was shut down in 1995, and the second was last year in early October when we passed our omnibus bill on a Saturday morning and everybody stayed here Friday night.

I go home on weekends. I am here today because my friend, the gentleman from Tennessee (Mr. WAMP), reserved this time to talk about one of my highest priorities, which is the development of alternative energy resources.

Now, he is right. I serve on the Energy and Commerce Committee, and, as such, we have jurisdiction over energy matters, shared with the Science Committee, a little bit with the Ways and Means Committee. And it is a high priority.

I voted against the energy bill last year when it came to Congress. I voted against it in the committee. And I did so because I felt that it really did not reflect a balanced approach to the development of our Nation's energy resources and energy priorities.

You know, energy is not about Republicans or Democrats, about conservatives or liberals or moderates, or whatever. It is not about philosophy. It is really about region. But what binds all of the regions of this country together is our understanding that we have to have a cohesive and balanced energy program that gives every region of the country an opportunity to participate in what becomes a national role, where we are less dependent on foreign oil, where we are economically competitive, both nationally and internationally, and every region of the country has the opportunity to develop its own resources and do so on a level playing field with every other region of the country.

Now, you say to yourself, well, why did not a single Senator from northeast of Pennsylvania vote for the energy bill last year? The answer is that the energy bill did not really address what was important for northeastern States. I am pleased to say that the energy bill that we sent to the Senate and that is currently under consideration in the Senate in a somewhat different form, but the differences will be worked out in conference, is much more balanced and I will tell you why.

For one thing, it has a significant section added to the bill that would provide for rebates for the installation, purchase and installation of solar, wind, and biomass, heat and electricity generation systems, on a residential and light commercial basis, and authorizes for appropriation $1 billion for that purpose.

Now, in the Northeast we do not have oil wells and gas wells. We do not have significant hydro, although we do have some. We did not have the kinds of energy resources that other parts of the country have, but we do have solar, we do have wind, and we have enormous biomass.

In the 1970s when we had the great oil embargo and the gas lines, there was a big push for renewable energy. The Energy Research and Development Administration, ERDA for short, became the Department of Energy, and we had a national energy policy at the time.

And there was a big push to develop biomass. But what it turned into essentially was the marketing of solar equipment that did not work particularly well, even though you got tax credits for it of biomass boilers that basically ran on logs that you shoveled in, two or three times a day. It was unreliable. It was dirty. And after a few years most of these systems were discontinued.

The 21st century is different. I come here today as a convert, because I myself a year and a half ago converted my house from oil to wood pellets. My house, which is not small, used to burn about 3,000 gallons of heating oil a year. Over the last 14 months, I have burned 165 gallons of oil. I have burned approximately 15 tons of wood pellets.

I have a boiler that, unfortunately, I had to buy; it was imported from Denmark, had to be shipped across the Atlantic Ocean. It was not cheap. But what it demonstrated was that for a Btu cost of about 90 cents per gallon, I can heat my house with a system that is so sophisticated that nobody in the house knows that I am heating with wood.

Everything is computer-controlled. Everything is automatically fed. It is clean. It is carbon neutral. And it is a resource that comes from essentially my own backyard. It can work in every household in America where you have access to these resources.

The problem is we do not have any manufacturing capability in this country, because there is no demand. We are a country that has based our energy policy on nothing but oil, gas, and coal and the development of it.

Little wonder that my region of the country is 85 or 90 percent dependent on number 2 heating oil in the winter time. We do not have those options available to us. But what this energy bill does is create the opportunity to develop demand for biomass, demand for wood energy.

Also in New Hampshire, an old coal-fired plant over on the Piscataqua River, the Shiller plant, is in the process of converting from coal to wood chips. I believe it is on the order of 200 megawatts. It is a very large facility. We are on the way to changing some of our energy resources in the Northeast, which will change the mix of the dynamic and end our dependence not only on foreign oil, but from oil everywhere else in the United States.

I believe that we can, if we pass this energy bill, have a meaningful plan to develop the kinds of energy resources that we need in this country; wind, solar. Solar is no longer a bad roofing job, it is a technology that can really provide heat and electricity for houses all over the place, even in the North, where the sun is low in the winter months; that we can develop low-head hydro in an ecologically acceptable fashion so that we can have micro-energy development.

I have a constituent who is developing a very efficient sterling engine that could be utilized for water distillation, for electricity production, running on anything that produces heat. This is the kind of technology that we need to promote in America, that we need to promote through legislation, that we need to promote in order to lessen our dependence on traditional energy sources and imported energy resources.

Mr. Speaker, I want to thank my friend from Tennessee (Mr. WAMP) for giving me the opportunity to bring to the Congress my commitment to this important priority.

If we as a Congress can do what is right with the energy bill, Americans will be better off for many years to come.

Mr. WAMP. I thank the gentleman from New Hampshire (Mr. BASS) for his leadership at home and here in Washington and I wish him Godspeed as he travels back to New Hampshire this weekend.

As the cochairman here in the House of the Energy Efficiency and Renewable Energy Caucus, which is about half of the House, not quite equally divided but close to equally divided between Democrats and Republicans, I particularly appreciate his leadership in the area of renewable energy.

You know, that caucus has been around here for a number of years. And I have had the privilege for the last 5 years to chair it with the gentleman from Colorado (Mr. UDALL). And the Renewable Energy and Energy Efficiency Caucus here in the Congress

held an expo this week here in Washington with Energy Secretary, Samuel Bodman, participating.

And we had a big gathering here midweek. As we kicked off this focus this week here in Washington on energy efficiency and renewable energy technologies, and the solutions to our energy problems in this country, I said that we coordinated the activities of the conference; but one thing we did not coordinate is that very morning it was announced that we had a record high price for crude oil at $60 a barrel on Wednesday of this week, and it was also announced that we had a record high for natural gas prices, two of the major energy sources that we consume in this very productive country of ours, oil and natural gas, and we began our conference this year on the alternatives and the energy efficiency program on that very day.

So we did not coordinate it, it is unfortunate, but we need to do something about it. That is what brings us to the floor and brings us to this agenda and this important issue.

Last year I had the privilege of traveling to Colorado with the gentleman from Colorado (Mr. UDALL) and touring NREL, the National Renewable Energy Laboratory right outside of Denver. Unbelievable research done there, particularly in the areas of renewables, things like hydrogen fuel cell technologies as well.

They have energy efficient programs, and they are really our country's lab, though, on renewable energy sources, from solar to hydro, wind, different sources that we have available to us that are alternatives to those major areas of energy consumption like coal and petroleum and natural gas.

Now, I also represent the Oak Ridge National Laboratory in Oak Ridge, Tennessee, which is probably the premier laboratory in our country for energy efficiency and building programs, ways to make our construction industry and our residential home building industry more efficient.

And we have just recently brought a bill up that will be introduced in the coming days, authored principally by me, but by the gentleman from Texas (Mr. HALL) and the gentleman from Colorado (Mr. UDALL) have joined. We have a bipartisan bill that will raise the standards for energy efficiency in building materials across the country, which is certainly one way that we can save energy.

And part of our goal here is not just to increase supplies, but to reduce the demand by energy efficiency, energy conservation and savings. We must do both in order to maintain our level of productivity. But we need to recognize when we are talking about oil, that 42 percent of all oil in this country is used by personal vehicles in the transportation sector; cars. Forty-two percent of the oil. We have a very, very small percentage, like 2 percent or less of the world's oil reserves in this country, yet we use approximately one-third of all of the oil in the world, and 42 percent of it goes to our own automobiles.

□ 1730

That is why it is so important that we begin to transition as quickly as possible into the alternative transportation systems of the future. I am encouraged by the interest in hybrid electric vehicles. Many of us see that as a bridge to the future, not totally the future because the technology is developing. But hybrids are now very much in demand, and most of your auto producers both now domestic and foreign that make hybrid vehicles have a huge backlog, and more and more of these companies are moving to that.

As a matter of fact, I spoke this week to a major Toyota and Lexus dealer from my district named Bob McKamey who has been a national leader with both of those organizations. And he told me that in 5 years the trend in this industry is that many of the cars, maybe even most of the cars produced in the world 5 years from now, will have some technology of a hybrid electric option because the technology is getting so much better: the battery acceleration is so much better, the technology is advancing. And most of the new production facilities are going to have a place there. They will adapt the current manufacturing to make room for the hybrid production so that every consumer will have the option of going hybrid and doubling their gas mileage.

As technology develops, then we will actually have a very good product in the marketplace. And the private sector is driving this, but the government needs to not only know what is going on but be partners with the private sector because, ultimately, I believe through the hybrid bridge and transition we will get to a hydrogen fuel cell, advancing the President's Freedom Car Initiative to where 15 years from now you can drive the hydrogen fuel cell vehicles in this country that are available in Washington, D.C. today or in New York City where Shell Oil and GM have these partnerships with the permanent hydrogen filling station in Washington, one in New York City, and some 40 automobiles and vans on the road that are completely hydrogen fuel cell driven.

I have driven one, and you cannot tell the difference between driving it and driving a normal car. The problem is they cost about $400,000 each today because the technology is not developed, the mass production is not developed to make them affordable for average citizens, but that is going to happen. And everyone in the industry says that is going to happen, that 400,000 will come down to 50,000. And then you will actually have something that a lot of families will drive that will be oil free and we would be petroleum free for those vehicles, securing our own energy future.

I think we are going to have both for a good long time, but I think this is an important goal of energy independence so we are not as reliant on oil in this country as we are today.

Now, back where I live in the Tennessee Valley, between our assets in Huntsville and Oak Ridge and the technology drivers in our valley, we have clearly positioned ourselves to make these next-generation vehicles. Because of the leadership of our former Governor, now a United States Senator, Lamar Alexander, the State of Tennessee is third in the Nation in automobile manufacturing. We were not even in this game when I was born a few years ago, but today we are third. We now have assets. Like in the heart of the Tennessee Valley where I live in the Enterprise South Industrial Park, one of the top megasites for industrial investment in the southeast, right on a major interstate, Interstate 75, which virtually everyone uses that is west of 95 going north and south, right there is this major economic part ready for, with all the assets and infrastructure necessary, a major auto plant investment in next-generation vehicles. And I am excited about this.

We also have research institutions like the Advanced Transportation Technology Initiative, ATTI, in our city advancing through test tracks, these next-generation vehicles and exactly how the technology should go to make that the most efficient.

I believe, too, we need an intermodal transportation system. In the wake of September 11 when we had an attack on our aviation industry, many people asked where are we in this country on high-speed rail. Because in terms of mass transit, aviation is the primary way to move people rapidly from one place to another in this country. And a true intermodal system would say that we have a mass transit system by rail as well, with at least three major corridors in this country. We believe one of those should come through our region, as well, because of the incredible growth of the Atlanta airport 100 miles south of where I live.

In this transportation bill that is now pending before the House and the Senate, it has already been through both bodies, the conference report is pending, there is a beginning for high-speed rail. The first connection, I believe, that is under study and some engineering in this bill is between Las Vegas and Los Angeles. The distinguished transportation chairman in the House, the gentleman from Alaska (Mr. YOUNG), should be commended for advancing high-speed rail as a clean alternative to the traditional energy source utilization to rapidly move people around.

Go to Europe, you will see high-speed rail. Here the automotive industry drove a lot of investments for a hundred years; and as a result, we do not have the kind of rail links that we need, I believe. At least three major arteries are needed to make our mass transit system and quick mobilization of people more intermodal, where you need to have multiple systems, particularly in this day of terrorist threats,

because if they attack one mode and you have another, people will shift to that.

As a matter of fact, for days people could not get out of New York City after September 11. Many people ended up hiring taxi drivers to drive them from places like New York City to Atlanta, Georgia. I know one particularly.

So we have another sector that really needs attention and that is the whole electricity sector. We have had brownouts, blackouts, energy shortages, problems in California, problems in the Northeast. We are using a whole lot of natural gas now for electricity. And that is going to be very difficult in the future because we have the highest natural gas prices in our country. My home is heated with natural gas, many of my neighbors' homes are, and the price is now very hard to afford. And I think we must advance a national prototype-design nuclear reactor program to advance nuclear in this country for electricity. It is a clean, safe alternative.

We now have Yucca Mountain fully developing, fully supported by our country, by the Congress, by the President. At least we have passed the legislation, and the President supports in his budget request and leadership from our Subcommittee on Energy and Water which I serve on, extraordinary leadership from the gentleman from Ohio (Chairman HOBSON), to advance the Yucca Mountain proposals so that we take care of the waste stream at the end of the nuclear production cycle so that when a reactor produces electricity, really, the only liability associated with that is the waste stream. But if Yucca Mountain is ready for that waste to be shipped to and stored safely, then we can continue to develop nuclear reactors in this country.

This program was almost at a standstill for many years; but within the TVA system where I live, we actually will have a new nuclear reactor come online next year, the first in a number of years. And I believe with DOE's partnership with TVA, you will see even another nuclear reactor come online in the next 5 years. And as we have an advanced prototype national design, we can efficiently, effectively, safely bring on this alternative because nuclear power in terms of air quality is as clean as you get, and we need to advance that. But I do believe because coal is such an abundant resource in this country, we must advance all the clean coal technologies that we can as well.

In closing, I just want to say a clean energy policy which focuses on securing our independence from foreign sources of energy will create a robust economy as we advance technologies, use American know-how and ingenuity to try to create these solutions for the whole world and make them and ship them to the world.

I think it is such a win-win-win that when you think of green you do not just think of the environment; you think of money and the resources that can be generated by advancing the energy solutions for tomorrow. I cannot think of an issue that is more important to permanently securing our independence and liberty than the energy utilization. It is an area that, frankly, some of our enemies almost hold us hostage to, and that is over energy sources; and we need to move as rapidly as we possibly can without making big mistakes to secure our energy independence.

With that, Mr. Speaker, I want to transition quickly over to another major issue that I do not think we talk enough about.

We have the most wonderful health care system in the world, and we have had such for a long, long time. And the professionals, the providers, the people in our health care industry should be commended. But just in the last 10 years since I got to Congress, it is outrageous what kind of stress our health care system is under.

The providers are underpaid. Many of them are so overlitigated that they just give up the ghost. They leave the profession. And I am very, very concerned about our health care industry.

The problem really is two-fold. One is that our private fee-for-service health care system is at risk of collapse. And I know that sounds really, really bold to say that; but I really believe if we are going to be honest about our health care system, we need to talk about the stress points in our health care system and the problems it faces.

I do not think enough is yet done around here on this particular issue. I think there are even some people that would like to see the government take it over. So maybe some of them are not doing enough to help us in this cause. But the fact is we need to save our fee-for-service private health care delivery system in this country.

Then the second part of this problem is that the government is so into health care with Medicaid and Medicare that we are not going to be able to afford these two major government programs given the current health care trends of Americans today. We will not be able to afford Medicaid and Medicare if Americans continue to live the way they live today.

The biggest problems are with obesity, which now rivals tobacco as the largest health care challenge in this country; and type II diabetes, which is connected to obesity, is a huge problem, and I am the most concerned about it among young people because once a young child is sentenced to type II diabetes or chronic obesity in their adolescence, they may never get well. It is effectively a death sentence. And many of them do not know by the time they are in the fourth grade exactly what they need to be doing. So a lot of this is education.

Personal responsibility is at the heart of some of the solutions. Some of it is genetic. I am not a health care expert, but my view is about half of what we are we are born with and the other half we acquire. Sometimes we acquire habits that lead to poor health. Sometimes people are born with it. I recognize that. So we have to balance this out and be fair and reasonable, but I want to give you some facts from the Centers for Disease Control and the American Heart and Stroke Society.

Fact: obesity and physical inactivity are risk factors for heart disease and stroke. About 28 percent of Americans age 18 or older reported no leisure time physical activity in the last 30 days. Less active, less fit persons have a 30 to 50 percent greater risk of developing high blood pressure, which is a risk factor for heart disease and stroke. Physical inactivity is more prevalent among women than men, among African American and Hispanics than whites, among older than younger adults, and among the less affluent than the more affluent; 107 million American adults are overweight. In addition, an estimated 5 million children, ages 6 to 17, are considered overweight.

The Centers for Disease Control estimates that more than 300,000 people die each year due to diseases associated with physical inactivity.

They give a lot of recommendations on what to do about this. One thing I want to tell you is that here in the Congress we have decided to step up and lead by example, and we have formed an organization to do just that. We believe that fitness, nutrition, and preventative health care measures are all components to this personal responsibility and this corporate responsibility to try to solve our health care crisis and lower the cost of health care, and in doing so expand the availability of quality health care to everyone in this country.

The Surgeon General has made his recommendations. They are in writing here, and I will be adding those to go with my testimony today, recommendations that the Surgeon General has made for children and adults.

But 2½ years ago, because I believe that we will not be able to sustain these government programs of Medicare and Medicaid unless we become more fit and more active, I founded the Congressional Fitness Caucus. I co-chair it also with the gentleman from Colorado (Mr. UDALL). And our goal here with about 100 Members of Congress over the last 2½ years is to educate, to advocates, and to legislate.

In the area of education, we encourage our Members, and they do regularly go out into the schools and give speeches and maybe put on some gym clothes and do events with children, geared at the elementary age so that by the fourth grade young people either at home or at school, and we cannot get into their homes so we can go to their schools, we can say to them that the human body is made to move. The human body is made, I believe by God, to be active and to burn calories. And you sleep better, you are more

productive, you have a much higher quality of life if you get a certain amount of physical activity.

Now when I grew up, when kids had extra time, you might catch them on the playground or out running around or playing a pick-up football game or climbing a tree or building a tree house.

□ 1745

Today, you might find them more often inside on a computer. This is great in a way, as long as it is just part of their life and not all of their life, but a lot of kids spend so much time in front of a television screen or a computer screen, and then they go to the closet and they get food that might not be as balanced as it needs to be, and they do not get that physical activity.

The human body is made such that you can eat a whole lot as long as you burn it up and you are fine, but there is a balance here. It is called calories intake versus calories burned, and the balance has got to stay close to the same, and many, many young people do not understand this. There is not the physical activity necessary for them to be healthy.

There are big bodies, small bodies. Everybody's made different. Our DNA is different. Our makeup is different. Our genetics are different. Our moms and dads are different. I am not talking about that. I am talking about a balance of activity in your life to where you are burning the calories that you are taking in your body so that young people, when they get to the fourth grade, understand some of the ill effects of sedentary living, couch potatoes. We cannot afford the trends that are happening in our society.

So part of it is an education process. I tell young people when I go into these schools, do not ever use the F word, fat. Do not ever use that word and do not ever criticize somebody else for how they look but encourage them to go outside and play games with you. If there is a kid on the sidelines that needs to be in, kicking the ball and running the bases, put them in, encourage them, take them out to walk. If you are a mom or dad, set up some activity for your children to be active in the evening. So there are a lot of things we can do.

We educate. We advocate. We hosted events on the Mall. We brought professional sports figures in. We used the media to get the word out about the effects of inactivity and sedentary living because this is a major health care problem in our country, this Type II diabetes and obesity, and we can do something about it.

These are called preventable illnesses. Preventable illnesses, meaning we can do something about it, and I believe leadership is called to this issue, and then we need to legislate from time to time.

It is hard to regulate people into better behavior, but you can pass bills that may incentivize them to better behavior, use our tax code to create incentives, and I will get on to those in a minute.

We do have a national program that the Bush administration embraced early on called America On the Move. In Tennessee, we have a part of that program called Tennessee On the Move, and most of our States now have On the Move programs, grassroots statewide organizations designed throughout the year to promote activities and events and communication and education, newsletters across the State encouraging restaurants to have printed on their menu ways to take 100 calories off of your diet.

Let me tell you that the rule of holes is when you are in a hole the first thing you should do is quit digging. So, in the obesity hole, we have got to figure out what can we do to not become more obese and then what we can do to turn around and go the other way.

It is this simple. If an average American burned 100 calories more per day and consumed 100 calories less, this country would not become any more obese. As a matter of fact, we would start going the other way. A hundred calories more burned may be taking the steps through the Capitol each day instead of the elevator. It may be parking the furtherest distance at the supermarket instead of the closest distance. It is little things that can burn an extra 100 calories.

Intaking 100 calories fewer may be as simple as going from a Coke to a Diet Coke and taking 100 calories more out of your diet, because we will, as a Nation, not become any more obese if we will consume 100 fewer calories a day on the average and burn 100 more.

Those are simple approaches, first steps. Walk at night after dinner as a family. Husband and wife, encourage each other 3 or 4 days a week to get just a basic amount of physical activity. You do not have to be a marathon runner. You do not have to be a superduper athlete. You have just got to develop one way to do it. If you have got a problem with your leg, go slow, but be walking. The human body was made to move. America On the Move is a great program Tennessee On the Move is a great program.

I want to also talk about other programs that are very, very helpful. Recently, two pretty important athletes, Peyton and Archie Manning, came around the Hill lobbying for Physical Education for Progress, the PEP funding, and I am on the Committee on Appropriations. We all weighed in, and the gentleman from Ohio (Chairman REGULA) responded, and this bill that just passed the House today included $73,408,000 for this national program to promote physical education through our schools because physical education in our schools, frankly, has not been focused on enough.

I remember when I was young, we wanted one of those T-shirts. We wanted to go out and do the President's physical fitness contest. We wanted to do push-ups and sit-ups, and today, I do not think there is enough physical education in our schools. I have asked the President to consider amendments. I have asked the gentleman from Ohio (Chairman BOEHNER) here in the House, our chairman of the Committee on Education and the Workforce, to consider amendments to No Child Left Behind that would encourage physical fitness in our schools.

Today, because of the testing of the other subject matter, there are schools that report to me that they are actually having to squeeze out physical education because they have limited resources and they have to put those where they know they are going to be tested so that their school system or their school is not out of compliance under the standards of No Child Left Behind. I support those standards. I think it is a good approach, but let us not leave out physical education.

Let me tell you, Thomas Jefferson said 200 years ago that a child who is not physically well cannot learn and I agree. That is so true today. A child who is not physically sound cannot learn. If they do not get enough sleep, they cannot learn. If they are not physically well, their attention span is not there, and today, we would have a better bottom line if children in every educational setting were required to do a certain amount of physical activity.

I offered a bill earlier this year called the Workforce Health Improvement Program. We have now got 32 cosponsors signed up here at the desk. This gives tax incentives to companies and institutions for providing fitness facilities to their employees. Again, use our tax code to incentivize better behavior. How many people in this country would invest in something like that if they knew they had a tax break to stay more physically active and to have some regimen of physical activity in their life?

I want to advocate for community health centers. Preventative health care is not just fitness and exercise. It is mammograms. It is making sure that you have your blood pressure taken. It is making sure a health professional sees you on a regular basis. That is preventative health care so you do not wait till you are sick to walk in the door of the emergency room and run up the cost of health care. Preventative health care says you take better care of yourself physically, even mentally. It is all connected. The holistic approach says physical, mental and spiritual health will lead to a productive life with a high quality of life, and we all know, I believe, the benefits, but the community health center approach in the community, to get your preventative health care and your maintenance of your health care, is also very important, and in this bill, we just funded $1.8 billion for community health centers in this Labor-Ed bill that passed today.

I also want to advocate another program called the Healthy Communities

Access Program, HCAP. HCAP was funded last year at $83 million across the country, and this year, unfortunately, in this bill, we were not able to find any money for it, but I am hopeful when we go to the Senate that we will find that money because this is a real market-driven solution.

These are the networks at the local level designed to fit the needs of that community. We have got one in Chattanooga, Tennessee, that is very successful where all of the providers banded together, and they say how can we refer people that do not have health insurance, there are 43 million of them in this country today, to good preventative health care, treatment, checkups and even access points because a lot of our providers are willing to give away their care if they know it solves this problem and maintains our fee-for-services health care system.

Back in the day, doctors used to give away a lot of their time. Today, because the government's so involved in health care, many of them cannot even give away their time. You cannot give away your time for Medicare delivery, by the way. I think it is against the law.

So doctors are disincentivized to actually help people who need health care the most, and many times this is just good, common, routine, preventative health care. The Healthy Communities Access Program has got this high cost benefit ratio. For every dollar the government invests, it saves $6 in the health care delivery system of that community. Again, Medicaid and Medicare cannot sustain these kind of costs.

Guess what happens if one of the 43 million uninsured people gets really sick? Oftentimes, they will walk into one of the safety net hospitals that have to cover them by Federal law. They walk into Erlanger Medical Center in my hometown of Chattanooga, and when they walk in, it is too late in terms of preventing the calamity and their costs. Maybe it is too late to even save their life. It is certainly too late to save money because their chronic health care needs got out of hand.

This network keeps that from happening, and that is why it is one of the solutions. It is preventative health care. That is where we need to invest our dollars.

Let me just say in closing, because my hour is almost up, we need to learn sometimes from other countries. I was in Japan a few years ago, and I was very impressed that early in the morning, sun had just come up, these people are outside. You just kind of look and watch, and the senior citizens are out exercising. They are in a group, grandmas, granddads, and then the children are watching, and they are out doing their morning exercise. Now, these people are healthy, and in many cases they are healthier than we are.

We actually may have more technological superiority to them. We have got the great pharmaceutical industry that has found all these new inventions, but they have got it right in terms of the physical benefits of exercise, and they know that the human body is made to move, to move, not to sit still. We have too many people gaining unnecessary weight in this country. It is a fact, and there is something we can do about it. They call them preventable health care challenges, and preventative health care is the solution.

We cannot buy our way out of this problem. We cannot even invent our way out of this problem. This problem can be addressed with simple solutions, develop these small first steps towards better health care, and I think the element here is personal responsibility. Something that I believe the Republican party stands for in this country still is personal responsibility. We are responsible for ourselves and then our family and then our community. The government should be last, not first.

So let us take better care of ourselves, and let us make sure that the children of America know that if they want to live a productive life, one of the basic things they need to do is personal hygiene, good sleep habits, good nutrition habits and make sure that when it is time to play, they do not do it on a video screen as much as they go outside and sweat a little. That would be good for this next generation. I think they could work a little more, sweat a little more, and we would all be the better for it.

With that, Mr. Speaker, I appreciate the Chair's indulgence, and the material I referred to previously, I will insert into the RECORD at this point.

THE SURGEON GENERAL'S CALL TO ACTION TO PREVENT AND DECREASE OVERWEIGHT AND OBESITY

THE PROBLEM OF OVERWEIGHT IN CHILDREN AND ADOLESCENTS

In 1999, 13 percent of children aged 6 to 11 years and 14 percent of adolescents aged 12 to 19 years in the United States were overweight. This prevalence has nearly tripled for adolescents in the past 2 decades.

Risk factors for heart disease, such as high cholesterol and high blood pressure, occur with increased frequency in overweight children and adolescents compared to children with a healthy weight.

Type 2 diabetes, previously considered an adult disease, has increased dramatically in children and adolescents. Overweight and obesity are closely linked to type 2 diabetes.

Overweight adolescents have a 70 percent chance of becoming overweight or obese adults. This increases to 80 percent if one or more parent is overweight or obese. Overweight or obese adults are at risk for a number of health problems including heart disease, type 2 diabetes, high blood pressure, and some forms of cancer.

The most immediate consequence of overweight as perceived by the children themselves is social discrimination. This is associated with poor self-esteem and depression.

THE CAUSES OF OVERWEIGHT

Overweight in children and adolescents is generally caused by lack of physical activity, unhealthy eating patterns, or a combination of the two, with genetics and lifestyle both playing important roles in determining a child's weight.

Our society has become very sedentary. Television, computer and video games contribute to children's inactive lifestyles.

43 percent of adolescents watch more than 2 hours of television each day.

Children, especially girls, become less active as they move through adolescence.

DETERMINATION OF OVERWEIGHT IN CHILDREN AND ADOLESCENTS

Doctors and other health care professionals are the best people to determine whether your child or adolescent's weight is healthy, and they can help rule out rare medical problems as the cause of unhealthy weight.

A Body Mass Index (BMI) can be calculated from measurements of height and weight. Health professionals often use a BMI ''growth chart'' to help them assess whether a child or adolescent is overweight.

A physician will also consider your child or adolescent's age and growth patterns to determine whether his or her weight is healthy.

GENERAL SUGGESTIONS

Let your child know he or she is loved and appreciated whatever his or her weight. An overweight child probably knows better than anyone else that he or she has a weight problem. Overweight children need support, acceptance, and encouragement from their parents.

Focus on your child's health and positive qualities, not your child's weight.

Try not to make your child feel different if he or she is overweight but focus on gradually changing your family's physical activity and eating habits.

Be a good role model for your child. If your child sees you enjoying healthy foods and physical activity, he or she is more likely to do the same now and for the rest of his or her life.

Realize that an appropriate goal for many overweight children is to maintain their current weight while growing normally in height.

PHYSICAL ACTIVITY SUGGESTIONS

Be physically active. It is recommended that Americans accumulate at least 30 minutes (adults) or 60 minutes (children) of moderate physical activity most days of the week. Even greater amounts of physical activity may be necessary for the prevention of weight gain, for weight loss, or for sustaining weight loss.

Plan family activities that provide everyone with exercise and enjoyment.

Provide a safe environment for your children and their friends to play actively; encourage swimming; biking, skating, ball sports, and fun activities.

Reduce the time of time you and your family spend in sedentary activities, such as watching TV or playing video games. Limit TV time to less than 2 hours a day.

HEALTHY EATING SUGGESTIONS

Follow the Dietary Guidelines for healthy eating (www.health.gov/dietaryguidelines).

Guide your family's choices rather than dictate foods.

Encourage your child to eat when hungry and to eat slowly.

Eat meals together as a family as often as possible.

Carefully cut down on the amount of fat and calories in your family's diet.

Don't place your child on a restrictive diet.

Avoid the use of food as a reward.

Avoid withholding food as punishment.

Children should be encouraged to drink water and to limit intake of beverages with added sugars, such as soft drinks, fruit juice drinks, and sports drinks.

Plan for healthy snacks.

Stock the refrigerator with fat-free or low-fat milk, fresh fruit, and vegetables instead of soft drinks or snacks that are high in fat, calories, or added sugars and low in essential nutrients.

Aim to eat at least 5 servings of fruits and vegetables each day.

Discourage eating meals or snacks while watching TV.

Eating a healthy breakfast is a good way to start the day and may be important in achieving and maintaining a healthy weight.

IF YOUR CHILD IS OVERWEIGHT

Many overweight children who are still growing will not need to lose weight, but can reduce their rate of weight gain so that they can ''grow into'' their weight.

Your child's diet should be safe and nutritious. It should include all of the Recommended Dietary Allowances (RDAs) for vitamins, minerals, and protein and contain the foods from the major Food Guide Pyramid groups. Any weight-loss diet should be low in calories (energy) only, not in essential nutrients.

Even with extremely overweight children, weight loss should be gradual.

Crash diets and diet pills can compromise growth and are not recommended by many health care professionals.

Weight lost during a diet is frequency regained unless children are motivated to change their eating habits and activity levels for a lifetime.

Weight control must be considered a lifelong effort.

Any weight management program for children should be supervised by a physician.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today.

Mr. FATTAH (at the request of Ms. PELOSI) for today on account of personal business.

Mr. GUTIERREZ (at the request of Ms. PELOSI) for today.

Mr. TAYLOR of Mississippi (at the request of Ms. PELOSI) for today on account of a family emergency.

Mr. BACA (at the request of Ms. PELOSI) for today after 3:00 p.m. on account of a medical emergency.

Mr. BILIRAKIS (at the request of Mr. DELAY) for today after 2:00 p.m. on account of personal reasons.

Mr. BOOZMAN (at the request of Mr. DELAY) for today on account of a death in the family.

Mr. YOUNG of Florida (at the request of Mr. DELAY) for today to attend send-off ceremonies at Camp Shelby, Alabama, for Task Force Phoenix IV, the 53rd Brigade Team, headquartered in Pinellas Park, Florida, which includes 1,200 Florida National Guard soldiers. These soldiers are being deployed to Afghanistan in support of Operation Enduring Freedom.

SPECIAL ORDERS GRANTED

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

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

Mr. HOYER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SCHIFF, 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:)

Mr. SWEENEY, for 5 minutes, July 1.

Mr. POE, for 5 minutes, June 27.

Mr. DUNCAN, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, June 27 and 28.

Mr. OSBORNE, for 5 minutes, June 27.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1812. An act to amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1181. An act to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill; to the Committee on Government Reform.

ADJOURNMENT

Mr. WAMP. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, June 27, 2005, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

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

2456. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Captain Charles J. Leidig, United States Navy, to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2457. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John D. Hopper, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2458. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2459. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 05-05 which informs of an intent to sign a Project Arrangement between the United States and Australia concerning Tactical Missiles; to the Committee on Armed Services.

2460. A letter from the Assistant Chief, Regulations and Procedures Division, Department of the Treasury, transmitting the Department's final rule — Establishment of the Ribbon Ridge Viticultural Area (2002R-215P) [T.D.TTB-27; Notice No. 21] (RIN: 1513-AA58) received June 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2461. A letter from the Secretary, Department of Labor, transmitting a draft bill entitled the ''Unemployment Compensation Program Integrity Act of 2005''; to the Committee on Ways and Means.

2462. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Limitations on dividends received deduction and other guidance [Notice 2005-38] received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2463. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 1446 Regulations; withholding on effectively connected taxable income allocable to foreign partners [TD 9200] (RIN: 1545-AY28) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2464. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability. (Rev. Proc. 2005-31) received June 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2465. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Supplemental Information for Notice 2003-47 and Announcement 2005-19, Executive Stock Option Transaction and Settlement Initiative (Announcement 2005-39) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KOLBE: Committee on Appropriations. H.R. 3057. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109–152). Referred to the Committee of the Whole House on the State of the Union.

Mr. KNOLLENBERG: Committee on Appropriations. H.R. 3058. A bill making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other

purposes (Rept. 109–153). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2864. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; with an amendment (Rept. 109–154). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS (for himself and Mr. KIND):

H.R. 3056. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the establishment in the Department of Labor of a Small Employer Health Benefits Program; to the Committee on Education and the Workforce.

By Ms. CARSON (for herself and Mr. SHIMKUS):

H.R. 3059. A bill to provide for Flexible Fuel Vehicle (FFV) refueling capability at new and existing refueling station facilities to promote energy security; to the Committee on Ways and Means.

By Mr. CARTER (for himself and Mr. GREEN of Wisconsin):

H.R. 3060. A bill to provide the death penalty for certain terrorism related crimes and make other modifications of law relating to the penalty of death; to the Committee on the Judiciary.

By Mr. CHOCOLA (for himself and Mr. MATHESON):

H.R. 3061. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts; to the Committee on Ways and Means.

By Mr. GILLMOR (for himself and Mr. FOSSELLA):

H.R. 3062. A bill to reduce the instances of releases from underground storage tanks by strengthening tank inspections, operator training, program enforcement, oxygenated fuel cleanup, and providing States greater Federal resources from the Leaking Underground Storage Tank Trust Fund; to the Committee on Energy and Commerce.

By Mr. KILDEE:

H.R. 3063. 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; to the Committee on Energy and Commerce.

By Ms. LEE (for herself, Mr. RANGEL, and Mr. MCDERMOTT):

H.R. 3064. A bill to prohibit the use of funds to implement certain regulations that restrict travel to Cuba for educational activities; to the Committee on International Relations.

By Mr. MENENDEZ (for himself and Mr. DUNCAN):

H.R. 3065. A bill to extend the aviation war risk insurance program for 3 years; to the Committee on Transportation and Infrastructure.

By Mr. NUSSLE:

H.R. 3066. A bill to amend the Harmonized Tariff Schedule of the United States to provide separate tariff categories for certain tractor body parts; to the Committee on Ways and Means.

By Mr. NUSSLE:

H.R. 3067. A bill to amend the Harmonized Tariff Schedule of the United States to provide a new subheading for certain log forwarders used as motor vehicles for the transport of goods for duty-free treatment consistent with other agricultural use log handling equipment; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself, Mr. MURTHA, and Mrs. MCCARTHY):

H.R. 3068. A bill to amend the Servicemembers Civil Relief Act to provide relief with respect to rent and mortgage payments for members of the reserve components who are called to active duty and to amend the Internal Revenue Code of 1986 to allow a refundable credit to lessors for payments foregone by reason of such relief; to the Committee on Ways and Means, and in addition to the Committee on Veterans' Affairs, 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. SESSIONS:

H.R. 3069. A bill to provide for each American the opportunity to provide for his or her retirement through a S.A.F.E. account, and for other purposes; to the Committee on Ways and Means, 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. HYDE (for himself and Mr. LANTOS):

H. Con. Res. 191. Concurrent resolution commemorating the 60th anniversary of the conclusion of the war in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. BERMAN, Mr. BLUMENAUER, Ms. MCCOLLUM of Minnesota, Mr. HONDA, Mr. MCDERMOTT, Mr. CONYERS, Mr. EMANUEL, Mr. FARR, Ms. BALDWIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GRIJALVA, Mr. MCNULTY, and Ms. BORDALLO):

H. Con. Res. 192. Concurrent resolution recognizing the 60th anniversary of the United Nations; to the Committee on International Relations.

By Mr. SMITH of Texas (for himself, Mr. BONILLA, Mr. GONZALEZ, Mr. CUELLAR, and Mrs. CHRISTENSEN):

H. Res. 339. A resolution congratulating the San Antonio Spurs for winning the 2005 National Basketball Association Championship; to the Committee on Government Reform.

By Mr. GINGREY (for himself, Mr. WILSON of South Carolina, Ms. HARRIS, Mr. OTTER, Mr. HAYWORTH, Mrs. DRAKE, Mr. DOOLITTLE, Mr. SMITH of Texas, Mr. ISTOOK, Mr. WESTMORELAND, Mr. TIAHRT, Mr. MILLER of Florida, Mr. FOLEY, Mr. POE, and Mr. BLUNT):

H. Res. 340. A resolution expressing the grave disapproval of the House of Representatives regarding the majority opinion of the Supreme Court in the case of Kelo et al. v. City of New London et al. that nullifies the protections afforded private property owners in the Takings Clause of the Fifth Amendment; 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. 21: Mr. WAXMAN.

H.R. 23: Mr. WYNN and Mr. RAHALL.

H.R. 47: Mr. PENCE, Mr. NORWOOD, and Mr. WESTMORELAND.

H.R. 63: Mr. WU.

H.R. 97: Mr. TANCREDO.

H.R. 98: Ms. WATERS.

H.R. 151: Mr. JEFFERSON.

H.R. 156: Mr. PAYNE, Mr. SIMMONS, and Ms. WATSON.

H.R. 202: Mr. GRIJALVA and Mr. BAIRD.

H.R. 282: Mr. GOODE.

H.R. 314: Mr. ROSS and Mr. WAMP.

H.R. 376: Mr. MCGOVERN.

H.R. 510: Mr. BISHOP of Georgia.

H.R. 535: Mr. EMANUEL, Mr. MCGOVERN, Mr. PASTOR, and Mr. CUELLAR.

H.R. 550: Ms. SCHWARTZ of Pennsylvania, Mr. FITZPATRICK of Pennsylvania, Mr. SALAZAR, Mr. GENE GREEN of Texas, Mr. KUHL of New York, and Mr. CARDOZA.

H. R. 581: Mr. DAVIS of Tennessee.

H. R. 615: Mr. FRANK of Massachusetts.

H. R. 653: Ms. WOOLSEY, Mr. GENE GREEN of Texas, Mr. CLAY, Ms. KILPATRICK of Michigan, Mr. HONDA, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, Mr. MILLER of North Carolina, and Mr. EVANS.

H. R. 698: Mr. WILSON of South Carolina.

H. R. 699: Mr. DOYLE, Mr. BROWN of Ohio, and Mr. AL GREEN of Texas.

H. R. 765: Mr. SHADEGG.

H. R. 772: Mr. GONZALEZ.

H. R. 809: Ms. HARRIS and Mr. DAVIS of Kentucky.

H. R. 813: Mr. CUMMINGS and Mr. BERMAN.

H. R. 819: Mr. KING of New York.

H. R. 867: Mr. SOUDER.

H. R. 893: Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, and Mr. BACA.

H. R. 896: Mr. MURTHA, Mr. DREIER, Mr. DICKS, Ms. ZOE LOFGREN of California, Mr. MOORE of Kansas, and Ms. PRYCE of Ohio.

H. R. 923: Mr. AL GREEN of Texas and Ms. BORDALLO.

H. R. 939: Mr. KUCINICH.

H. R. 968: Mr. PRICE of North Carolina.

H. R. 985: Ms. MCCOLLUM of Minnesota.

H. R. 1002: Mr. BARROW.

H.R. 1083: Mr. WAMP.

H.R. 1108: Mr. LAHOOD, Mr. GONZALEZ, and Mr. ALLEN.

H.R. 1120: Mr. PUTNAM.

H.R. 1126: Mr. CARDIN.

H.R. 1153: Mr. DAVIS of Alabama, Ms. WASSERMAN Schultz, Ms. ZOE LOFGREN of California, and Mr. POMEROY.

H.R. 1204: Ms. SCHWARTZ of Pennsylvania and Mr. DINGELL.

H.R. 1246: Mr. DAVIS of Alabama, Ms. ZOE LOFGREN of California, Mr. RAMSTAD, Mr. MENENDEZ, and Mr. CANNON.

H.R. 1282: Mr. BRADY of Pennsylvania, Mr. MURTHA, Mr. HASTINGS of Florida, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. WATSON.

H.R. 1288: Mr. GILLMOR and Mr. FORTENBERRY.

H.R. 1323: Mr. PALLONE and Mr. PETERSON of Minnesota.

H.R. 1352: Mr. MURPHY.

H.R. 1409: Mr. MORAN of Virginia, Ms. NORTON, Mr. MCGOVERN, Mr. CROWLEY, Mr. MCNULTY, Mr. WYNN, Mr. MEEKS of New York, Mr. HONDA, and Mr. BLUMENAUER.

H.R. 1502: Ms. JACKSON-LEE of Texas.

H.R. 1505: Mr. LAHOOD.

H.R. 1526: Mr. HOLT.

H.R. 1545: Mr. SESSIONS.

H.R. 1578: Mr. HULSHOF and Mr. ROGERS of Kentucky.

H.R. 1592: Mr. CARDIN.

H.R. 1602: Mr. WILSON of South Carolina.

H.R. 1607: Mrs. JOHNSON of Connecticut and Mr. CHABOT.

H.R. 1634: Mr. INSLEE.

H.R. 1668: Mr. STUPAK and Ms. DEGETTE.

H.R. 1678: Mr. BURTON of Indiana and Mr. NORWOOD.

H.R. 1696: Ms. JACKSON-LEE of Texas.

H.R. 1736: Mr. GILLMOR and Mr. CALVERT.

H.R. 1749: Mr. HAYES, Mr. RADANOVICH, Mr. POE, and Mr. MCINTYRE.

H.R. 1861: Mr. MURTHA, Mr. CARDOZA, Mr. ISRAEL, Mr. PASCRELL, Mr. WU, Mr. BROWN of Ohio, Ms. KAPTUR, Mr. NADLER, Mr. HINCHEY, Ms. LINDA T. SÁNCHEZ of California, Mr. FILNER, Ms. WOOLSEY, Mr. POMEROY, and Mr. CLEAVER.

H.R. 1898: Mr. RYAN of Wisconsin and Mrs. MYRICK.

H.R. 1946: Mr. PRICE of Georgia.

H.R. 1957: Mr. BARRETT of South Carolina.

H.R. 2012: Mrs. BIGGERT, Mr. BROWN of South Carolina, Mr. PENCE, and Mr. BRADLEY of New Hampshire.

H.R. 2037: Mr. PALLONE, Mr. OWENS, Mr. MCCOTTER, Mr. DOYLE, MR. STRICKLAND, Mr. GOODE, and Mr. BROWN of South Carolina.

H.R. 2048: Ms. DEGETTE, Mr. CLYBURN, Mr. FORTUÑO, Ms. HERSETH, Mr. SANDERS, and Mr. GERLACH.

H.R. 2061: Mrs. JO ANN DAVIS of Virginia, Mr. CARDOZA, Mr. SHIMKUS, Mr. PEARCE, and Mr. GORDON.

H.R. 2072: Ms. SLAUGHTER.

H.R. 2076: Mr. GORDON, and Mr. DEFAZIO.

H.R. 2131: Mr. WU and Mr. AL GREEN of Texas.

H.R. 2177: Mr. MEEK of Florida, Mr. ETHERIDGE, and Mr. CLEAVER.

H.R. 2178: Mr. AL GREEN of Texas.

H.R. 2209: Mr. LEWIS of Kentucky.

H.R. 2257: Ms. JACKSON-LEE of Texas.

H.R. 2290: Mr. PAUL, Mr. BAKER, Mr. SENSENBRENNER, Mr. CULBERSON, Mr. KINGSTON, Mr. PUTNAM, Mr. SULLIVAN, Mr. CALVERT, Mrs. JO ANN DAVIS of Virginia, Mr. MANZULLO, and Mr. SMITH of Texas.

H.R. 2317: Ms. MOORE of Wisconsin, Ms. BERKLEY, and Mr. DAVIS of Illinois.

H.R. 2327: Mr. DELAHUNT and Mr. JACKSON of Illinois.

H.R. 2330: Mr. REGULA and Ms. HARMAN.

H.R. 2349: Mr. WYNN.

H.R. 2355: Mr. UPTON and Mr. MCCAUL of Texas.

H.R. 2358: Mr. OWENS, Mr. BROWN of Ohio, and Mr. MCDERMOTT.

H.R. 2387: Mr. SHERMAN.

H.R. 2474: Mr. LEWIS of Kentucky.

H.R. 2491: Mr. EHLERS.

H.R. 2498: Mr. FOLEY, Mr. SOUDER, Mr. CARNAHAN, Mr. KILDEE, Mr. CASE, and Mr. MENENDEZ.

H.R. 2508: Mr. FILNER.

H.R. 2636: Mr. KILDEE, Ms. JACKSON-LEE of Texas, and Mr. LEWIS of Georgia.

H.R. 2648: Mr. POE.

H.R. 2662: Mr. DOGGETT, Mr. LARSEN of Washington, and Mr. TOWNS.

H.R. 2669: Mr. SABO.

H.R. 2684: Mr. CLAY.

H.R. 2695: Mr. WYNN, Mrs. CAPPS, and Ms. ZOE LOFGREN of California.

H.R. 2794: Mr. BOUCHER, Mr. TOWNS, and Mr. FORD.

H.R. 2807: Mr. MELANCON, Mr. SALAZAR, Mr. PETERSON of Minnesota, and Mr. CASE.

H.R. 2815: Mr. OWENS, Mr. GENE GREEN of Texas, Mr. ORTIZ, Mr. GONZALEZ, Mr. RUPPERSBERGER, and Mr. LYNCH.

H.R. 2834: Mr. CLAY.

H.R. 2859: Mr. RUPPERSBERGER and Ms. GINNY BROWN-WAITE of Florida.

H.R. 2861: Ms. SLAUGHTER.

H.R. 2876: Mr. CONAWAY, Mr. BACA, Mr. SMITH of New Jersey, Mr. MCDERMOTT, and Mr. LAHOOD.

H.R. 2899: Mr. CALVERT.

H.R. 2928: Mrs. JONES of Ohio, Mr. BACA, and Mr. AL GREEN of Texas.

H.R. 2933: Ms. WATERS.

H.R. 2989: Mr. SHIMKUS.

H.R. 3019: Mr. TANNER and Mr. LARSON of Connecticut.

H.R. 3037: Mr. GEORGE MILLER of California.

H.R. 3051: Mr. GRIJALVA.

H. R. 3055: Mr. CLAY.

H. J. Res. 36: Mr. DOGGETT.

H. Con. Res. 90: Mr. AL GREEN of Texas.

H. Con. Res. 162: Mr. MCCAUL of Texas.

H. Con. Res. 172: Mr. LEWIS of Georgia, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, and Mr. ALLEN.

H. Con. Res. 187: Mr. SHIMKUS, Mr. MEEKS of New York, Mr. MCCOTTER, Mr. MCNULTY, Mr. BERMAN, Mr. PENCE, and Mr. FALEOMAVAEGA.

H. Con. Res. 188: Mr. MARIO DIAZ-BALART of Florida.

H. Res. 17: Mr. GIBBONS.

H. Res. 220: Mr. SHIMKUS, Ms. MOORE of Wisconsin, Mr. WICKER, Mrs. CHRISTENSEN, Mr. NUNES, and Mr. MANZULLO.

H. Res. 286: Mrs. CHRISTENSEN and Mr. KILDEE.

H. Res. 312: Ms. ZOE LOFGREN of California and Mr. SHERMAN.

H. Res. 323: Mr. TOM DAVIS of Virginia, Mr. SCHIFF, and Ms. SCHAKOWSKY.

H. Res. 325: Ms. NORTON.

H. Res. 326: Mr. ADERHOLT, Mr. POE, Mr. CARDIN, and Mr. BERMAN.

H. Res. 327: Ms. WOOLSEY.

H. Res. 332: Mr. CALVERT, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. BROWN of South Carolina, Ms. HARRIS, Mr. CASE, Mr. SMITH of New Jersey, Mr. FOSSELLA, Mr. MACK, and Mr. MILLER of Florida.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, FRIDAY, JUNE 24, 2005 No. 86

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Majestic and Holy God, we give You honor and praise. Your power and beauty fill the Earth. You command the oceans to roar and the fields to rejoice. Thank You for the treasure of Your love that provides us with strength for today and hope for tomorrow. When we fall, You help us up.

Today, bless our Senators. Remind them that wisdom brings understanding and knowledge gives power. Use them as instruments of Your will. Make them Your faithful stewards, and may they find joy in Your service. Give them the humility to trust You and obey Your teachings. Bless also those who support our lawmakers in their work.

Lord, we close this prayer by asking You to protect our military men and women in harm's way. We pray this in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will begin consideration of the appropriations process by turning to the Interior appropriations bill. Senator BURNS and Senator DORGAN are our two managers, and we expect to begin consideration of amendments.

Last night, following completion of the Energy bill, we reached an agreement on the Interior bill that first-degree amendments are to be offered today and Monday. We have commitments from several colleagues that they will be available today to offer amendments, and therefore we will make progress on the bill over the course of the day.

I announced last night that no votes would occur today as well as Monday. However, we will be in session both days working through the Interior bill so that we can finish that bill very early next week. We will start voting on amendments to this appropriations bill on Tuesday.

As a reminder, we have scheduled a vote on passage of the Energy bill at 9:45 a.m. on Tuesday.

Next week, in addition to completing the Interior appropriations measure, we will also complete work on the Homeland Security appropriations bill. It may be possible to consider other appropriations matters as we move through the week. As always, we will be turning to additional legislative and executive items that can be cleared for action during next week.

Again, I thank everybody for their cooperation on the Energy bill. It is a tremendous success for this body. Members on both sides of the aisle came together in order to finish that bill, as we had planned, within 2 weeks.

I will be returning to the floor of the Senate later today with several statements, including one on the Interior appropriations bill.

I yield the floor.

DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 2361, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2361) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment in the nature of a substitute.

[Strike the part shown in black brackets and insert the part shown in italic.]

H.R. 2361

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

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

[TITLE I—DEPARTMENT OF THE INTERIOR

[BUREAU OF LAND MANAGEMENT

[MANAGEMENT OF LANDS AND RESOURCES

[For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $845,783,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $3,000,000 shall be available in fiscal year 2006 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

[In addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $845,783,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

[WILDLAND FIRE MANAGEMENT

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $761,564,000, to remain available until expended, of which not to exceed $7,849,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

[CONSTRUCTION

[For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $11,476,000, to remain available until expended.

[LAND ACQUISITION

[For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $3,817,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

[OREGON AND CALIFORNIA GRANT LANDS

[For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $110,070,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

[FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

[(REVOLVING FUND, SPECIAL ACCOUNT)

[In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

[RANGE IMPROVEMENTS

[For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

[SERVICE CHARGES, DEPOSITS, AND FORFEITURES

[For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

[MISCELLANEOUS TRUST FUNDS

[In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

[ADMINISTRATIVE PROVISIONS

[Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

[UNITED STATES FISH AND WILDLIFE SERVICE

[RESOURCE MANAGEMENT

[For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $1,005,225,000, to remain available until September 30, 2007, except as otherwise provided herein: *Provided*, That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed $18,130,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $12,852,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2005: *Provided further*, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may, at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

[CONSTRUCTION

[For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $41,206,000, to remain available until expended.

[LAND ACQUISITION

[For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $14,937,000 to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That land and non-water interests acquired from willing sellers incidental to water rights acquired for the transfer and use at Lower Klamath and Tule Lake National Wildlife Refuges under this heading shall be resold and the revenues therefrom shall be credited to this account and shall be available without further appropriation for the acquisition of water rights, including acquisition of interests in lands incidental to such water rights, for the two refuges: Provided further, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

[LANDOWNER INCENTIVE PROGRAM

[For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $23,700,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, federally recognized Indian tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

[PRIVATE STEWARDSHIP GRANTS

[For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $7,386,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for the Private Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

[COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

[For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $84,400,000, of which $20,161,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $64,239,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

[NATIONAL WILDLIFE REFUGE FUND

[For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

[NORTH AMERICAN WETLANDS CONSERVATION FUND

[For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $40,000,000 to remain available until expended.

[NEOTROPICAL MIGRATORY BIRD CONSERVATION

[For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $4,000,000, to remain available until expended.

[MULTINATIONAL SPECIES CONSERVATION FUND

[For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), and, the Marine Turtle Conservation Act of 2004 (Public Law 108–266; 16 U.S.C. 6601), $5,900,000, to remain available until expended.

[STATE AND TRIBAL WILDLIFE GRANTS

[For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $65,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That of the amount provided herein, $6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said $6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: *Provided further*, That any amount apportioned in 2006 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2007, shall be reapportioned, together with funds appropriated in 2008, in the manner provided herein: *Provided further*, That balances from amounts previously appropriated under the heading ''State Wildlife Grants'' shall be transferred to and merged with this appropriation and shall remain available until expended.

[ADMINISTRATIVE PROVISIONS

[Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of passenger motor vehicles; repair of damage to public roads

within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That, notwithstanding any other provision of law, the Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That, notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 108–330.

[NATIONAL PARK SERVICE

[OPERATION OF THE NATIONAL PARK SYSTEM

[For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,754,199,000, of which $30,000,000 is provided above the budget request to be distributed to all park areas on a pro-rate basis and to remain in the park base; of which $9,892,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $97,600,000, to remain available until September 30, 2007, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; of which $1,937,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

[UNITED STATES PARK POLICE

[For expenses necessary to carry out the programs of the United States Park Police, $82,411,000.

[NATIONAL RECREATION AND PRESERVATION

[For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, $48,997,000: *Provided*, That none of the funds in this Act for the River, Trails and Conservation Assistance program may be used for cash agreements, or for cooperative agreements that are inconsistent with the program's final strategic plan.

[HISTORIC PRESERVATION FUND

[For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $72,705,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2007, of which $30,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: *Provided*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant: *Provided further*, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations and the President's Committee on the Arts and Humanities prior to the commitment of Save America's Treasures grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies: *Provided further*, That hereinafter and notwithstanding 20 U.S.C. 951 et seq. the National Endowment for the Arts may award Save America's Treasures grants based upon the recommendations of the Save America's Treasures grant selection panel convened by the President's Committee on the Arts and the Humanities and the National Park Service.

[CONSTRUCTION

[For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $308,230,000, to remain available until expended, of which $17,000,000 for modified water deliveries to Everglades National Park shall be derived by transfer from unobligated balances in the ''Land Acquisition and State Assistance'' account for Everglades National Park land acquisitions: *Provided*, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of $5,000,000, without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That, notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108–108: *Provided further*, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations.

[LAND AND WATER CONSERVATION FUND

[(RESCISSION)

[The contract authority provided for fiscal year 2006 by 16 U.S.C. 4601–10a is rescinded.

[LAND ACQUISITION AND STATE ASSISTANCE

[For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $9,421,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $1,587,000 is for the administration of the State assistance program.

[ADMINISTRATIVE PROVISIONS

[Appropriations for the National Park Service shall be available for the purchase of not to exceed 245 passenger motor vehicles, of which 199 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That in fiscal year 2006 and thereafter, appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

[None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

[The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

[If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret or misapply relevant contractual requirements or their underlying legal authority, the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

[In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit

shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

[UNITED STATES GEOLOGICAL SURVEY

[SURVEYS, INVESTIGATIONS, AND RESEARCH

[For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $974,586,000, of which $63,770,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $8,000,000 shall remain available until expended for satellite operations; of which $23,320,000 shall be available until September 30, 2007, for the operation and maintenance of facilities and deferred maintenance; of which $1,600,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost; and of which $174,765,000 shall be available until September 30, 2007, for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

[ADMINISTRATIVE PROVISIONS

[The amount appropriated for the United States Geological Survey shall be available for the purchase and replacement of passenger motor vehicles; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

[MINERALS MANAGEMENT SERVICE

[ROYALTY AND OFFSHORE MINERALS MANAGEMENT

[For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $152,676,000, of which $77,529,000 shall be available for royalty management activities; and an amount not to exceed $122,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $122,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $122,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That $3,000,000 for computer acquisitions shall remain available until September 30, 2007: *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That in fiscal year 2006 and thereafter, the MMS may under the royalty-in-kind program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to the royalty-in-kind program: *Provided further*, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

[OIL SPILL RESEARCH

[For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,006,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

[OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

[REGULATION AND TECHNOLOGY

[For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $110,435,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2006 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

[ABANDONED MINE RECLAMATION FUND

[For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $188,014,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2006: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That amounts allocated under section 402(g)(2) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(2)) as of September 30, 2005, but not appropriated as of that date, are reallocated to the allocation established in section 402(g)(3) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(3)): *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

[ADMINISTRATIVE PROVISIONS

[With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and Tribal regulatory and reclamation programs.

[BUREAU OF INDIAN AFFAIRS

[OPERATION OF INDIAN PROGRAMS

[For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,992,737,000, to remain available until

September 30, 2007 except as otherwise provided herein, of which not to exceed $86,462,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $134,609,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2006, as authorized by such Act, of which $129,609,000 shall be available for indirect contract support costs and $5,000,000 shall be available for direct contract support costs, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $478,085,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2006, and shall remain available until September 30, 2007; and of which not to exceed $61,267,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $44,718,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2005 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2005, of Bureau-operated schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2007, may be transferred during fiscal year 2008 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2008.

[CONSTRUCTION

[For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $284,137,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2006, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That in order to ensure timely completion of replacement school construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any tribe or tribal organization receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction of the replacement school: *Provided further*, That this Appropriation may be reimbursed from the Office of the Special Trustee for American Indians Appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

[INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

[For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $34,754,000, to remain available until expended, for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 106–554, 107–331, and 108–34, and for implementation of other land and water rights settlements, of which $10,000,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation.

[INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

[For the cost of guaranteed and insured loans, $6,348,000, of which $701,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $118,884,000.

[ADMINISTRATIVE PROVISIONS

[The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

[Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

[Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase and replacement of passenger motor vehicles.

[Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

[In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

[Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

[Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

[Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if a tribe or tribal organization in fiscal year 2003 or 2004 received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such tribe or tribal organization using the section 5(f) distribution formula.

[DEPARTMENTAL OFFICES

[INSULAR AFFAIRS

[ASSISTANCE TO TERRITORIES

[For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $76,563,000, of which: (1) $69,182,000 shall be available until

expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $7,381,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

[COMPACT OF FREE ASSOCIATION

[For grants and necessary expenses, $5,362,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands, and the Government of the United States and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

[DEPARTMENTAL MANAGEMENT

[SALARIES AND EXPENSES

[For necessary expenses for management of the Department of the Interior, $118,755,000 (reduced by $8,000,000) (reduced by $13,000,000) of which not to exceed $8,500 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: *Provided*, That none of the funds in this or previous appropriations Acts may be used to establish any additional reserves in the Working Capital Fund account other than the two authorized reserves without prior approval of the House and Senate Committees on Appropriations.

[PAYMENTS IN LIEU OF TAXES

[For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $230,000,000 (increased by $12,000,000), of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

[CENTRAL HAZARDOUS MATERIALS FUND

[For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,855,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

[OFFICE OF THE SOLICITOR

[SALARIES AND EXPENSES

[For necessary expenses of the Office of the Solicitor, $55,340,000.

[OFFICE OF INSPECTOR GENERAL

[SALARIES AND EXPENSES

[For necessary expenses of the Office of Inspector General, $39,566,000.

[OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

[FEDERAL TRUST PROGRAMS

[For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $191,593,000, to remain available until expended, of which not to exceed $58,000,000 from this or any other Act, shall be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Departmental Management, ''Salaries and Expenses'' account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2006, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

[INDIAN LAND CONSOLIDATION

[For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $34,514,000, to remain available until expended, and which may be transferred to the Bureau of Indian Affairs and Departmental Management accounts: *Provided*, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading ''Office of Special Trustee for American Indians, Indian Land Consolidation'' of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291).

[NATURAL RESOURCES DAMAGE ASSESSMENT AND RESTORATION

[NATURAL RESOURCE DAMAGE ASSESSMENT FUND

[To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,106,000, to remain available until expended.

[ADMINISTRATIVE PROVISIONS

[There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund: *Provided further*, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: *Provided further*, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: *Provided further*, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

[GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

[SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

[SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

[SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

[SEC. 104. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

[SEC. 105. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

[SEC. 106. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

[SEC. 107. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate nonlocal travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

[SEC. 108. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

[SEC. 109. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

[SEC. 110. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2006. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

[SEC. 111. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2006 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

[SEC. 112. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

[SEC. 113. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

[SEC. 114. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

[SEC. 115. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

[SEC. 116. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

[SEC. 117. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

[SEC. 118. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

[SEC. 119. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

[SEC. 120. Such sums as may be necessary from ''Departmental Management, Salaries

and Expenses'', may be transferred to ''United States Fish and Wildlife Service, Resource Management'' for operational needs at the Midway Atoll National Wildlife Refuge airport.

[SEC. 121. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

[(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

[SEC. 122. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

[SEC. 123. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2007 shall not exceed $12,000,000.

[SEC. 124. Notwithstanding any implementation of the Department of the Interior's trust reorganization or reengineering plans, or the implementation of the ''To Be'' Model, funds appropriated for fiscal year 2006 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima-Maricopa Indian Community, the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation through the same methodology as funds were distributed in fiscal year 2004. This Demonstration Project shall continue to operate separate and apart from the Department of the Interior's trust reform and reorganization and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. 458aa–458hh: *Provided*, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilities under the same written and implemented fiduciary standards as those being carried by the Secretary of the Interior: *Provided further*, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so: *Provided further*, That the Department shall provide funds to the tribes in an amount equal to that required by 25 U.S.C. 458cc(g)(3), including funds specifically or functionally related to the provision of trust services to the tribes or their members.

[SEC. 125. Notwithstanding any provision of law, including 42 U.S.C. 4321 et. seq., nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past 9 years, shall be renewed. The Animal Unit Months contained in the most recently expired nonrenewable grazing permit, authorized between March 1, 1997, and February 28, 2003, shall continue in effect under the renewed permit. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard 1-year term.

[SEC. 126. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

[SEC. 127. Upon the request of the permittee for the Clark Mountain Allotment lands adjacent to the Mojave National Preserve, the Secretary shall also issue a special use permit for that portion of the grazing allotment located within the Preserve. The special use permit shall be issued with the same terms and conditions as the most recently-issued permit for that allotment and the Secretary shall consider the permit to be one transferred in accordance with section 325 of Public Law 108–108.

[SEC. 128. Notwithstanding any other provision of law, the National Park Service final winter use rules published in part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2005–2006 that commences on or about December 15, 2005.

[SEC. 129. None of the funds in this Act may be used to compensate more than 34 full time equivalent employees in the Department's Office of Law Enforcement and Security. The total number of staff detailed from other offices and reimbursable staff may not exceed 8 at any given time.

[TITLE II—ENVIRONMENTAL PROTECTION AGENCY

[SCIENCE AND TECHNOLOGY

[For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $765,340,000 which shall remain available until September 30, 2007.

[ENVIRONMENTAL PROGRAMS AND MANAGEMENT

[For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; and not to exceed $9,000 for official reception and representation expenses, $2,389,491,000 (increased by $1,903,000) (reduced by $1,903,000), which shall remain available until September 30, 2007, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $37,955,000 to remain available until September 30, 2007.

[BUILDINGS AND FACILITIES

[For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $40,218,000 to remain available until expended.

[HAZARDOUS SUBSTANCE SUPERFUND

[(INCLUDING TRANSFERS OF FUNDS)

[For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; $1,258,333,000, to remain available until expended, consisting of such sums as are available in the Trust Fund upon the date of enactment of this Act as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,258,333,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $13,536,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2007, and $30,606,000 shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2007.

[LEAKING UNDERGROUND STORAGE TANK PROGRAM

[For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $73,027,000, to remain available until expended.

[OIL SPILL RESPONSE

[For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,863,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

[STATE AND TRIBAL ASSISTANCE GRANTS

[(INCLUDING RESCISSIONS OF FUNDS)

[For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,127,800,000, to remain available until expended, of which $750,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI

of the Federal Water Pollution Control Act, as amended (the ''Act''), of which up to $50,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, intermunicipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; $850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended; $50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $15,000,000 shall be for grants to the State of Alaska to address drinking water and waste infrastructure needs of rural and Alaska Native Villages; $200,000,000 shall be for making grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection (''special project grants'') in accordance with the terms and conditions specified for such grants in the joint explanatory statement of the managers accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $95,500,000 (increased by $2,000,000) shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $4,000,000 shall be for a grant to Puerto Rico for drinking water infrastructure improvements to the Metropolitano community water system in San Juan; $10,000,000 for cost-shared grants for school bus retrofit and replacement projects that reduce diesel emissions: *Provided*, That $1,153,300,000 (reduced by $2,000,000) shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities of which and subject to terms and conditions specified by the Administrator, of which $52,000,000 (reduced by $2,000,000) shall be for carrying out section 128 of CERCLA, as amended, and $20,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, and $15,000,000 shall be for making competitive targeted watershed grants: *Provided further*, That notwithstanding section 603(d)(7) of the Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2006 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2006, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further*, That for fiscal year 2006, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of that Act: *Provided further*, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: *Provided further*, That, notwithstanding any other provision of law, such funds that were appropriated under this heading for special project grants in fiscal year 2000 or before and for which the Agency has not received an application and issued a grant by September 30, 2006, shall be made available to the Clean Water or Drinking Water Revolving Fund, as appropriate, for the State in which the special project grant recipient is located: *Provided further*, That excess funds remaining after completion of a special project grant shall be made available to the Clean Water or Drinking Water Revolving Fund, as appropriate, for the State in which the special project grant recipient is located: *Provided further*, That in the event that a special project is determined by the Agency to be ineligible for a grant, the funds for that project shall be made available to the Clean Water or Drinking Water Revolving Fund, as appropriate, for the State in which the special project grant recipient is located: *Provided further*, That notwithstanding this or previous appropriations Acts, after consultation with the House and Senate Committees on Appropriations and for the purposes of making technical corrections, the Administrator is authorized to award grants to entities under this heading for purposes other than those listed in the joint explanatory statements of the managers accompanying the Agency's appropriations Acts for the construction of drinking water, waste water and storm water infrastructure, and for water quality protection.

[For an additional amount for the Clean Water State Revolving Fund, $100,000,000 shall be made available from the rescissions of multi-year and no-year funding, previously appropriated to the Environmental Protection Agency, the availability of which under the original appropriation accounts has not expired, and $100,000,000 in such funding is hereby rescinded: *Provided*, That such rescissions shall be taken solely from amounts associated with grants, contracts, and interagency agreements whose availability under the original period for obligation for such grant, contract, or interagency agreement has expired based on the April 2005 review by the Government Accountability Office.

[ADMINISTRATIVE PROVISIONS

[For fiscal year 2006, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

[The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (as added by subsection (f)(2) of the Pesticide Registration Improvement Act of 2003), as amended.

[Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), appropriated funds for fiscal year 2006 may be used to award grants or loans under section 104(k) of CERCLA to eligible entities that satisfy all of the elements set forth in CERCLA section 101(40) to qualify as a bona fide prospective purchaser except that the date of acquisition of the property was prior to the date of enactment of the Small Business Liability Relief and Brownfield Revitalization Act of 2001.

[For fiscal years 2006 through 2011, the Administrator may, after consultation with the Office of Personnel Management, make not to exceed five appointments in any fiscal year under the authority provided in 42 U.S.C. 209 for the Office of Research and Development.

[TITLE III—RELATED AGENCIES

[DEPARTMENT OF AGRICULTURE

[FOREST SERVICE

[FOREST AND RANGELAND RESEARCH

[For necessary expenses of forest and rangeland research as authorized by law, $285,000,000, to remain available until expended: *Provided*, That of the funds provided, $62,100,000 is for the forest inventory and analysis program.

[STATE AND PRIVATE FORESTRY

[For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $254,875,000, to remain available until expended, as authorized by law of which $25,000,000 is to be derived from the Land and Water Conservation Fund: *Provided*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share: *Provided further*, That of the funds provided herein, $1,000,000 shall be provided to Custer County, Idaho, for economic development in accordance with the Central Idaho Economic Development and Recreation Act, subject to authorization.

[NATIONAL FOREST SYSTEM

[For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,423,920,000 (reduced by $7,000,000) (increased by $1,000,000), to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land

and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided*, That unobligated balances under this heading available at the start of fiscal year 2006 shall be displayed by budget line item in the fiscal year 2007 budget justification.

[WILDLAND FIRE MANAGEMENT

[(INCLUDING TRANSFER OF FUNDS)

[For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,790,506,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2005 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further*, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $286,000,000 is for hazardous fuels reduction activities, $9,281,000 is for rehabilitation and restoration, $21,719,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $41,000,000 is for State fire assistance, $8,000,000 is for volunteer fire assistance, $15,000,000 is for forest health activities on Federal lands and $10,000,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the report accompanying this Act: *Provided further*, That funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the ''National Forest System'' account at the sole discretion of the Chief of the Forest Service thirty days after notifying the House and the Senate Committees on Appropriations: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds designated for wildfire suppression, shall be assessed for indirect costs, in a manner consistent with such assessments against other agency programs.

[CAPITAL IMPROVEMENT AND MAINTENANCE

[For necessary expenses of the Forest Service, not otherwise provided for, $468,260,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

[LAND ACQUISITION

[For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $15,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

[ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

[For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

[ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

[For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

[RANGE BETTERMENT FUND

[For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

[GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

[For expenses authorized by 16 U.S.C. 1643(b), $64,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

[MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

[For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,467,000, to remain available until expended.

[ADMINISTRATIVE PROVISIONS, FOREST SERVICE

[Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

[None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

[Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned and all wildfire suppression funds under the heading ''Wildland Fire Management'' are obligated.

[The first transfer of funds into the Wildland Fire Management account shall include unobligated funds, if available, from the Land Acquisition account and the Forest Legacy program within the State and Private Forestry account.

[Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service

in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

[None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b, however in fiscal year 2006 the Forest Service may transfer funds to the ''National Forest System'' account from other agency accounts to enable the agency's law enforcement program to pay full operating costs including overhead.

[None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the report accompanying this Act.

[Not more than $72,646,000 of the funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture.

[Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

[Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

[Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $250,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

[Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its subrecipients.

[Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

[Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed $500,000.

[An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

[Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

[For each fiscal year through 2009, funds available to the Forest Service in this Act may be used for the purpose of expenses associated with primary and secondary schooling for dependents of agency personnel stationed in Puerto Rico prior to the date of enactment of this Act, who are subject to transfer and reassignment to other locations in the United States, at a cost not in excess of those authorized for the Department of Defense for the same area, when it is determined by the Chief of the Forest Service that public schools available in the locality are unable to provide adequately for the education of such dependents.

[DEPARTMENT OF HEALTH AND HUMAN SERVICES

[INDIAN HEALTH SERVICE

[INDIAN HEALTH SERVICES

[For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,732,298,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $507,021,000 for contract medical care shall remain available for obligation until September 30, 2007: *Provided further*, That of the funds provided, up to $27,000,000, to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $268,683,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2006, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account: *Provided further*, That of the amounts provided to the Indian Health Service, $15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska: *Provided further*, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: *Provided further*, That no more than 15 percent may be used by any entity receiving funding for administrative overhead including indirect costs: *Provided further*, That the Bureau of Indian Affairs shall collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93–638 such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals With Disability Education Act, 20 U.S.C. 1400, et seq.

[INDIAN HEALTH FACILITIES

[For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $370,774,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $1,000,000 from this account and the ''Indian Health Services'' account

shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That notwithstanding any other provision of law, funds appropriated for the planning, design, and construction of the replacement health care facility in Barrow, Alaska, may be used to purchase land up to approximately 8 hectares for a site upon which to construct the new health care facility: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

[ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

[Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

[In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

[Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

[None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

[Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

[None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

[With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

[Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

[The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

[NATIONAL INSTITUTES OF HEALTH

[NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

[For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $80,289,000.

[AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

[TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

[For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,024,000, of which up to $1,500,000, to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2006, and existing profiles may be updated as necessary.

[OTHER RELATED AGENCIES

[EXECUTIVE OFFICE OF THE PRESIDENT

[COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

[For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $2,717,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

[CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

[SALARIES AND EXPENSES

[For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $9,200,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

[OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

[SALARIES AND EXPENSES

[For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,601,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the

Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

[INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

[PAYMENT TO THE INSTITUTE

[For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,300,000.

[SMITHSONIAN INSTITUTION

[SALARIES AND EXPENSES

[For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $524,381,000, of which not to exceed $10,992,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which $9,086,000 for the reopening of the Patent Office Building and for fellowships and scholarly awards shall remain available until September 30, 2007; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further,* That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further,* That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further,* That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

[FACILITIES CAPITAL

[For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $90,900,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: *Provided,* That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

[ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

[None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without the advance approval of the House and Senate Committees on Appropriations.

[None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

[None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

[None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

[None of the funds in this or any other Act may be used to purchase any additional buildings without prior consultation with the House and Senate Committees on Appropriations.

[NATIONAL GALLERY OF ART

[SALARIES AND EXPENSES

[For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $97,100,000, of which not to exceed $3,157,000 for the special exhibition program shall remain available until expended.

[REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

[For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $16,200,000, to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further,* That, notwithstanding any other provision of law, a single procurement for the Master Facilities Plan renovation project at the National Gallery of Art may be issued which includes the full scope of the Work Area #3 project: *Provided further,* That the solicitation and the contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18.

[JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

[OPERATIONS AND MAINTENANCE

[For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $17,800,000.

[CONSTRUCTION

[For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $10,000,000, to remain available until expended.

[WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

[SALARIES AND EXPENSES

[For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $9,085,000.

[NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

[NATIONAL ENDOWMENT FOR THE ARTS

[GRANTS AND ADMINISTRATION

[For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $121,264,000 (increased by $10,000,000) shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $14,922,000 (increased by $10,000,000) for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided,* That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account and ''Challenge America'' account may be transferred to and merged with this account.

[NATIONAL ENDOWMENT FOR THE HUMANITIES

[GRANTS AND ADMINISTRATION

[For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $122,605,000 (increased by $5,000,000), shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

[MATCHING GRANTS

[To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $15,449,000, to remain available until expended, of which $10,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided,* That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

[ADMINISTRATIVE PROVISIONS

[None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant

or contract documents which do not include the text of 18 U.S.C. 1913: *Provided,* That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further,* That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further,* That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further,* That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

[COMMISSION OF FINE ARTS

[SALARIES AND EXPENSES

[For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,893,000: *Provided,* That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

[NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

[For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000: *Provided,* That no one organization shall receive a grant in excess of $400,000 in a single year.

[ADVISORY COUNCIL ON HISTORIC PRESERVATION

[SALARIES AND EXPENSES

[For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,860,000: *Provided,* That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

[NATIONAL CAPITAL PLANNING COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,177,000: *Provided,* That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses to host international visitors engaged in the planning and physical development of world capitals.

[UNITED STATES HOLOCAUST MEMORIAL MUSEUM

[HOLOCAUST MEMORIAL MUSEUM

[For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $41,880,000, of which $1,874,000 for the museum's repair and rehabilitation program and $1,246,000 for the museum's exhibitions program shall remain available until expended.

[PRESIDIO TRUST

[PRESIDIO TRUST FUND

[For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $20,000,000 shall be available to the Presidio Trust, to remain available until expended.

[WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

[For necessary expenses of the White House Commission on the National Moment of Remembrance, $250,000.

[TITLE IV—GENERAL PROVISIONS

[SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

[SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete.

[SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

[SEC. 405. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

[SEC. 406. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2004.

[SEC. 407. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

[(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

[(c) REPORT.—On September 30, 2006, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

[(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

[SEC. 408. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, and 108–447 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2005 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

[SEC. 409. Of the funds provided to the National Endowment for the Arts:

[(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

[(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

[(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

[SEC. 410. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

[SEC. 411. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

[(b) In this section:

[(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

[(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

[(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of

1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

[(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

[(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

[(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

[(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

[(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

[SEC. 412. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

[SEC. 413. Amounts deposited during fiscal year 2005 in the roads and trails fund provided for in the 14th paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

[SEC. 414. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

[SEC. 415. Prior to October 1, 2006, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

[SEC. 416. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

[SEC. 417. EXTENSION OF FOREST SERVICE CONVEYANCES PILOT PROGRAM.—Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63) is amended—

[(1) in subsection (b), by striking ''40'' and inserting ''60'';

[(2) in subsection (c) by striking ''13'' and inserting ''25''; and

[(3) in subsection (d), by striking ''2008'' and inserting ''2009''.

[SEC. 418. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

[SEC. 419. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

[SEC. 420. In awarding a Federal contract with funds made available by this Act, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged business or micro-business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

[SEC. 421. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

[SEC. 422. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

[(1) Of the funds made available by this or any other Act to the Department of the Interior for fiscal year 2006, not more than $3,450,000 may be used by the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2006 for programs, projects, and activities for which funds are appropriated by this Act and such funds shall not be available until the Secretary submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines in House Report 108–330.

[(2) Of the funds appropriated by this Act, not more than $2,500,000 may be used in fiscal year 2006 for competitive sourcing studies and related activities by the Forest Service.

[(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term ''competitive sourcing study'' means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

[(c) COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

[SEC. 423. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects and activities to support governmentwide, departmental, agency or bureau administrative functions or headquarters, regional or central office operations shall be presented in annual budget justifications. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

[SEC. 424. None of the funds in this Act or prior Acts making appropriations for the Department of the Interior and Related Agencies may be provided to the managing partners or their agents for the SAFECOM or Disaster Management projects.

[SEC. 425. (a) IN GENERAL.—An entity that enters into a contract with the United States to operate the National Recreation Reservation Service (as solicited by the solicitation numbered WO–04–06vm) shall not carry out any duties under the contract using:

[(1) a contact center located outside the United States; or

[(2) a reservation agent who does not live in the United States.

[(b) NO WAIVER.—The Secretary of Agriculture may not waive the requirements of subsection (a).

[(c) TELECOMMUTING.—A reservation agent who is carrying out duties under the contract described in subsection (a) may not telecommute from a location outside the United States.

[(d) LIMITATIONS.—Nothing in this Act shall be construed to apply to any employee of the entity who is not a reservation agent carrying out the duties under the contract described in subsection (a) or who provides managerial or support services.

[SEC. 426. Section 331, of Public Law 106–113, is amended—

[(1) in part (a) by striking ''2005'' and inserting ''2009''; and

[(2) in part (b) by striking ''2005'' and inserting ''2009''.

[SEC. 427. Section 330 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291; 114 Stat. 996; 43 U.S.C. 1701 note), is amended—

[(1) in the first sentence, by striking ''2005'' and inserting ''2008'';

[(2) in the third sentence, by inserting '', National Park Service, Fish and Wildlife Service,'' after ''Bureau of Land Management''; and

[(3) by adding at the end the following new sentence: ''To facilitate the sharing of resources under the Service First initiative, the Secretaries of the Interior and Agriculture may make transfers of funds and reimbursement of funds on an annual basis among the land management agencies referred to in this section, except that this authority may not be used to circumvent requirements and limitations imposed on the use of funds.''.

[SEC. 428. The Secretary of Agriculture may acquire, by exchange or otherwise, a parcel of real property, including improvements thereon, of the Inland Valley Development Agency of San Bernardino, California, or its successors and assigns, generally comprising Building No. 3 and Building No. 4 of the former Defense Finance and Accounting Services complex located at the southwest corner of Tippecanoe Avenue and Mill Street in San Bernardino, California, adjacent to the former Norton Air Force Base. As full consideration for the property to be acquired, the Secretary of Agriculture may terminate the leasehold rights of the United States received pursuant to section 8121(a)(2) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 999). The acquisition of the property shall be on such terms and conditions as the Secretary of Agriculture considers appropriate and may be carried out without appraisals, environmental or administrative surveys, consultations, analyses, or other considerations of the condition of the property.

[SEC. 429. The Secretary of the Interior shall submit to the House Committee on Appropriations a report detailing the Federal expenditures pursuant to the Southern Nevada Public Lands Management Act (section 4(e)(3) of Public Law 105–263) for fiscal years 2003 and 2004.

[SEC. 430. None of the funds in this Act may be used to prepare or issue a permit or lease for oil or gas drilling in the Finger Lakes National Forest, New York, during fiscal year 2006.

[SEC. 431. None of the funds made available in this Act for the Department of the Interior may be used to implement the first proviso under the heading ''UNITED STATES FISH AND WILDLIFE SERVICE-LAND ACQUISITION''.

[SEC. 432. None of the funds made available in this Act may be used in contravention of Executive Order No. 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) or to delay the implementation of that order.

[SEC. 433. None of the funds made available in this Act may be used to finalize, issue, implement, or enforce the proposed policy of the Environmental Protection Agency entitled ''National Pollutant Discharge Elimination System (NPDES) Permit Requirements for Municipal Wastewater Treatment During Wet Weather Conditions'', dated November 3, 2003 (68 Fed. Reg. 63042).

[SEC. 434. None of the funds made available in this Act may be used by the Administrator of the Environmental Protection Agency—

[(1) to accept, consider, or rely on third-party intentional dosing human +studies for pesticides; or

[(2) to conduct intentional dosing human studies for pesticides.

[SEC. 435. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 Federal employees at any single conference occurring outside the United States.

[SEC. 436. None of the funds made available in this Act for the Department of the Interior may be used to enter into or renew any concession contract except a concession contract that includes a provision that requires that merchandise for sale at units of the National Park System be made in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, or the Commonwealth of the Northern Mariana Islands.

[SEC. 437. LIMITATION ON USE OF FUNDS FOR SALE OR SLAUGHTER OF FREE-ROAMING HORSES AND BURROS.

[None of the funds made available by this Act may be used for the sale or slaughter of wild free-roaming horses and burros (as defined in Public Law 92–195).

[This Act may be cited as the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006''.]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $867,045,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $3,000,000 shall be available in fiscal year 2006 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $867,045,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $766,564,000, to remain available until expended, of which not to exceed $7,849,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated

with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $9,976,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $12,250,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $110,070,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $993,485,000, to remain available until September 30, 2007, except as otherwise provided herein: Provided, That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed $18,130,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $12,852,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2005: Provided further, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $31,811,000, to remain available until expended: Provided, That funds made available under the 2005 Consolidated Appropriations Act (Public Law 108–447) for the Chase Lake and Arrowwood National Wildlife Refuges, North Dakota, shall be transferred to North Dakota State University to complete planning and design for a Joint Interpretive Center.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $40,827,000 to be derived from the Land and Water Conservation Fund and to remain available until expended.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $25,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, federally recognized Indian tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

PRIVATE STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $7,500,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That the amount provided herein is for the Private Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES

CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $80,000,000, of which

$34,347,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $45,653,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $39,500,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $4,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), and the Marine Turtle Conservation Act of 2004 (Public Law 108–266; 16 U.S.C. 6601), $6,500,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $72,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: Provided, That of the amount provided herein, $6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2006 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2007, shall be reapportioned, together with funds appropriated in 2008, in the manner provided herein: Provided further, That balances from amounts previously appropriated under the heading ''State Wildlife Grants'' shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 61 passenger motor vehicles, of which 61 are for replacement only (including 22 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That, notwithstanding any other provision of law, the Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That, notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 108–330.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,748,486,000, of which $9,892,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $98,100,000, to remain available until September 30, 2007, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $1,937,000 is for the Youth Conservation Corps for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $80,411,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $56,729,000: Provided, That none of the funds in this Act for the River, Trails and Conservation Assistance program may be used for cash agreements, or for cooperative agreements that are inconsistent with the program's final strategic plan.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $72,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2007, of which $30,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: Provided, That not to exceed $7,500,000 of the amount provided for Save America's Treasures may be for Preserve America grants to States, Tribes, and local communities for projects that preserve important historic resources through the promotion of heritage tourism: Provided further, That any individual Save America's Treasures or Preserve America grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant: Provided further, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations, and in consultation with the President's Committee on the Arts and Humanities prior to the commitment of Save America's Treasures grant funds and with the Advisory Council on Historic Preservation prior to the commitment of Preserve America grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $316,201,000, to remain available until expended, of which $17,000,000 for modified water deliveries to Everglades National Park shall be derived by transfer from unobligated balances in the ''Land Acquisition and State Assistance'' account for Everglades National Park land acquisitions, and of which $500,000 for the Mark Twain Boyhood Home National Historic Landmark shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: Provided, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of $5,000,000, without advance approval of the House and Senate Committees on Appropriations: Provided further, That notwithstanding any other provision of law, the National Park

Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: Provided further, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108–108: Provided further, That hereinafter notwithstanding any other provision of law, procurements for the Mount Rainier National Park Jackson Visitor Center replacement and the rehabilitation of Paradise Inn and Annex may be issued which include the full scope of the facility: Provided further, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18: Provided further, That none of the funds provided in this or any other Act may be used for planning, design, or construction of any underground security screening or visitor contact facility at the Washington Monument until such facility has been approved in writing by the House and Senate Committees on Appropriations.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2006 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $86,005,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $30,000,000 is for the State assistance program including $1,587,000 for program administration: Provided, That none of the funds provided for the State assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 245 passenger motor vehicles, of which 199 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: Provided further, That in fiscal year 2006 and thereafter, appropriations available to the National Park Service may be used to maintain the following areas in Washington, District of Columbia: Jackson Place, Madison Place, and Pennsylvania Avenue between 15th and 17th Streets, Northwest.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

If the Secretary of the Interior considers the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, to misinterpret or misapply relevant contractual requirements or their underlying legal authority, the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims, and that court may make an order affirming, vacating, modifying or correcting the determination.

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $963,057,000, of which $63,770,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $7,791,000 shall remain available until expended for satellite operations; of which $21,720,000 shall be available until September 30, 2007, for the operation and maintenance of facilities and deferred maintenance; of which $1,600,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost; and of which $174,280,000 shall be available until September 30, 2007, for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for the purchase and replacement of passenger motor vehicles; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $152,516,000, of which $78,529,000 shall be available for royalty management activities; and an amount not to exceed $122,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $122,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $122,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2007: Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That in fiscal year 2006 and thereafter, MMS may under the royalty-in-kind program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to the royalty-in-kind program: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,006,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $110,435,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2006 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $188,014,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2006: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and Tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,971,132,000, to remain available until September 30, 2007 except as otherwise provided herein, of which not to exceed $86,462,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $134,609,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2006, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $454,725,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2006, and shall remain available until September 30, 2007; and of which not to exceed $61,667,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $44,718,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2005 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2005, of Bureau-operated schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2007, may be transferred during fiscal year 2008 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2008.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $267,137,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2006, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of replacement school construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any tribe or tribal organization receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction of the replacement school: Provided further, That this Appropriation may be reimbursed from the Office of the Special Trustee for American Indians Appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $24,754,000, to remain available until expended, for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 106–554, 107–331, and 108–34, and for implementation of other land and water rights settlements.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $6,348,000, of which $701,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $118,884,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and

purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if a tribe or tribal organization in fiscal year 2003 or 2004 received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such tribe or tribal organization using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $76,683,000, of which: (1) $69,802,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $6,881,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $4,862,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $94,627,000; of which $7,441,000 is to be derived from the Land and Water Conservation Fund and shall remain available until expended; of which not to exceed $8,500 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: Provided, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations: Provided further, That amounts otherwise appropriated by this Act for administrative expenses in operating accounts for bureaus and offices of the Department of the Interior are reduced by $10,000,000 and, not later than 30 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing by account of the pro rata reduction in such accounts made pursuant to this provision.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, $22,555,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $235,000,000, of which not to exceed $400,000 shall be available for administrative expenses: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,855,000, to remain available until expended: Provided, That hereafter, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: Provided further, That hereafter such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $55,652,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $39,116,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $191,593,000, to remain available until expended, of which not to exceed $58,000,000 shall be available for historical accounting: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Departmental Management, ''Salaries and Expenses'' account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2006, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each

such account to be withdrawn upon the express written request of the account holder: Provided further, That, not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $34,514,000, to remain available until expended, and which may be transferred to the Bureau of Indian Affairs and Departmental Management accounts: Provided, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading ''Office of Special Trustee for American Indians, Indian Land Consolidation'' of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291).

NATURAL RESOURCES DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,106,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund: Provided further, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: Provided further, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: Provided further, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section are hereby designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 104. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 105. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 106. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 107. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 108. Notwithstanding any other provision of law, in fiscal years 2006 through 2010, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 109. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2006. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 110. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2006 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 111. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 112. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 113. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National

Historic District and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 114. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 115. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 116. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 117. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 118. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 119. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), the total amount of all fees imposed by the National Indian Gaming Commission for fiscal year 2007 shall not exceed $12,000,000.

SEC. 120. Notwithstanding any implementation of the Department of the Interior's trust reorganization or reengineering plans, or the implementation of the ''To Be'' Model, funds appropriated for fiscal year 2006 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima-Maricopa Indian Community, the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation through the same methodology as funds were distributed in fiscal year 2003. This Demonstration Project shall continue to operate separate and apart from the Department of the Interior's trust reform and reorganization and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. 458aa–458hh: Provided, That the California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilities under the same written and implemented fiduciary standards as those being carried by the Secretary of the Interior: Provided further, That they demonstrate to the satisfaction of the Secretary that they have the capability to do so: Provided further, That the Department shall provide funds to the tribes in an amount equal to that required by 25 U.S.C. 458cc(g)(3), including funds specifically or functionally related to the provision of trust services to the tribes or their members.

SEC. 121. Notwithstanding any provision of law, including 42 U.S.C. 4321 et. seq., nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past 9 years, shall be renewed. The Animal Unit Months contained in the most recently expired nonrenewable grazing permit, authorized between March 1, 1997, and February 28, 2003, shall continue in effect under the renewed permit. Nothing in this section shall be deemed to extend the nonrenewable permits beyond the standard 1-year term.

SEC. 122. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

SEC. 123. Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2005–2006 that commences on or about December 15, 2005.

SEC. 124. Section 1121(d) of the Education Amendments of 1978 (25 U.S.C. 2001(d)) is amended by striking paragraph (7) and inserting the following:

''(7) APPROVAL OF INDIAN TRIBES.—The Secretary shall not terminate, close, consolidate, contract, transfer to another authority, or take any other action relating to an elementary school or secondary school (or any program of such a school) of an Indian tribe without the approval of the governing body of any Indian tribe that would be affected by such an action.''.

SEC. 125. (a) U.S.S. ARIZONA MEMORIAL PARKING FEE.—Notwithstanding any other provision of law, the Secretary of the Interior is authorized to charge a fee for visitor parking at the U.S.S. Arizona Memorial and to retain and expend the revenues, without further appropriation, for the lease of administrative facilities within or near the area at the memorial administered by the National Park Service.

(b) AUTHORITY FOR AGREEMENTS.—The Secretary of the Interior is further authorized to enter into agreements with public and private entities for the purpose of streamlining visitor services by providing visitor information and admission tickets for National Park Service-administered sites and other attractions in the vicinity, including but not limited to the U.S.S. Missouri, the Pacific Air Museum of Pearl Harbor, and the U.S.S. Bowfin submarine museum.

SEC. 126. Section 108(e) of the Act entitled ''An Act to establish the Kalaupapa National Historical Park in the State of Hawaii, and for other purposes'' (16 U.S.C. 410jj–7) is amended by striking ''twenty-five years from'' and inserting ''on the date that is 45 years after''.

SEC. 127. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking ''September 30, 2005,'' and inserting ''June 30, 2006,''.

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $730,795,000, to remain available until September 30, 2007.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; and not to exceed $9,000 for official reception and representation expenses, $2,333,416,000, to remain available until September 30, 2007, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $36,955,000, to remain available until September 30, 2007.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $40,218,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; $1,256,165,000, to remain available until expended, consisting of such sums as are available in the Trust Fund upon the date of enactment of this Act as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,256,165,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of

CERCLA: Provided further, That of the funds appropriated under this heading, $13,536,000 shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2007, and $30,606,000 shall be transferred to the ''Science and Technology'' appropriation to remain available until September 30, 2007.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $73,027,000, to remain available until expended.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,863,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

(INCLUDING RESCISSION OF FUNDS)

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,453,550,000, to remain available until expended, of which $1,100,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); $850,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $40,000,000 shall be for grants to the State of Alaska to address drinking water and waste infrastructure needs of rural and Alaska Native Villages: Provided, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) not later than October 1, 2005 the State of Alaska shall make awards consistent with the State-wide priority list established in 2004 for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $200,000,000 shall be for making grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the joint explanatory statement of the managers accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $90,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $1,000,000 for cost-shared grants for school bus retrofit and replacement projects that reduce diesel emissions; and $1,122,550,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $50,000,000 shall be for carrying out section 128 of CERCLA, as amended, $19,344,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, and $16,856,000 shall be for making competitive targeted watershed grants: Provided further, That for fiscal year 2006, State authority under section 302(a) of Public Law 104–182 shall remain in effect: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2005 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2006, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2006, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of that Act: Provided further, That no funds provided by this legislation to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: Provided further, That, notwithstanding any other provision of law, heretofore and hereafter, after consultation with the House and Senate Committees on Appropriations and for the purpose of making technical corrections, the Administrator is authorized to award grants under this heading to entities and for purposes other than those listed in the joint explanatory statements of the managers accompanying the Agency's appropriations Acts for the construction of drinking water, wastewater and stormwater infrastructure and for water quality protection: Provided further, That from unobligated prior year funds in appropriation accounts available to the Environmental Protection Agency, $58,000,000 is hereby rescinded: Provided further, That such rescissions shall be taken solely from amounts associated with grants, contracts, and interagency agreements whose availability under the original period for obligation for such grant, contract, or interagency agreement has expired.

ADMINISTRATIVE PROVISIONS

For fiscal year 2006, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (as added by subsection (f)(2) of the Pesticide Registration Improvement Act of 2003), as amended.

Notwithstanding CERCLA 104(k)(4)(B)(i)(IV), appropriated funds for fiscal year 2006 may be used to award grants or loans under section 104(k) of CERCLA to eligible entities that satisfy all of the elements set forth in CERCLA section 101(40) to qualify as a bona fide prospective purchaser except that the date of acquisition of the property was prior to the date of enactment of the Small Business Liability Relief and Brownfield Revitalization Act of 2001.

For fiscal years 2006 through 2011, the Administrator may, after consultation with the Office of Personnel Management, make not to exceed five appointments in any fiscal year under the authority provided in 42 U.S.C. 209 for the Office of Research and Development.

Beginning in fiscal year 2006 and thereafter, and notwithstanding section 306 of the Toxic Substances Control Act, the Federal share of the cost of radon program activities implemented with Federal assistance under section 306 shall not exceed 60 percent in the third and subsequent grant years.

None of the funds provided in this Act or any other Act may be used by the Environmental Protection Agency (EPA) to publish proposed or final regulations pursuant to the requirements of section 428(b) of Division G of Public Law 108–199 until the Administrator of the Environmental Protection Agency, in coordination with other appropriate Federal agencies, has completed and published a technical study to look at safety issues, including the risk of fire and burn to consumers in use, associated with compliance with the regulations. Not later than six months after the date of enactment of this Act, the Administrator shall complete and publish the technical study.

TITLE III—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $280,892,000, to remain available until expended: Provided, That of the funds provided, $58,434,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $254,615,000, to remain available until expended, as authorized by law of which $62,632,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,377,656,000, to remain

available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances under this heading available at the start of fiscal year 2006 shall be displayed by budget line item in the fiscal year 2007 budget justification: Provided further, That of the funds provided under this heading for Forest Products, $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That within funds available for the purpose of implementing the Valles Caldera Preservation Act, notwithstanding the limitations of section 107(e)(2) of the Valles Caldera Preservation Act (Public Law 106–248), for fiscal year 2006, the Chair of the Board of Trustees of the Valles Caldera Trust may receive, upon request, compensation for each day (including travel time) that the Chair is engaged in the performance of the functions of the Board, except that compensation shall not exceed the daily equivalent of the annual rate in effect for members of the Senior Executive Service at the ES–1 level, and shall be in addition to any reimbursement for travel, subsistence and other necessary expenses incurred by the Chair in the performance of the Chair's duties.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,745,531,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That any unobligated balances remaining may be transferred to the ''National Forest System'' account and available without further appropriation to fund vegetative treatments that improve condition class: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2005 shall be transferred to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.) if necessary to reimburse the fund for unpaid past advances: Provided further, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, $281,000,000 is for hazardous fuels reduction activities, $2,000,000 is for rehabilitation and restoration, $18,385,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $40,179,000 is for State fire assistance, $7,889,000 is for volunteer fire assistance, $6,974,000 is for forest health activities on Federal lands and $4,598,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the report accompanying this Act: Provided further, That funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the ''National Forest System'' account at the sole discretion of the Chief of the Forest Service thirty days after notifying the House and the Senate Committees on Appropriations: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed $5,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $409,751,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That of funds provided, $3,000,000 is provided for needed rehabilitation and restoration work at Jarbidge Canyon, Nevada: Provided further, That the Secretary of Agriculture may authorize the transfer of up to $1,350,000 as necessary to the Department of the Interior, Bureau of Land Management and Fish and Wildlife Service when such transfers would facilitate and expedite needed rehabilitation work on Bureau of Land Management lands, and for the Fish and Wildlife Service to implement terms and conditions identified in the Biological Opinion.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $44,925,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $64,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,067,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 119 passenger motor vehicles of which 14 will be used primarily for law enforcement purposes and of which 119 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold,

with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned and all wildfire suppression funds under the heading ''Wildland Fire Management'' are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b, except that in fiscal year 2006 the Forest Service may transfer funds to the ''National Forest System'' account from other agency accounts to enable the agency's law enforcement program to pay full operating costs including overhead.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the report accompanying this Act.

Not more than $72,646,000 of funds available to the Forest Service may be transferred to the Working Capital Fund of the Department of Agriculture. Nothing in this section shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,300,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $350,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum to aid conservation partnership projects in support of the Forest Service mission, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $1,000,000.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service in this Act may be used for the purpose of expenses associated with primary and secondary schooling for dependents of agency personnel stationed in Puerto Rico prior to the date of enactment of this Act, who are subject to transfer and reassignment to other locations in the United States, at a cost not in excess of those authorized for the Department of Defense for the same area, when it is determined by the Chief of the Forest Service that public schools available in the locality are unable to provide adequately for the education of such dependents.

In support of management of the National Wildlife Refuge System, Lot 6C of United States Survey 2538–A, containing 2.39 acres and the residential triplex situated thereon, located in Kodiak, Alaska, is hereby transferred from the USDA Forest Service to the U.S. Fish and Wildlife Service.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,732,323,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $507,021,000 for contract medical care shall remain available for obligation until September 30, 2007: Provided further, That of the funds provided, up to $27,000,000, to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $268,683,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2006, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93–638 such individually identifiable health information relating to disabled children as may be necessary for the

purpose of carrying out its functions under the Individuals with Disability Education Act, 20 U.S.C. 1400, et seq.: Provided further, That of the amounts provided to the Indian Health Service, $15,000,000 is provided for alcohol control, enforcement, prevention, treatment, sobriety and wellness, and education in Alaska, to be distributed in accordance with the instruction provided in the committee report accompanying this Act: Provided further, That none of the funds may be used for tribal courts or tribal ordinance programs or any program that is not directly related to alcohol control, enforcement, prevention, treatment, or sobriety: Provided further, That no more than 15 percent may be used by any entity receiving funding for administrative overhead including indirect costs.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $335,643,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed $1,000,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That notwithstanding any other provision of law, the Indian Health Service is authorized to construct a replacement health care facility in Nome, Alaska, on land owned by the Norton Sound Health Corporation: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $80,289,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,024,000, of which up to $1,500,000, to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2006, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $2,717,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $9,200,000: Provided, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: Provided further, That notwithstanding

any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,601,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,300,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $524,135,000, of which not to exceed $10,992,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which $9,086,000 for the reopening of the Patent Office Building and for fellowships and scholarly awards shall remain available until September 30, 2007; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $100,000,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $96,600,000, of which not to exceed $3,157,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $15,000,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: Provided further, That, notwithstanding any other provision of law, a single procurement for the Master Facilities Plan renovation project at the National Gallery of Art may be issued which includes the full scope of the Work Area #3 project: Provided further, That the solicitation and the contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232.18.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $17,800,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $15,200,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $9,201,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $126,264,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including $14,922,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account and ''Challenge America'' account may be transferred to and merged with this account: Provided further, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108–108.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $127,605,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $15,449,000, to remain available until expended, of which $10,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National

Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,893,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $7,492,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $4,943,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,244,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $43,233,000, of which $1,874,000 for the museum's repair and rehabilitation program and $1,246,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $19,722,000 shall be available to the Presidio Trust, to remain available until expended.

WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE

OPERATIONS

For necessary expenses of the White House Commission on the National Moment of Remembrance, $250,000.

TITLE IV—GENERAL PROVISIONS

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

SEC. 407. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2005.

SEC. 408. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2006, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 409. The National Endowment for the Arts and the National Endowment for the Humanities are hereinafter authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 410. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 411. Section 3(a) of the Act of June 9, 1930 (commonly known as the Knutson-Vandenberg Act; 16 U.S.C. 576b), is amended—

(1) by striking ''or'' following ''stand of timber,'' in (3); and

(2) by striking the period following ''wildlife habitat management'' in (4), and inserting '', or (5) watershed restoration, wildlife habitat improvement, control of insects, disease and noxious weeds, community protection activities, and the maintenance of forest roads, within the Forest Service region in which the timber sale occurred: Provided, That such activities may be performed through the use of contracts, forest product sales, and cooperative agreements.''.

SEC. 412. Amounts deposited during fiscal year 2005 in the roads and trails fund provided for in the 14th paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 413. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 414. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in the current fiscal year, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, all of the western redcedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in the current fiscal year, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western redcedar, the volume of western redcedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (1) which is surplus to the needs of domestic processors in Alaska; and (2) is that percent

of the surplus western redcedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western redcedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western redcedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western redcedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western redcedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 415. Prior to October 1, 2006, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 416. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 417. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 418. Notwithstanding any other provision of law or regulation, to promote the more efficient use of the health care funding allocation for fiscal year 2006, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may pay base salary rates to health professionals up to the highest grade and step available to a physician, pharmacist, or other health professional and may pay a recruitment or retention bonus of up to 25 percent above the base pay rate.

SEC. 419. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 420. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 421. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of the Interior for fiscal year 2006, not more than $3,450,000 may be used by the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2006 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines included in the report accompanying this Act.

(2) Of the funds appropriated by this Act, not more than $3,000,000 may be used in fiscal year 2006 for competitive sourcing studies and related activities by the Forest Service.

(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term ''competitive sourcing study'' means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

(c) COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider; no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

(d) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include the incremental cost directly attributable to conducting the competitive sourcing competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management.

SEC. 422. None of the funds in this Act or prior Acts making appropriations for the Department of the Interior and Related Agencies may be provided to the managing partners or their agents for the SAFECOM or Disaster Management projects.

SEC. 423. (a) IN GENERAL.—An entity that enters into a contract with the United States to operate the National Recreation Reservation Service (as solicited by the solicitation numbered WO–04–06vm) shall not carry out any duties under the contract using:

(1) a contact center located outside the United States; or

(2) a reservation agent who does not live in the United States.

(b) NO WAIVER.—The Secretary of Agriculture may not waive the requirements of subsection (a).

(c) TELECOMMUTING.—A reservation agent who is carrying out duties under the contract described in subsection (a) may not telecommute from a location outside the United States.

(d) LIMITATIONS.—Nothing in this Act shall be construed to apply to any employee of the entity who is not a reservation agent carrying out the duties under the contract described in subsection (a) or who provides managerial or support services.

SEC. 424. Section 331, of Public Law 106–113, is amended—

(1) in part (a) by striking ''2004'' and inserting ''2006''; and

(2) in part (b) by striking ''2004'' and inserting ''2006''.

SEC. 425. Section 321 of the Consolidated Appropriations Act, 2003, as included in Public Law 108–7, is amended by striking ''September 30, 2005'' and inserting ''September 30, 2007''.

SEC. 426. Section 5 of the Arts and Artifacts Indemnity Act (20 U.S.C. 974) is amended—

(1) in subsection (b), by striking ''$8,000,000,000'' and inserting ''$10,000,000,000''; and

(2) in subsection (c), by striking ''$600,000,000'' and inserting ''$1,200,000,000''.

SEC. 427. (a) IN GENERAL.—

(1) Beginning in fiscal year 2006 and thereafter, the Secretary of Agriculture and the Secretary of the Interior are authorized to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes.

(2) Beginning in fiscal year 2006 and thereafter, notwithstanding 31 U.S.C. secs. 6301–6308, the Director of the Bureau of Land Management may enter into a cooperative agreement with the Eastern Nevada Landscape Coalition for the Great Basin Restoration Project, including hazardous fuels and mechanical treatments and related work.

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

SEC. 428. (a) Section 108(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(g)) is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) LAW ENFORCEMENT.—

''(A) IN GENERAL.—The Secretary'';

(2) in the second sentence, by striking ''The Trust'' and inserting the following:

''(B) FEDERAL AGENCY.—The Trust''; and

(3) by striking ''At the request of the Trust'' and all that follows through the end of the paragraph and inserting the following:

''(2) FIRE MANAGEMENT.—

''(A) NON-REIMBURSABLE SERVICES.—

''(i) DEVELOPMENT OF PLAN.—Subject to the availability of appropriations under section 111(a), the Secretary shall, in consultation with the Trust, develop a plan to carry out fire preparedness, suppression, and emergency rehabilitation services on the Preserve.

''(ii) CONSISTENCY WITH MANAGEMENT PROGRAM.—The plan shall be consistent with the management program developed pursuant to subsection (d).

''(iii) COOPERATIVE AGREEMENT.—To the extent generally authorized at other units of the National Forest System, the Secretary shall provide the services to be carried out pursuant to the plan under a cooperative agreement entered into between the Secretary and the Trust.

''(B) REIMBURSABLE SERVICES.—To the extent generally authorized at other units of the National Forest System and subject to the availability of appropriations under section 111(a), the Secretary shall provide presuppression and nonemergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis.''

(b) The amendments made by subsection (a) take effect on January 1, 2005.

TITLE V—FACILITY REALIGNMENT AND ENHANCEMENT ACT OF 2005

SECTION 501. SHORT TITLE.

This title may be cited as the ''Forest Service Land Disposition and Facility Realignment and Enhancement Act of 2005''.

SEC. 502. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE SITE.—

(A) IN GENERAL.—The term ''administrative site'' means Federal land (including improvements to the Federal land) and any associated facility and curtilage that was acquired or is used specifically for Forest Service purposes.

(B) INCLUSIONS.—The term ''administrative site'' includes—

(i) a forest headquarters;

(ii) a ranger station;

(iii) a research station or laboratory;

(iv) a dwelling;

(v) a warehouse;

(vi) a scaling station;

(vii) a fire-retardant mixing station;

(viii) a lookout;

(ix) a visitor center;

(x) a guard station;

(xi) a storage facility;

(xii) a telecommunication facility;

(xiii) the Washington Office Headquarters;

(xiv) a regional office or associated site; and

(xv) other installations for conducting Forest Service activities.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(3) FEDERAL APPRAISAL STANDARDS.—The term ''Federal appraisal standards'' means the standards included in the Uniform Appraisal Standards for Federal Land Acquisitions (Interagency Land Acquisition Conference, 2000).

(4) MARKET ANALYSIS.—The term ''market analysis'' means the identification and study of the real estate market for a particular economic good or service.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 503. AUTHORIZATION OF CONVEYANCES.

(a) IN GENERAL.—The Secretary may convey, by sale, lease, exchange, a combination of sales and exchanges, or by other means any administrative site or interest in an administrative site that is under the jurisdiction of the Secretary.

(b) LEAD-BASED PAINT AND ASBESTOS ABATEMENT.—

(1) IN GENERAL.—Notwithstanding any other provisions of law, in any conveyance under subsection (a), the Secretary shall not be required to mitigate or abate lead-based paint or asbestos-containing building materials with respect to the administrative site conveyed.

(2) NOTICE.—Notwithstanding paragraph (1), if the administrative site being conveyed has lead-based paint or asbestos-containing building materials, the Secretary shall—

(A) provide to the person acquiring the administrative site notice of the presence of lead-based paint or asbestos-containing material; and

(B) obtain from the person acquiring the administrative site a written assurance that the person will comply with applicable Federal, State, and local laws relating to the management of the lead-based paint or asbestos-containing materials.

(c) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES.—A conveyance under this section shall not be subject to subchapter I of chapter 5, title 40, United States Code.

(d) NOTICE TO CONGRESS.—At least once a year, the Secretary shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate notice of any conveyances under this section.

(e) ENVIRONMENTAL REVIEW.—In any environmental review or analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the disposal of an administrative site under this section, the Secretary shall consider or analyze the uses of the administrative site after the conveyance of the administrative site only to the extent that the Secretary determines to be necessary—

(1) to determine any right, title, or interest in the administrative site that may be reserved by the Secretary under subsection (g)(3); or

(2) for market analyses purposes.

(f) CONFIGURATION OF LAND.—

(1) IN GENERAL.—To facilitate a conveyance under this section, the Secretary may configure the land to be conveyed to—

(A) maximize the marketability of the land; and

(B) achieve management objectives.

(2) IMPROVEMENTS.—Improvements to the land to be conveyed may be severed from the land and disposed of in separate conveyances.

(3) RESERVATION.—In any disposition of land under this section, the Secretary may reserve any right, title, and interest in and to the land that the Secretary determines to be necessary, including—

(A) a reservations of water rights;

(B) a right-of-way; and

(C) a utility easement.

(g) CONSIDERATION.—

(1) AMOUNT.—In consideration for a conveyance authorized under subsection (a), the purchaser shall pay to the Secretary the amount that is equal to the fair market value of the administrative site conveyed, as provided in paragraph (3).

(2) APPRAISAL.—The Secretary shall determine fair market value by—

(A) conducting an appraisal that is performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal practice;

(B) competitive sale; or

(C) other acceptable and commonly recognized methods of determining value as determined by the authorized agency appraiser.

(3) FORM.—

(A) SALE.—Consideration for a sale under this section shall be paid in cash on conveyance of the administrative site.

(B) EXCHANGE.—

(i) EQUAL IN VALUE.—Consideration for an exchange of land or an improvement to land under this section shall be in the form of a conveyance of land or improvement that is equal in value to the land or improvement conveyed.

(ii) NOT EQUAL IN VALUE.—If the values of land or improvements to be exchanged under this Act and described in clause (i) are not equal, the values may be equalized by—

(I) the Secretary making a cash payment to the purchaser;

(II) the purchaser making a cash equalization payment to the Secretary; or

(III) reducing the acreage of the Federal land or the non-Federal land, as appropriate.

(h) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not—

(1) adequate to provide market value under subsection (g)(1); or

(2) in the public interest.

(i) BROKERAGE SERVICES.—The Secretary may use the proceeds of sales or exchanges under this section to pay reasonable commissions or fees for brokerage services if the Secretary determines that the services are in the public interest.

(j) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—After deducting any costs of the Secretary relating to a conveyance, the Secretary shall deposit the proceeds from the conveyance in the fund established under Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(2) USE.—Amounts deposited under paragraph (1) shall remain available to the Secretary until expended, without further appropriation, to pay any necessary and incidental costs of the Secretary for the acquisition, improvement, deferred maintenance, construction of new facilities; and disposition of administrative sites and capital improvements on National Forest System land.

(k) CONSULTATION WITH ADMINISTRATOR.—As appropriate, the Secretary is encouraged to work with the Administrator with respect to the conveyance of administrative sites.

SEC. 504. WORKING CAPITAL FUND.

(a) IN GENERAL.—Section 13 of the Department of Agriculture Organic Act of 1956 (16 U.S.C. 579b) is amended to read as follows:

"SEC. 13. WORKING CAPITAL FUND.

''(a) ESTABLISHMENT.—There is established a working capital fund (referred to in this section as the 'Fund'), which shall be available without fiscal year limitation.

''(b) USE.—Amounts in the Fund shall be used to pay the costs of purchasing, constructing, performing capital repairs on, renovating, rehabilitating, disposing, or replacing buildings and to carry out deferred maintenance and improvements to land for programs of the Forest Service, subject to any limitations in appropriations for the Forest Service.

''(c) TRANSFER AND CAPITALIZATION.—The Secretary of Agriculture (referred to in this section as the 'Secretary') may—

''(1) transfer to the Fund, without reimbursement, and capitalize in the Fund at fair and reasonable values, any receivables, inventories, equipment, buildings, improvements, and other assets as the Secretary determines to be appropriate; and

''(2) assume the liabilities associated with the assets transferred under paragraph (1).

''(d) ADVANCE PAYMENTS.—The fund shall be credited with advance payments in connection with firm orders and reimbursements from appropriations and funds of the Forest Service, other departmental and Federal agencies, and from other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities and service.''.

(b) SAVINGS CLAUSE.—The amendment made by subsection (a) shall not affect the status of

funds and assets in the working capital fund established by section 13 of the Department of Agriculture Organic Act of 1956 (16 U.S.C. 579b) as in effect on the date of enactment of this section.

This Act may be cited as the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006''.

The PRESIDENT pro tempore. Under the previous order, the committee substitute is agreed to and considered original text for the purpose of further amendments.

Mr. BURNS. Mr. President, my good friend from North Dakota is running a little late. I will make my opening statement this morning, we will get his remarks, and then we will start moving. We are sort of conflicted this morning, as the Chair understands, but we will work our way through in accepting for consideration the amendments that will be offered to this appropriations bill.

Today we begin consideration of the Interior, Environment and Related Agencies Appropriations Act, which was reported unanimously by the Appropriations Committee on June 9. I appreciate the efforts of the two leaders to get this bill to the floor before the recess, in the hope that we can get a few appropriations bills to the President's desk before the August recess.

The bill before the Senate combines funding for the traditional Interior bill agencies with funding for the Environmental Protection Agency and other related agencies that were previously funded in the VA–HUD bill. Having these new agencies under our jurisdiction has been a real learning experience for me, and a real challenge in some areas.

The EPA is an agency with a very broad reach. It administers, in cooperation with states and tribes, a long list of environmental statutes including the Clean Air Act, the Clean Water Act, Superfund, the Safe Drinking Water Act, and FIFRA, the Federal Insecticide, Fungicide and Rodenticide Act. As such, the agency has a tremendous impact on all sectors of the economy, on our public health and, of course, on the environment.

I have been approached by many different members and outside groups about attaching legislative provisions that would address EPA rules and regulations of one sort or another. On a number of these issues, I am sympathetic. But with the exception of language relating to regulation of small engines, which I think we resolved in the full committee markup, this bill is very clean with regard to legislative provisions. I hope we can keep it that way. Otherwise the number of potential amendments would be limitless, and we jeopardize our chances of enacting this important bill in a timely manner.

The bill reported by the committee recommends a grand total of $26.3 billion in new budget authority. It also matches the subcommittee's discretionary allocation of $26.207 billion. As always, any amendments that add funding for particular programs must be fully offset.

The subcommittee's allocation represents a cut of $534 million below the fiscal year 2005 level for the agencies funded in this bill. That is a 2 percent cut. In an appropriations bill that is fairly personnel-intensive, a 2 percent cut is not insignificant. Simply keeping pace with pay costs and health benefits for park and forest rangers, Indian health care professionals, and other critical personnel requires a significant increase in funding over last year. Those increases, combined with the overall reduction in the size of the bill, mean that the grant programs and construction accounts in this bill are squeezed substantially.

One area where this bill does not include a reduction is in the Clean Water State Revolving Fund. This program helps finance wastewater treatments systems throughout the country and serves to protect both the health of the American public and the environment.

The President's budget proposed cutting the Revolving Fund from $1.1 billion to $730 million. Given the tremendous need in this country for effective wastewater treatment, I could not recommend that cut to the Senate. This bill restores every penny of the proposed reduction.

So if any of my colleagues are wondering what happened to a particular EPA earmark that they may have requested and trust me, I have heard from many of them, the basic answer is that it is in the Revolving Fund. EPA earmarks in this bill are greatly reduced from last year's levels. The same goes for many of the programmatic increases that were proposed in the EPA budget. This bill provides few of those increases. These are simply the tradeoffs we had to make.

For the land management agencies funded in this bill, we have focused on maintaining their core operating budgets while restoring a portion of the proposed reductions to capital accounts.

We have increased funding for park operations by $65 million over last year, and included $20 million over the budget request for basic park operations. I continue to hear from my colleagues and from folks back in Montana that they are concerned about park operating budgets. I am pleased that we have been able to sustain the large increase for park operations provided in last year's bill and have been able to build on that. Preserving such unique American treasures as Yellowstone and Glacier National Park will remain a priority as long as I am chairman of this subcommittee.

In the Bureau of Land Management, increases have been provided for law enforcement, weed control and minerals management. While these jobs may not be as glamorous or well known as park rangers or smokejumpers, they are no less important. BLM has an enormous responsibility in terms of the sheer acreage it manages, and in meeting the multiple use mandate with which it is charged.

In the Fish and Wildlife Service and the Forest Service, this bill restores a portion of the proposed $166 million cut in the two agencies' construction accounts. But we are still left with significant reductions from last year's funding levels.

As outlined in the budget request, language has been included in the bill to facilitate the consolidation and sale of Forest Service administrative sites. In the short term, revenues from these sales will help fill the hole in the construction and maintenance account. But by no means does this address the long term capital needs of the Forest Service. I am concerned about the reductions we are making in this account if funds are not restored in future years.

This bill also supports programs that form the backbone of our trust relationship with American Indians and Alaska Natives. In both the Bureau of Indian Affairs and the Indian Health Service, we have provided increases for the core operating accounts.

The bill adds $48 million to the budget request for the operation of Indian Programs account, with increases for tribally controlled schools, welfare programs and Johnson-O'Malley education grants. Both Senator DORGAN and I have long believed that tribal community colleges are one of the most effective tools we have to educate our young people and further economic development in Indian country. That belief is reflected in the funding provided in this bill.

This bill also provides the full $146 million increase proposed in the budget request for Indian health services, which is a healthy 5 percent over last year. That amount includes an allowance for medical inflation and population growth for the first time in my memory. There is little question that the total need for health care services is greater than the funds we can provide, but within the context of the overall budget this moves us in the right direction.

For the BIA and IHS capital accounts, we have added $55 million to the amount proposed in the budget request. This leaves us below last year's levels, but will enable those agencies to make continued progress on the projects included in their facilities priority lists.

I should also mention briefly the issue of Indian trust reform. This is an issue on which this subcommittee and the Department of the Interior have spent a great deal of time and money. I wholeheartedly share the belief that we owe it to Native Americans to responsibly and accurately manage the lands and funds that the Federal Government holds in trust for various tribes and individual Indians. There is little question this hasn't always been the case. But there certainly is a case—several, in fact—about the degree to which the trust has been mismanaged, and what amounts the government may owe as a result. The Indian Affairs Committee has been working hard on

this issue, and I hope that they can find a reasonable way out of this intractable mess.

It is pretty clear to me, however, that it makes no sense to spend many billions of dollars on a historical accounting like the court is trying to mandate. It defies logic to think that's what Congress intended in passing that American Indian Trust Fund Management Reform Act. Instead, this bill provides roughly level funding for the Department to continue a reasonable level of accounting work, and uses the proposed accounting increase to instead shore up various BIA and IHS programs that actually benefit Indian people. That is where our priorities should be.

About wildland fire management, some areas are experiencing a fire season, but we are getting a little moisture in Montana. We hope to avoid that this year. Another subject that has long troubled this subcommittee is funding for wildland firefighting. Obviously we have no way of knowing how much money will be required for firefighting in any given year, so we budget based on the 10-year average of suppression costs. In particularly bad fire years, that amount leaves us well short of the total need, and forces the Forest Service and the Department of the Interior to raid other accounts until supplemental funding can be appropriated.

On a small scale, that system works. But in very bad fire years the massive borrowing has been highly disruptive to other important programs. Two years ago I worked with the Budget Committee and others to provide a pot of supplemental funding that could only be used for extraordinary firefighting needs. That mechanism has been highly successful thus far, and I hope that we can continue to work with the Budget Committee as we go forward to ensure that we are managing the fire program in the most cost-effective and efficient way possible.

The bill before the Senate provides a total of $2.513 billion for wildland fire management activities, including $767 million for the Bureau of Land Management and $1.746 billion for the Forest Service. The total includes $492 million for hazardous fuels reduction, which is an increase of $28 million over the FY 2005 level. We have also provided funds to restore proposed cuts in Rural Fire Assistance and State Fire Assistance. State and local governments are a vital part of the effort whenever fire breaks out.

In the Land and Water Conservation Fund, the bill provides $404 million for Land and Water Conservation Fund programs, including Federal land acquisition, Forest Legacy, and the Stateside program. This is somewhat below last year's levels for the same group of programs, but is above the budget request and well above the House level of $214 million. The fund total includes $30 million for the Stateside program, which provides grants to states and local governments for recreation development and land acquisition. The budget and the House have proposed to terminate this program. A large number of my colleagues have expressed their concern about that proposal, so I'm pleased we've been able to keep the program going.

Let me close by expressing my appreciation once again to the ranking member of the subcommittee, Senator DORGAN. He and his staff have been a pleasure to work with, and have helped shape this bill so that it reflects the priorities of members on both sides of the aisle.

I wish we could have done more in some instances, but in the context of a difficult budget I have no reservations about recommending this bill to my colleagues. For those of you who may have amendments, I urge you to get them to me and to Senator DORGAN—or our staffs—as quickly as possible so that we can complete work on this bill, and move on to other appropriations bills before the July 4 recess.

Again, I thank my good friend from North Dakota. We share a common border, but we also give thanks that there is the little Missouri River. So I welcome him this morning and look forward to his remarks.

Mr. President, I would add, I may go over to that listening session on Commerce. I would assume that Senator DORGAN is going to be around and you can consult with my staff and kind of manage things. Don't get too frisky and we will get this bill out of here by Tuesday noon.

I thank my ranking member.

Mr. DORGAN. Mr. President, if my colleague from Montana is going to be leaving the floor for a period, as I understand, to go to a listening session in the Commerce Committee—if he is going to be gone for some while, I may get a lot of legislating done on the floor of the Senate. But we will see. Actually, I will consult closely with Senator BURNS's staff. We have worked well together and we put together a piece of legislation that was hard to do.

I want to just tell those who think there are no spending cuts, this bill that is brought to the floor of the Senate spends $544 million less than is spent in the current fiscal year. That means we are a half billion dollars less in spending for the next fiscal year than is now being spent. Putting together an appropriations bill that cuts a half billion dollars is not a small task. It is hard. There are some areas in this legislation that I think we have not done what we should have done. We did the best we could, having to cut a half billion dollars.

My colleague from Montana and his staff have been good to work with. It is the case that in the Appropriations Committee, on the subcommittees, there truly is bipartisanship. We work together to try to resolve issues in a way that provides a product that all of us can support. That is the case here today.

I will in the course of time offer an amendment that will restore some funds to Indian health. We have desperate conditions on Indian reservations with respect to Indian health, and I am going to talk a little about that today. For example, we restored some funds to the tribal colleges. The President was intending to cut that substantially in his budget, which really makes no sense to me. We have not only restored those cuts but actually increased it a couple of million dollars.

So there are many things we have done that my colleague from Montana has described in his opening statement. I think it would not be useful for me to once again review his comments with respect to funding for the Forest Service and the EPA and all of the various accounts in this bill. There are many of them. It is a fairly substantial bill. I think my colleague aptly described what we tried to do, things that we have succeeded in doing.

He described we have fully funded the EPA clean water State revolving fund $1.1 billion. The President proposed a dramatic cut there. We restored that. That is a $370 million increase over the President's substantial cut.

There are a number of things. I will not go through all the details only to repeat what my colleague has said. I want to focus for a moment on something that I think needs more focus in the Senate, and that is Indian health.

The reason I do that is I come from a State, as do a number of my colleagues, where we have Indian reservations. We have four Indian reservations. We have a genuine bona fide crisis in health care, housing, and education on our reservations. It is easy for people to put it out of sight and out of mind and not think too much about it.

I have been working with my colleague, Senator BURNS, for the last 3 years to increase funding for tribal colleges. I want to read a letter that I read previously to my colleagues because it is such a wonderful description of the value of tribal colleges. This letter is from a young woman who wrote to me. This is a woman I happen to know, who has quite a remarkable career at this point. But here is the letter she wrote to me:

> I grew up poor and considered backward by non-Indians. My home was a two-room log house in a place called the ''bush'' on North Dakota's Turtle Mountain Indian Reservation. I stuttered. I was painfully shy. My clothes were hand-me-downs. I was like thousands of other Indian kids growing up on reservations across America.
>
> When I went to elementary school I felt so alone and different. I couldn't speak up for myself. My teachers had no appreciation for Indian culture. I'll never forget that it was the lighter-skinned children who were treated better. They wore usually from families that were better off than mine. My teachers called me savage. Even as a young child I wondered . . . What does it take to be noticed and looked upon the way these other children are?
>
> By the time I reached 7th grade I realized that if my life was going to change for the

better, I was going to have to do it. Nobody else could do it for me. That's when the dream began. I thought of ways to change things for the better—not only for myself but for my people. I dreamed of growing up to be a teacher in a school where every child was treated as sacred and viewed positively, even if they were poor and dirty. I didn't want any child to be made to feel like I did. But I didn't know how hard it would be to reach the realization of my dream. I almost didn't make it.

By the time I was 17 I had dropped out of school, moved to California, and had a child. I thought my life was over. But when I moved back to the reservation I made a discovery that literally put my life back together. My sisters were attending Turtle Mountain College, which had just been started on my reservation. I thought that was something I would do too, so I enrolled. In those days, we didn't even have a campus. There was no building. Some classes met at a local alcohol rehabilitation center in an old hospital building that had been condemned. But to me, it didn't matter. I was just amazed I could go to college. It was life-changing.

My college friends and professors were like family. For the first time in my life I learned about the language, history and culture of my people in a formal education setting. I felt honor and pride begin to well up inside me. This was so unlike my prior school experience where I was told my language and culture were shameful and that Indians weren't equal to others. Attending a tribal college caused me to reach into my inner self to become what I was meant to be—to fight for my rights and not remain a victim of circumstance or of anybody. In fact, I loved college so much that I couldn't stop! I had a dream to fulfill . . .

This young woman is now a doctor, a Ph.D. She continued in her letter telling me what she was doing. She said:

I have worked in education ever since, from Head Start to teacher's aide to college professor. Now I'm realizing my dream of helping Indian children succeed. I am a . . . Program Superintendent working with nine schools, three reservations, and I oversee two educational contracts with two tribal colleges.

Think of this. This young girl grew up feeling hopeless and helpless, stuttering, being called a ''savage'' in a school. She, now, is a Ph.D., helping other children succeed, helping create and nurture an education system that gives others a feeling of hope.

The reason I wanted to read that story is this is all about a tribal college. It is all about giving a young woman an opportunity through a tribal college. I can't tell you how many tribal colleges I have visited, but I know that they enrich the lives of those who attend them because it is an opportunity to step up and out of poverty and hopelessness.

I recall one day I was asked to speak at a commencement at a tribal college. I asked the graduates there: Who is the oldest graduate? They pointed to a woman. They said: She is the oldest graduate.

I went over. She was in her mid-forties and she was, on this day, graduating from college. I asked her about herself and I found out a bit about her. She was a single mother. I believe her husband had left her. I believe she had four children and she was the janitor at the college, cleaning the hallways and the toilets. She decided that she really wanted to do more than clean the hallways and the toilets in that college, she wanted to attend that college, and she did.

She found a way as a single mother to attend that college. The day I showed up she wasn't cleaning anything, she was wearing a cap and a gown and a smile. And that smile was a recognition of what she had invested in herself. But she couldn't have done that had there not been a tribal college, not been Pell grants, not been an opportunity for this country to say to her, through the funding of tribal colleges, through Pell grants, and through other approaches, that: We want to help you. We want to offer a helping hand.

So there is so much to be done. I am speaking now about education and tribal colleges. That is just one piece of it. I am proud to say that Senator BURNS and I have very substantially changed the recommendations of the President. He proposes cutting funding for tribal colleges. We propose increasing funding. Why? Because it is the right thing to do. It is investing in people's lives in the right way.

The other thing I want to talk about for a moment is Indian health care. I mentioned there is a bona fide crisis in health care, housing, and education for American Indians. I have spoken previously on the floor about this.

I have talked about a woman who died, froze to death in her bed, a grandmother. She froze to death in her bed on a reservation in South Dakota when it was 35 below zero, in a home with plastic over the hole where windows should have been. There were six people living in a very small space without sufficient beds and a grandmother goes to bed and freezes to death. Most would think from reading that, it is from a Third World country. It wasn't. It was from our country. We have serious problems on Indian reservations in health care, housing, and education.

I mentioned education with respect to tribal colleges. Let me mention health care for a moment because I will offer an amendment dealing with health care.

There simply is not enough money to provide the kind of health care Americans would expect to provide to every child in this country. I have been to reservations to see a dentist working out of a small trailer home, serving 5,000 people. That dentistry is not so much about doing bridgework or fixing a tooth. It is about someone coming in with an ache and deciding the tooth has to be pulled because you cannot do fancy work in a trailer house when you serve 5,000 people. That is just life on the reservation with respect to the underfunding of Indian health care.

I have held two hearings recently on the subject of teen suicide on Indian reservations. I know it is sensitive. These are hearings you would prefer not to be having, to talk about a subject you would prefer not to talk about. But the fact is, we have young people—particularly in the Northern Great Plains—across this country, young teenagers on Indian reservations who are taking their own lives at the rate of two and a half to three times the national average and in the Northern Great Plains 10 times the national average. This is not about statistics. It is about a young person who decides to commit suicide.

I have spoken in the Senate previously, with the concurrence of the relatives of this young woman, about Avis Littlewind, the 14-year-old. About 9 months or a year ago, Avis Littlewind committed suicide. She had missed 90 days of school. She was lying in her bed, missing school, in a fetal position, with serious problems. Her sister committed suicide 2 years before. Her dad had taken his life 6 years before. Then Avis Littlewind got out of bed one day and went to the closet and they found her there. She had committed suicide. Most are doing it by hanging.

We have had a cluster of suicides on the Standing Rock Reservation in the last 5 months. I have spoken to the relatives of these young kids who have decided to take their lives. One of the things we discover when we talk to the psychologists. I went to the reservation where Avis Littlewind committed suicide. I talked to the school administrators, those involved in mental health, tribal officials, relatives, to try to understand how this happens, how does it happen that no one sends up a big warning flag to say, here is a kid in trouble, let's intervene somehow. What I learned there I have known previously, because I had a hearing one day on these issues some years ago and the young woman who was in charge of these children's issues testified. She had only worked there about 2 months at this reservation. She said, I have a stack of papers on my office floor of allegations of child abuse that have not even been investigated. A stack of papers, alleging child abuse in each of the folders, with no investigation. Then she said, I cannot even get a kid to a clinic someplace because I don't have a vehicle so I have to beg for somebody to give a ride to a kid to take them to a clinic, perhaps to see a mental health professional. As she began to describe the need to beg for a ride for a kid who is in trouble, she began to sob and she broke down and cried. She could not continue at this hearing. She quit a month later because she said it was hopeless.

My point is we know this is happening right now. Yes, in teen suicide; that is, mental health issues. It is the whole range of health care issues, including substance abuse, devastating substance abuse issues with very few in residential treatment beds to deal with it.

I will offer an amendment that says it is time for this country to address

these issues. We have trust responsibility for the health care for Indians. We have a responsibility for health care for people in Federal prisons. We spend twice as much per person on health care for Federal prisoners as we do to provide health care to American Indians—twice. Ask yourself, for a kid who felt hopeless and helpless, who decided to take her own life, shouldn't we face that and decide we have a commitment as a country to meet our trust obligations to provide adequate health care? I will offer an amendment regarding that. I probably will do it on Monday. My past experience is the Senate will turn it down because tax cuts for wealthy individuals are much more important than adequate health care funding for Indian children, for example.

You say, that is unfair. No, it is not unfair to say that. There is plenty of money around here to say those who get money from investments, ratchet their tax rates down, down, down, so we can remove the burden from people who make millions every year, and say, by the way, we don't have enough money left to address the issues of these kids.

I started this discussion by reading a letter from Loretta De Long, who is now a Ph.D., but who started in school being called a savage, who stuttered, who got into trouble, had a child at 17, moved to California and thought her life was hopeless, as well. Now she is a Ph.D. She is involved in Indian education. But her letter that I read describes hope. It describes hope and opportunity and what gave her hope and opportunity. Yes, that was tribal colleges and the family encouragement to be able to go to a tribal college.

My point is simple: We have a big bill here. We have done a lot of good work. In some cases we have come short of what I would like to do. In one area, especially, I am talking about the area in which we have a responsibility to deal with Indian health care, we are desperately short, have always been short. The administration never asks for enough—not just this administration, previous administrations, as well—and the Congress is never willing to give enough to provide adequate health care to Indians.

I hope, perhaps, we can have a broader debate as soon as we are into this bill and perhaps Monday morning I will be able to offer that amendment.

There is much to say about this legislation. My colleague described the EPA, the Forest Service, the Fish and Wildlife Service, so many areas that are important. We have attempted to do the very best we can to provide adequate funding.

We are going to be asking for amendments to be offered today and on Monday with the understanding that all amendments will be offered by the end of the day Monday, after which we will dispose of those amendments and then hopefully complete this bill. When we do that, we can go to conference. This is part of that process, this march we should be making to complete our appropriations bills on time, have a conference with the House, reach an agreement, and get this funding for the next fiscal year done this way rather than present some big omnibus bill that in most cases is exactly the wrong way to legislate, where a few people go into a room and close the door and come out and announce to us, we have 800 pages and, by the way, we will vote in 15 minutes, and you do not have time to read it nor should you care what is in it.

That is the wrong way to legislate. Senator COCHRAN says he wants to do it the right way, one step at a time. This is one step. It is an important step because the agencies are important. I hope we can do it with the cooperation of all of our colleagues.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAVEL TO CUBA

Mr. DORGAN. Mr. President, I have here a photograph of a soldier. He joined the Army National Guard as a combat medic and went to Iraq. His name is Carlos Lazo.

Carlos came to my office the other day. That is a picture of him in my office. Carlos is a wonderful soldier. In fact, let me put up another chart that shows you that Carlos won the Bronze Star in Iraq. In the description of the Bronze Star won by this remarkable soldier, it says:

> SPC Lazo's courage, initiative, along with his calm, cool composure was instrumental in saving numerous lives on the battlefield and at the BAS all thru this operation.

They were talking about some very heavy fighting and mortar rounds and bombs exploding very close to where Sergeant Lazo was busy saving lives. They described the work Mr. Lazo did, this courageous soldier. It was quite extraordinary.

Mr. President, I ask unanimous consent to have the Bronze Star citation printed in the RECORD.

I show you the Bronze Star citation, which was from last November, just in order to tell you that this is an extraordinary person.

So Carlos Lazo came to see me on Wednesday of this week. Do you know why he came to my office? Because he wants to see his kids, and our Government will not let him see his kids. No, this is not about a child custody fight. His kids are in Cuba. And one of them has been in the hospital with a high fever.

We have decided in this country to punish Fidel Castro by slapping around the American people and injuring their rights to travel. This President has said that people like Carlos Lazo cannot go to Cuba to see his kids. He cannot visit his kids. It is unbelievable to me.

I have been on this floor before talking about the restriction of travel to Cuba. We have people in the Treasury Department who are investigating Americans because they are under suspicion of taking a vacation to Cuba. It is unbelievable.

I have brought a picture to the floor of the Senate of Joni Scott. Do you know what Joni Scott did? She went to Cuba to pass out free Bibles. Well, guess what her Government did. Guess what the U.S. Government did. They tracked her down and slapped her with a big fine because she was passing out free Bibles in Cuba. A wonderful young woman, filled with spirit and faith, wanting to provide free Bibles on the streets of Cuba, and this Government tracks her down to fine her.

I have shown a picture of Joan Slote, a 75-year-old grandmother who is a cyclist who joined a Canadian cycling group to ride bicycles in Cuba. And guess what they did. While her son was dying of brain cancer, they tracked Joan Slote down, and they threatened to attach her Social Security payments because they were trying to slap a big fine on her because she rode a bicycle in Cuba. She did not know you had to have a license to go to Cuba. She just joined a Canadian group. But, boy, did they track her down. They tracked down Joni Scott and tried to slap a fine on her for distributing free Bibles.

They tracked down a guy in Seattle whose dad died. His dad's last wish was that his ashes should be distributed on the grounds of the church he served as a pastor in Cuba. So he takes his dad's ashes in a can to Cuba, and they track him down and slap a fine on him. It is unbelievable.

Now, this young solder, Carlos Lazo, who earned a Bronze Star in November for bravery on the battlefield. He came from Cuba, by the way. He escaped Cuba. He fled in 1992. He was part of a group that fled Cuba. Regrettably, the rest of his family was not able to get out. So he has two sons left behind. He has been in contact with his children. He has been able to go back from time to time and visit them a number of times under the rules that allowed that kind of family visit.

Then, last year, the President decided we are going to tighten all that up. We are shutting all that down. So now Mr. Lazo, someone who has performed heroic service for this country in America's uniform, is now told: Yes, your son has been in a hospital. Yes, he has a high fever. But he is in Cuba, so you cannot travel to see him.

This Government will not allow this soldier to see his children. Why? Is it about him? No, it is not about him.

Fidel Castro has poked his finger in this country's eye for a long time, so our country, this Government, this President, wants to injure the rights of the American people to travel in a way to punish Fidel Castro.

It does not punish Fidel Castro. He has been in office through 10 Presidencies. All that does is punish the American people: Joni Scott; Joan Slote; and, yes, now Carlos Lazo. Carlos has asked me, ''Is there any way you could help me?'' because he has heard me on the floor of the Senate talking time and time again about the absurdity of this policy.

Let me just say, I don't have any desire to see Fidel Castro remain in power. The quicker he is gone, the better. But that will happen, in my judgment, through engagement through trade and travel, just as we preach that it will in China and Vietnam—both Communist countries. We have, instead, given Castro his best excuse. He says to the Cuban people, with a sense of nationalism: Of course our economy is in deep trouble because that 500-pound gorilla up north has its fist around our neck.

It seems to me, after 40 years, when a policy does not work, you change the policy. Yet in this case, after 40 years, when a policy does not work, we have decided to further injure the rights of the American people. I hear all this talk about freedom and liberty. Where is the freedom for this young soldier, who has earned a Bronze Star just months ago? Where is the freedom of this young soldier to see his son, to get on a plane and travel to Cuba?

I am asking the State Department and the President to make the right decision here. What on Earth can they be thinking of, deciding Sergeant Lazo should not see his sick child? When America called, he went to the battlefield. He risked his life. He did his work among bombs and grenades and mortars that were falling all around him—sufficient so he received the Bronze Star—and now he is told he cannot see his kids?

He asks me, What on Earth is happening? Where is the freedom here?

Now, I know speaking on the floor about this upsets the people in the State Department, who have to follow the dictions of the White House. It upsets the people in Treasury, OFAC, the Office of Foreign Assets Control. Incidentally, my colleagues should know there are far more people in the Office of Foreign Assets Control—which is an organization designed to track the money to shut down the funding for Osama bin Laden and terrorists—there are far more people in OFAC right now working on tracking down Americans suspected of taking a vacation in Cuba than there are tracking the money for Osama bin Laden. That is shameful, but it is the truth. It has been put in the CONGRESSIONAL RECORD.

My colleague, Senator BAUCUS, got that information, and so did I. I have asked the Treasury Secretary—I asked the former Treasury Secretary, Secretary O'Neill. I said at a hearing: Look, wouldn't you sooner use that money to track terrorists as opposed to trying to track people who are vacationing in Cuba? He did not want to answer. I asked him several times. Finally, he said: Mr. Senator, of course I would sooner do that. The White House had a press release out instantly vilifying the Treasury Secretary for doing that.

This is an obsession with this administration. This has nothing to do with good policy. I am not talking this morning about selling wheat to Cuba. An odd couple—myself and then-Senator John Ashcroft—which is really an odd couple because we are philosophically very different—we are the ones who offered the amendment on the floor of the Senate that finally—finally—after 40 years, opened, just a crack, the ability to sell food into Cuba.

We should never have used food as a weapon. Food and medicine was used as a weapon, which I think is fundamentally immoral. Telling our farmers, ''You can't sell food to Cuba'' meant nothing to Fidel Castro. He never missed a meal. Do you think he missed breakfast, dinner, or lunch in 40 years?

Of course he didn't. It just hurt American farmers and hurt sick, poor, and hungry Cubans.

So for the first time in 42 years, one day not long ago 22 train carloads full of dried peas left an elevator in North Dakota and ended up in Cuba, paid for by cash. The administration opposed that as well.

Now they have taken further action. Nearly $1 billion has been sold in agricultural commodities by our farmers to the Cubans, and now this administration has decided to tighten that down to try to shut it down.

I have more to say about that, and I will speak more about it at another time. It is about farming and it is about agriculture and using food as a weapon, which is fundamentally immoral. This country is above that.

But today, this is about this man. It is not about a big policy. It is about this man. Can this man see his kids? Can Carlos Lazo—who fought for this country in Iraq, who risked his life in Iraq, who earned a Bronze Star and was celebrated and honored by his country—will he be allowed by his country to go see his kids?

It is unbelievable. Every time I hear another chapter of this book of absurdity coming from this administration with respect to their obsession about Cuba, I wonder, Where does it stop? The reason I have taken the floor this morning is because this young soldier came to see me the other day and said: Can you help? If logic does not help maybe—maybe—embarrassment will.

Perhaps the administration will be sufficiently embarrassed. They were not embarrassed enough to stop trying to find a young woman who was distributing free Bibles in Cuba. Perhaps they will be embarrassed by trying to prevent this young man from seeing his children—a young man this administration certainly would honor as someone who has done heroic things for his country.

I am going to call the State Department today. I am going to call the White House today. I am going to call the Treasury Department today. They will all have the letter I sent. My hope is, they will finally find a way to say yes, it is the right decision, it is the right thing for this country to do.

I am here talking about Carlos Lazo, but ultimately this issue is not just about Carlos. I hope I can solve this for Carlos. But it is about the broader issue of the administration deciding we are going to injure Fidel Castro by restricting the right of the American people to travel.

It makes no sense at all. My hope is there may be a few other Members of the Senate who would be willing to speak out about this absurdity. I hope there are a few who are as offended as I am and will decide to again do the right thing.

I will report to my colleagues later today about the response of the State Department, the White House, and the Treasury Department to see whether they will honor this young soldier, not just by his Bronze medal for heroism on the battlefield but by allowing him to exercise the freedom any American ought to have to see his child.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the Senate is embarking on the appropriations process for the year 2006. I think it is important that we start this process by looking at where we are. What concerns me greatly is the fact that we are less than honest with the American people about where we really are today. In fact, if you talk to the General Accounting Office, if you talk to economists worldwide, if you talk to economists here, we are on an unsustainable course in terms of our fiscal discipline.

This chart shows the real numbers for the next few years in terms of what the deficit is. Washington is notorious about fudging the numbers in terms of our obligations. The deficits that are listed coming forward through the next 5 years include the off-budget deficit but also the money we are stealing from Social Security, as well as the money we are stealing from other trust funds, which brings us to a true deficit this year that is going to be about $541 billion. If we divide that $541 billion in deficit by 300 million Americans, and we have less than that, it comes very close to $2,000 per man, woman, and child that we are spending for money we don't have.

The appropriation process, as well as the budget process, becomes important. In 2004, there were 131,000 taxpayers. Our population by next year is supposed to be somewhere around 300 million. The publicly held debt, not privately held, was almost $5 trillion. Based on individuals, the publicly held debt per man, woman, and child, is around $16,000. As we can see the course, by the year 2035, if we don't

massively change the way this country operates, the individual publicly held debt will be in excess of $220,000 per man, woman, and child. If you divide that by taxpayers, the people who are paying taxes, it comes up to $470,000 per taxpayer.

This year, as a percent of all the Government is going to spend, 7.5 percent is for interest alone on the national debt. If we look at that portion of the debt that we have some control over, outside of Medicare and Social Security, that percentage of spending is 18.5 percent. In other words, $1 out of every $5 that the Government spends today is to be spent on interest, paying for things that we have spent before that we didn't have the money to pay for. So we are digging a hole deeper than we can imagine.

The first principle has to be honesty about where we are. Honestly, this year we are at $2,000 per man, woman, and child in spending money that we don't have, which means we are going to borrow it, which means we are going to pay interest on that. Then, next year, we are going to have $500 billion and then, sooner, the trend line is down, but it is not down fast enough for us to get out of the hole.

The reason I bring this up is the appropriations process is where we have a chance to do a small amount of good to bring this down faster. This first bill on Interior is a good bill in terms of what it spends compared to last year. But it is important that we bring up some provisions that are in the bill that if, in fact, we are in debt, if you personally find yourself in this kind of debt, 25 percent of the money you are going to spend you don't have and you are going to borrow it, would you be spending money on buying more land, building new reception centers, adding things that are not necessary for us to function?

I praise the authors of the bill in terms of keeping within the budget caps. They have done a good job of that. But I have some questions. For example, we are going to spend $162 million that we don't have to buy land—that is for the cost of the land—another $25 or $30 million to get that done, then another $25 or $30 million on that land every year hence forward to take care of it, let alone the fact that we are taking that land off the public tax rolls. We are diminishing the taxes that will go to the States from that land, and we are absorbing them. If we personalized this, would we be doing these types of things in a budget and financial situation in which we find ourselves borrowing 25 percent of our budget?

More importantly, what is the consequence if we continue to do so? The consequence is that our children and grandchildren end up with a standard of living far below ours. The heritage of our great country has been sacrifice by the generations before to create opportunities and prosperity for the generations that are coming. We are about to become the first generation of Americans to not leave that promise for the next generation.

David Walker, Comptroller General of the United States, has written a book everybody ought to read. It is called ''Saving our Nation's Future.'' He outlines the unsustainable course this Nation is on in terms of our spending. Quite frankly, we don't seem to have the discipline, No. 1, to recognize the gravity of the situation in which we find ourselves, the fact that we are going to lay on our children a debt from which they cannot get out.

This is what we can control. This doesn't talk about the unfunded liabilities associated with Social Security, which are rising $700 billion a year, and yet we are not doing anything to fix; the unfunded liability of over $35 trillion with Medicare which we are doing nothing to fix, the $8 to $10 trillion cost of Medicare D, a brand new benefit that we don't have any resources to pay for except by stealing it from the future of our children. We fail to grasp the gravity of the situation and the long-term consequences of our inaction today.

I will be offering several amendments over the next 2 days that the Senate is in session, not from a critical point of view but from a commonsense point of view. We have $92 million sitting in accounts now to buy land. We are going to make a decision to add another $160 million, while we borrow $541 billion and charge to it our children? We are worse than any credit card addict ever was. There are no consequences for us. We pay no consequences. But the children and the grandchildren are going to pay a severe price for our lack of fiscal discipline, our lack of long-term vision about what our actions are today.

If we had to, there is no question, across every appropriations bill we have, we could find 10 or 12 or 15 percent that is not absolutely necessary to be spent. The contrast isn't about whether or not we spend the money. It is about where the money comes from and who is paying for it.

Of all the issues the Senate will discuss—we will talk about all sorts of social issues, and we will talk about the ethics of it and the morals of it—none of them compares to the immorality of putting our children and grandchildren in debtor's prison. That is what we are doing. We need to be talking individually about things that don't have to get done today, that can be deferred for the future, and saving that money today so that we don't compound the debt for our children.

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. COBURN. I am happy to yield.

Mr. DORGAN. First of all, the chart the Senator uses about deficits and accumulated debt, he describes something that is very real, that is a threat to this country's long-term economic future. There is no question about that. I have spoken about it with respect to both the fiscal policy of this country and our trade policy. Our trade policy has created the largest debt in the history of the country by far. I wanted to mention that the House of Representatives approved legislation for another $45 billion in an emergency supplemental. That comes on the heels of the $81 billion we approved. The Senate is going to approve the requested emergency supplemental because we are going to restore the funds that the Pentagon says they need to prosecute the war in Iraq.

But it is interesting, for the $81 billion that we just passed, $45 billion which now comes on the heels of that, not a penny of it is paid for. The administration keeps saying—and these are big numbers—we have to pay for that which we are doing, and we need to restore these accounts to the U.S. Army. All of us say, yes, we not going to send soldiers to do a job and not provide the funds necessary. But I ask the Senator: Does he agree with me that it is bizarre, to say the least, to send the soldiers to Iraq and then say: By the way, when we pay for all this, let's not ask anybody to pay taxes to do it. Let's just have these soldiers pay the debt when they come back.

It is unbelievable. There are spending cuts the Senator likely will propose that are meritorious. I think he has pointed out at the start of his presentation correctly, this appropriations bill cuts one-half of a billion dollars below the previous year's expenditure. But the big issue around here is the massive amount of money being requested on an emergency basis so that it doesn't have to be paid for and it adds to the Federal debt. And then the soldiers can come home and help pay that. I believe that is unfair. I ask the Senator from Oklahoma to respond, from his perspective, about that.

Mr. COBURN. First of all, the $81-billion supplemental that this body passed, I had an amendment to cut $19 billion out of that because it is not going to be spent for the next 3 years. So there is no way you can call that an emergency. One amendment on limiting the expenditures on the embassy, we got 44 votes. Fifty-five people thought it was OK. The fact is, we are at war. We seem to forget that. In every war this country has ever had, the Congress trimmed discretionary spending massively to fund the war. We have decided we will not do that. We have decided we can continue. There is no question good work was done to cut a half-billion dollars out of this bill. The question the American people ought to be asking is, is everything that is in this bill necessary now in light of the fact that any money we spend we are going to charge to our grandchildren?

We are going to charge the unpaid interest over the next 30 years because we have no history of paying back our debts. So by the time you compound the interest costs of this $540 billion, now with some $40 billion on top of it $588 billion is the number it will become—what is the real cost?

The real cost is no college education for the generation 2 years from now, no homeownership 2 years from now, decreased investment in capital goods for productivity and scientific advancement, decreased investment in education and competition in the world. That is the cost. That is what will be the cost of our inaction to protect the future for our children by not trimming every absolute penny we need to spend from this bill.

The question should be: Can we cut more? Is it wrong for us not to cut more, in light of the fact that we are having to borrow? Whether we borrow it for this or for the war or we borrow it for interest, the fact is, we are borrowing it.

And 18 cents out of every dollar we are going to spend this year in discretionary is going to pay interest on our lack of fiscal discipline from the past. We ought to be about raising the level—we ought to be honest with the American people. They have no idea. They hear $350 billion, but it is not $350 billion; it is almost double that. Let's be honest about the real cost. Let's be honest about what the real problems are that will come, and they are going to come to our children and our grandchildren.

This body has a history, since it was first formed, of thinking in the long term, thinking about the next generation. Unfortunately, Congress as a whole has changed its direction of thinking too often to think about the next election, rather than the next generation. In every appropriations bill that comes before this body, I am going to be down here talking about the lack of our foresight in thinking about our children and our grandchildren.

Mr. DORGAN. Will the Senator yield?

Mr. COBURN. Yes.

Mr. DORGAN. First, I appreciate his generosity in yielding. It would be interesting for us to have a discussion at some point about the economy and fiscal policy. I think we are wildly off track. Maybe the Senator from Oklahoma and I agree on that point. I will make a couple of observations, if I might. No. 1, the Senator suggested that we have never paid down the debt. In the late 1990s, we had a fiscal policy that generated revenue by which we began to reduce the debt.

Mr. COBURN. Mr. President, we did pay off some Treasury bills. But the way you know when we pay down our debt is to look at our total debt and whether it declined at the time we did that. It did not. The total debt of the country rose every year we were paying that off. We still had a deficit. We were stealing from trust funds such as the inland waterway trust funds—that is publicly held debt. We transferred that.

So the true debt of the country has not declined since 1972. Even though we were in a period of great times, we spent it all; we didn't pay it down. We actually spent it, and the actual debt of the country rose during the time when everybody in Washington said we were in surplus.

Mr. DORGAN. If the Senator will yield further.

Mr. COBURN. Yes.

Mr. DORGAN. Of course, the issue of whether our fiscal policy is different now than then is not at odds or not in question. At that point, I know the Federal Reserve Board and others, including the President, all talked about debt held by the public versus total debt. In fact, our fiscal policy at that point was dramatically different than it is now. We were headed in the right direction.

Let me make this point. It is, in my judgment, a service to the Congress for someone to look at every appropriations bill and say, where can we trim? Where can we get into a position of not spending money we should not be spending? That is a service to the Congress. I think it is important to understand that we cannot look at the mouse in the corner when a lion is at the door. We cut a half billion dollars out of this subcommittee from last year's spending. So those are real cuts. We could do that for 90 years, every single year, and at that point we will just meet the $45 billion that is coming our way in an emergency supplemental, none of which is paid for.

Do you understand what I am saying? This would be over $200 billion now sent to us by the administration, saying we have to increase these expenditures and we ask you to do it, Congress, but we are not going to pay for it. We will add it to the debt.

In addition to that, the highest priority, of course, is to eliminate a tax that doesn't exist—the death tax, the tax on inherited wealth, making the tax cuts permanent, which would benefit upper-income folks. Let's trim everything, but let's especially—and I will work with the Senator from Oklahoma on this—worry about the big ones. The big one that is coming—and I voted with the Senator on the embassy amendment—is the $45 billion. It is headed our way; it is a big deal. Should we be paying for that? Should the President suggest—as most have whenever we have been at war—that perhaps all of America, not just the soldiers, has some responsibility to contribute? But not under this circumstance. This President says no, no, give me an emergency designation so we can spend it and it doesn't count. It counts on the chart of the Senator from Oklahoma. It counts in terms of lost opportunity for our children and grandchildren.

This burden doesn't belong just to one political party. I agree. I am saying that, in my judgment, we are off track. This fiscal policy doesn't add up. And what is being requested of us by the President is to have all our soldiers sacrifice but none of us sacrifice.

Mr. COBURN. Mr. President, reclaiming my time——

The PRESIDING OFFICER. The Chair feels compelled to state that yielding is for the purpose of a question, if the Senators would remember that.

Mr. COBURN. The important thing to remember—and there is some merit in the words of the Senator from North Dakota—is from 2000 to 2004, this body increased discretionary spending by 39 percent. We were not in a war as we did that. We increased discretionary spending across all accounts, in every appropriations bill in that period of time. We entered a recession. Did the spending decrease? No, it continued.

The tax cuts were meant to stimulate the economy. The fact is, there is no discipline. There will not be any great argument on the tax side with me. But there is no discipline within the body of Congress to trim spending. What was the Interior Appropriations bill in the year 2000? It was 35 percent less than it is today. Yet, we are proud that we take 1.7 percent away? It is a good accomplishment. It is almost unheard of in the last 15 years in Congress. But the fact is, it already grew almost 40 percent. So what we are doing is taking away from a much larger pie.

My point is that we do a disservice to this country if we fail to recognize we have an obligation to think long term, and a half billion dollar cut is a great start, but it is not near enough, as the Senator said. We need to cut across the board. Do you think we cannot find 10-percent savings in the Pentagon? We are holding oversight hearings. They spent a billion dollars on a travel system that should have cost $20 million.

There is no oversight with which to go after the waste, fraud, and abuse within the Federal Government. We are more interested in passing the next bill than doing the hard work of oversight to see where the waste, fraud, and abuse is. We are going to do that. We have a Federal financial management committee. We have an ATP program. It is nothing but corporate welfare. We are going to spend $120 million on that and we are going to give $120 million to GE, IBM, and Chrysler to do research they are going to do otherwise. Yet we cannot get anybody to help us cut that out. The House cuts it out, but this body won't cut it out.

The point is, there is a large need for the constituencies in this country to start holding us accountable for the spending increases. If the American public would go through this report language, they would be appalled that in a time of war we think it is fine to build new visitor centers all across this country. Remember, we are going to ask our grandchildren to pay for it—about four times what it actually costs. There has to be the start of some fiscal discipline that says we cannot afford to do that now, period. It is a good idea, but we cannot steal from our children anymore. And throughout this bill are multiple instances like that, which we could wait on. But we don't wait because the next election is more important than the next generation.

With that, I say to the American public we are going to be offering several amendments. I doubt they will pass. But their intent is to start making a beginning in trimming and getting us into line, where we need to be—not for us, not for our political future, but for the future of our children and grandchildren.

I admit to my friend from North Dakota that part of that—the tax policy—is important. But you cannot just look at one side of it. The stimulative policy of tax cuts was important to get this country out of recession. But while we were doing that, this body and the other body increased the discretionary spending in this country by 40 percent. And we cannot afford that. We cannot be proud, even though it is a good start. We should not be proud we cut a half billion dollars from this, when this whole thing was less than $20 billion in 2000. We could go through, if we wanted to care about our children and grandchildren, and cut 10 percent out of every agency. We don't have anybody here with courage who is willing to make the hard decisions to do that, because in the short run it hurts; in the long run, it is healthy.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I was thinking of asking unanimous consent so that each time I take the floor it would be assumed that I frame my comments preceded by ''don't you agree'' to satisfy the quaint rules of the Senate with respect to asking a question. I will refrain from that and when asking my colleague to yield the next time, I will say ''don't you agree'' before I give my speech.

My colleague does a service. I don't disagree with him. I think we ought to be tightfisted; we spend money on things we should not spend money on. We are getting huge blocks of funding requests coming in our direction by the administration calling it ''emergency funding.'' We have had almost $200 billion worth, and another $45 billion is coming now. They say, don't pay for it, don't worry about it. We will declare it an emergency and we won't count it.

Mr. COBURN. Mr. President, the question I have for the Senator is, does that request not come from the Appropriations Committee?

Mr. DORGAN. Yes.

Mr. COBURN. Therefore, it comes to the floor, does it not, with the recommendation of the Appropriations Committee? So we are equal partners in asking for that money. It is not just the administration.

Mr. DORGAN. Absolutely. No question about that. And the control of Congress is of the same political party as the White House, and there is no interest in having a discussion about whether we should pay for that which we are spending in Iraq. The administration decided we are going to simply declare it an emergency, add it to the national debt, and let somebody else pay for it.

That doesn't happen in most wars. Usually, the leadership says here is why we have to spend this, and it is a national purpose. But we are going to ask the soldiers to represent the country and let's find a way to do it.

I will make this point. The Senator says we have some mutual responses. No question. On one of the early tranches of appropriations to replenish these accounts, there was a vote on the floor of the Senate to pay for some of it. But the Congress, as he knows, is not of a mind to do that, when the President says he doesn't want to. You can dramatically cut spending or increase some revenue. It would be interesting to see if the administration would be interested in sitting down with the Congress to talk about whether we even should pay for it because the administration thinks we should. It would be interesting if we had a sit-down discussion about how to pay for it.

I happen to think that would be useful for the country. I would like us to do that. I think this country has a fiscal policy that is dramatically off track. I don't diminish the tax side as much as my friend does. About two-thirds of the current deficit comes from reduced revenue. We are at a lower revenue of GDP than we have been for a long time. Most of that came from the tax cut, and most of it didn't benefit people that I represent, by the way. Making the rich richer doesn't benefit everybody. The President says extend all of the tax cuts, which is a substantial amount of money and lost resources, and let's repeal the death tax, which doesn't exist.

We should have a long discussion. I think our country deserves a fiscal policy grounded in fact and good thought about the future. My colleague from Oklahoma does a service by coming to the floor to talk about those red lines on that chart. I feel strongly about them, not just in fiscal policy but also trade policy. I hope at some point all of us could decide this is a crisis. There is an urgency here and we should work together on that basis.

If my colleague wishes me to yield further, I am happy to do that.

Mr. COBURN. Yes. If you took the whole cost of the war today, it is less than half of this. The whole cost of the war is less than half of this, thus far. The fact is, tax policy aside, we could even agree on it—there is no question that $1 out of every $3 is either wasted, inefficient, or defrauded in the Federal Government. That has been said by the Grace Commission and the Comptroller General of the country, in terms of us failing to do the oversight. So we can raise taxes, I believe, as a consequence of that. Would the Senator agree that if in fact we held the spending level—no increase in spending—and worked toward efficiency in the Federal agencies, could we not accomplish a great deal and still stimulate the economy?

Mr. DORGAN. The Grace Commission has long since been discredited. I will not go into the recommendations, some of which were adopted but many of which were absurd. That is a 20-year-old debate. Let's assume for the moment there was no increase in spending of any type. That would represent a huge problem for the poorest of the poor who get medical care from Medicaid.

As you know, health care costs are rising dramatically, not having to do with much that is happening in this Chamber. Nonetheless, there is substantial increase in health care costs every year. If you said to the poorest of the poor, everybody else is going to get health care, but we are going to freeze health care funding for you, I am sorry, they would be in big trouble.

We also have more people every month becoming eligible for Medicare. The fact is, we have a rising Medicare population. Every single month more and more people hit the Medicare rolls. With increased medical costs and more people being eligible, does Medicare cost more? Of course, it does. People are living longer, better lives.

I have spoken at great length on the floor of the Senate about my Uncle Harold. My Uncle Harold is 84 years old now, and he is a runner. He has 43 Gold Medals. He is a 400-meter specialist in the Senior Olympics. My aunt thinks he is half goofy. He is always off running road races. He runs the 400-meter and runs faster than anybody his age.

It used to be when you reached 80, you found a Lazy Boy and you just sat in the house until you died. You were old and you had a right to act old. Now people are living longer, active lives.

That puts a strain on Medicare. More people are living longer, so they hit the Medicare rolls. Health care costs are up very substantially, double digits in many cases. So we bear the burden of that on the spending side.

If we were to decide tomorrow we are not going to spend a penny above last year, all you say to poor people on Medicaid is: Sorry, you are out of luck. You are going to have less health care.

My colleague from Colorado is a very interesting Senator. We do not know each other very well. He just arrived in the Senate in January. I am looking forward to getting to know him. I am sure I will.

I hope we can have further discussions about the economy. I do not dismiss quite as quickly, as I think my colleague was trying to do, the fact that when you decide to have large tax cuts mostly to benefit the wealthiest of the wealthy in this country that you have an enormous consequence on the revenue side that therefore causes a substantial amount of that red bar on that chart, and one-half to two-thirds, at the moment, of the current deficit is because of less revenue because of the tax cuts. I know the minute I started talking about maybe we should pay for the cost of the war, my colleague segued immediately into we want to raise taxes.

I am looking to see a fiscal policy that meets the needs of this country.

That is a combination of things that are thoughtful and interesting that puts us right on track so we can have a future that expands opportunity for our children rather than contracts opportunity for our children.

I will be happy to yield one more time. I see my colleague would like for me to yield.

Mr. COBURN. Mr. President, I am trying to think of how to phrase this as a question. First, I think my statement was on discretionary spending, not mandatory spending in terms of my relationship to an increase in spending. I would think the Senator would agree that if, in fact, we froze discretionary spending, we would drive efficiency, innovation, and productivity among all those agencies. I hope that he would agree with that.

Mr. DORGAN. Mr. President, let me make a final comment. I know we have a couple colleagues who want to speak. Frankly, we Senators are not much of an audience. We much prefer listening to ourselves than others, and we are probably boring them to tears.

Discretionary spending is very interesting. As the Senator knows, what comes from the Appropriations Committee to the floor of the Senate is the discretionary spending side. Much of the spending is mandatory. The Senator from Oklahoma is correct that health care is mandatory spending. We could virtually eliminate the entire discretionary spending side and probably still not put this back on track.

The Senator made a point that I want to emphasize. It is a point on which we agree. All these people walk around saying this is what the deficit is. That is not what the deficit is. My colleague, Fritz Hollings, who used to sit right behind me, talked about this forever. For him it was a religion. The number they publish as to the Federal budget deficit is total nonsense. That is not what the deficit is. It is much higher than that because they are raiding all the trust funds to get to that point.

We will have a longer discussion. I enjoyed this one. This is an important issue. There are some issues that are small and unimportant, some big, and often the Senate treats the serious issues too lightly and the light issues too seriously. In this case, this is a big issue and will affect this country for decades to come. We ought to have more discussions, both on and off the floor, about how we put America back on track.

Mr. President, I wish to make one final point. This morning's New York Times said IBM is cutting their hiring here to hire over there. Get rid of American workers, hire workers in India. The first step—not the second, third, or fourth step—the first step toward sanity would be for everyone in this Chamber to vote the next time I have an amendment on the floor—I have done it twice and lost twice—that says the first step we ought to do is to decide to stop having tax breaks for those who move their American jobs overseas. Stop the American public from having to pay for this nonsense.

We are providing tax cuts to companies that fire their American workers and move them to Bangladesh, Sri Lanka, China, or, in this case, India. That is absurd.

I am going to offer that amendment again for a third time, and perhaps I will have enough support so we can take the first baby step toward sanity in dealing with job loss in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JUDICIAL COMPROMISE

Mr. PRYOR. Mr. President, I would like to change gears for a few moments and talk about something that is also important to this body, and that is the judicial compromise that 14 Senators, including myself, reached on May 23.

This agreement, or memorandum of understanding, was signed by seven Democrats and seven Republicans. I hope it has helped bring this august body back from the brink of what we have called nuclear catastrophe.

The agreement or compromise on judicial nominees helped prevent the so-called nuclear option from occurring. This agreement allowed an up-or-down vote on several of President Bush's most controversial judicial nominations while protecting minority rights in the Senate, as well as the checks and balances on which our Government was founded.

It has been about a month since the agreement was entered into. I have had a little bit of time to reflect on some of the things that happened leading up to and during that time and since that time. So if I may, I would like to take just a few moments to share some thoughts.

The first thought I wish to share is that I felt it very important to avoid the nuclear option. The reason I say that is because one of the great things about this body throughout its history is this body's emphasis on protecting the rights of the minority, the rights of those who maybe in other places might not have a chance to be heard. But in the Senate, given our sense of checks and balances and given our history and the way the Founding Fathers established the Senate, the voice of the minority can be heard.

I also think in order to avoid the nuclear winter, if you want to continue with the analogy of the nuclear option, after the nuclear trigger had been pulled would have been devastating for this body. It would have set a terrible precedent and probably what would have happened—I could be wrong about this; maybe we will never know—probably what would have happened is that we would not have gotten anything passed in the Senate, with the exception of our appropriations bills and a few pieces of emergency legislation. It would have just been awful.

Quite frankly, I know when the people in Arkansas elected me to the Senate, they did not elect me to come up here to twiddle my thumbs and get into partisan brouhahas. They elected me to get things done for the State, the Nation, and the world. In fact, in the last few weeks we have been able to work through many issues on the Energy bill—we anticipate it will pass next week—and the Transportation bill. There are a lot of issues involved. Both those bills still have to go to conference and have final passage. Regardless, I wonder if those would have been possible had the nuclear option trigger been pulled.

I also must say that I have been a little disappointed with some of the rabid rhetoric by special interests around the country and by commentators, maybe statements I have heard on various radio and television talk shows. Quite frankly, I think the rhetoric is not helpful. I think it is unfair, it is untrue, and I think a lot of it is just plain wrong.

I have heard some people say that the Senators who entered into this agreement are sellouts or traitors or they call for retribution. If I may say about my 13 colleagues, it took great courage for them to enter into this agreement because they knew the political risk they were taking, but they also knew they were standing up to try to do the right thing.

One observation I have made about a lot of the people who are critical about this agreement is that they do not necessarily want to see the Senate get things done, that their agenda is not for productivity. Their agenda may be limited to a few narrow issues, and they just want those issues emphasized, talked about, with a sort of ''win at all costs'' mentality.

One of the great things about the Senate is that it is a place where people can come together and find common ground. That has been the history of the Senate. We learned from this compromise that good things happen when Senators talk to each other.

One of the lessons I have learned in Washington—I have been here about 2½ years now—is, quite frankly, we spend a lot more time talking about each other than we do talking to each other. Hopefully, this compromise is an example of when we talk with each other, good things can happen and positive things can flow from that.

In fact, I know a lot of people around the country—I have a few in my State of Arkansas—who think that compromise is a dirty word. I just cannot disagree more strongly. If we look at the Constitution, the fact that we have a bicameral legislature, the fact that we have a Senate and a House of Representatives, and the different structure of those two, that has always been called the Great Compromise in the Constitutional Convention. The fact

the Senate even exists today is a result of a compromise. The fact that our Government is located in Washington, DC, we all know now from history, is the result of a compromise. In fact, you can go throughout American history and see compromise after compromise where people find common ground and put the common good above their private interests or their narrow set of interests.

We have seen that just as recently as this week on the Energy bill. I think if you ask all 100 people, they would say this bill is not perfect, but it is a compromise, trying to find common ground, trying to set national energy policy for the Nation. Compromise can be very good.

I think in this particular compromise, both parties won. It was good for the Democrats, and it was good for the Republicans. Both sides had to give up something in order to get there. The Senate won, but most important of all the American people won because the fact the Senate is back in business and we have moved through a number of nominations and we already moved through major pieces of legislation and we are starting another piece of legislation today is a win-win for the American people.

I have no doubt at all—and this is another observation—that this agreement will be tested. I have no doubt people will shake it to see how strong it is. It will be scrutinized, and it has been scrutinized. There has been a lot of ink spilled over this agreement as to what certain phrases mean or how it will be applied, how it will be interpreted.

One thing I found a little humorous, if I may say, during the course of the last 30 days, is I have heard a lot of so-called experts talk or write, and they try to apply their own definitions to this agreement. It seems particularly true for those who disagree with the agreement most. They try to define it and refine it and shape it in a way that meets with their approval.

I will run through a couple of items in the agreement. I will try to do this very quickly because I know there are other colleagues who are very patiently waiting to speak. Sections A and B in the agreement, part A states:

> Future Nominations. Signatories will exercise their responsibilities under the Advice and Consent Clause of the United States Constitution in good faith. Nominees should only be filibustered under extraordinary circumstances, and each signatory must use his or her own discretion and judgment in determining whether such circumstances exist.

Part B states:

> Rule Changes. In light of the spirit and continuing commitments made in this agreement, we commit to oppose the rules changes in the 109th Congress, which we understand to be any amendment to or interpretation of the Rules of the Senate that would force a vote on a judicial nomination by means other than unanimous consent or Rule XXII.

I will run through a few issues in those phrases, if I may. There are two basic questions I get continuously. In fact, I was talking to some of the Capitol Hill interns yesterday and the first question out of the box, they asked: What are extraordinary circumstances? That is a fair question. I get that everywhere I go now.

The other question I get is: Is the nuclear option off the table for the 109th Congress?

As to the question about extraordinary circumstances, I would say this: The 14 Senators sat down in many of our offices for days on end, hours and hours of meetings and discussions and one might say negotiations. We would look each other in the eye. We understand how important this is and we have a strong sense of where our other 13 colleagues are coming from. Extraordinary circumstances will not be defined by outside groups. With all due respect to the leaders and even the other Senators who are not part of this, it will not be defined by our leaders or by our colleagues.

Extraordinary circumstances means exactly what it says in the agreement. We will use our discretion and our judgment in making that determination. In fact, I would say all 100 Senators, when they were sent to Congress by their 50 States, the voters in those States expect their Senators to use their discretion and judgment in everything we do. This is no different. All 14 of us are very committed to doing that and using our discretion and judgment.

I think I can speak for the group that we all hope we do not have to deal with extraordinary circumstances, but in the event we do, we trust each other. I think that is the bottom line on this agreement. This agreement is one that is based on trust.

So when we are asked about extraordinary circumstances or when we are asked about is the nuclear option off the table, the bottom line we will keep coming back to is trust. We trust each other. The 14 of us have built that level of trust through this process and we are committed to doing our dead level best to try and make this agreement work.

The answer to the second question, is the nuclear option off the table for the 109th Congress, I would say, yes, it is because it is based on trust. During the negotiations and ever since the negotiations have concluded and to this very point today, we have proceeded in good faith. The Democrats have had to make some hard votes on some of these judges who had not received up-or-down votes before and we have done that. I think some of the Republican signatories will acknowledge that it was very hard for some of the Democrats to do what we have done on some of these judicial nominations.

At the same time, we trust our Republican colleagues, our Republican signatories to this agreement, to act in good faith in the future. This is based on trust. I am proud of my colleagues. I am proud I was able to be part of this agreement.

Let me talk about one more section. I know I have colleagues waiting to speak so I will try to be very brief. But after part II, sections A and B, there is another section that deals with advice and consent. As everyone now knows, this language was agreed to, but it was really hammered out by Senator ROBERT BYRD and Senator JOHN WARNER, two great statesmen we have in the Senate.

The language states:

> We believe that, under Article II, Section 2, of the United States Constitution, the word ''Advice'' speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.

Such a return to the early practices of our government may serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate. Again, Senator BYRD and Senator WARNER deserve a lot of credit for the phrasing of this language. I think this language is exactly right. I think when the Constitution says advice and consent, the Founding Fathers meant what they said, advice and consent.

Oftentimes we talk about consent, but the word ''advice'' gets overlooked. I would hope that every President would seek the Senate's advice on nominations. I think not only is it required in the Constitution, but it is smart and it shows good judgment by the President.

I also think if Presidents would do this, a lot of this rancor would go away and a lot of the nomination process for these folks would get much smoother. I have not been around the Senate very long, about 2½ years, but I did in some ways grow up around the Senate. One of the things I have seen over the years that has changed is there used to be much more bipartisan cooperation.

In fact, I think the people in my State—I cannot speak for people all over the country, but I have a clear sense from people in my State that they are sick and tired of the partisan bickering in Washington. They want us to work together. They elect us to work together. They expect us to do that. That is their hope, because we all know, they all know, that for us to get things done in Washington we have to work together.

I am hoping this agreement is an important step in doing that. That is not just true within this body—and, by the way, if I can editorialize for one moment, I would say we need to be very clear. Both parties are to blame for the partisan rancor. It is not limited to one side or the other. When it comes to judicial nominations, the Senate shares some responsibility and the President shares responsibility, not just this President but previous Presidents and previous administrations, Democrats and Republicans. We all share some of the blame, we should all own up to that responsibility, and we should all do our best to make it better.

Maybe back in the old days the President might call a few Senators over to the White House and say, hey, let's have a drink and let's talk about this. I am not going to make a recommendation on the having a drink part, but I do want to strongly encourage the President to invite Members of the Senate over to talk about upcoming judicial nominations. I hope he will not just talk to one or two. I hope he does not just talk to members of his party. I hope he will talk to a number of Senators about nominations. I think it is very important.

The last thing I wanted to say is I cannot speak for my 13 colleagues, but I think if one asks all 14 of us, we would want to be very clear on one point, and that is when we entered into the agreement, we in no way, shape, or form wanted to become a rump Judiciary Committee. We do not want to do that. We do not want that role. I am speaking for myself here, but I think one could ask my 13 colleagues. We do not see ourselves as having any veto power or any unique role now in judicial nominations. I would hope very strongly that the Senate Judiciary Committee would continue to be the place in the normal process these nominations go through. I have a ton of respect for Senators ARLEN SPECTER and Senator PATRICK LEAHY. They are great leaders. They are great Americans. They do yeoman's work in the Senate Judiciary Committee. I would hope those two would be the first two the President would consult.

Quite frankly, I wish they would consult with JOHN WARNER and ROBERT BYRD because I think those two add a lot. Certainly I would hope the White House would talk to all members of the Judiciary Committee and the home State Senators before these nominations are made. I think that, again, is a way for us to tone down the rhetoric and to provide a smoother course for these nominations to get through.

I cannot predict the future, but I do know what it has been like around here in the past. I think things have gotten a little bit better in the last 30 days since we entered into this agreement. I am so proud of my colleagues that sensible voices have come to the floor. We have found common ground on judicial nominations. I am not sure there has been a more contentious issue since I have been in the Senate. If we can work that out, we hope that is a good sign for the American people that we can work out a lot of things.

Our compromise shows there is still a spirit of trust and bipartisanship in this body, and I hope we can foster that and move it forward.

I thank my 13 colleagues who entered into this agreement. I know many of them showed great courage when they did it. Many of them have been heavily criticized for doing it, but I am convinced it is the right thing to do. I am proud we did it and I hope it provides us a model for how we can move forward and try to find common ground in the future on a whole variety of issues. I am not saying the 14 should get back together on every single issue, but I hope it shows that Members of the Senate will continue to reach across the aisle, find that common ground. Just as we heard a few moments ago with the Senator from Oklahoma and the Senator from North Dakota, they may come out in the process at different places, but it is great to hear that dialogue where they can hash out ideas and try to get things done and try to do the right thing for this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I will get back on the subject of the Interior appropriations bill, if I might. I start out my comments by thanking Senator BURNS, my good friend and colleague from Montana, chairman of the Interior Appropriations Subcommittee, and the ranking member, Senator DORGAN, and their staffs for the hard work that went into this bill. We all knew this was not going to be an easy process this year because it is a tough budget year and difficult adjustments had to be made.

I respect the President and his effort to try and hold down Federal spending. Senator BURNS and I, who both serve on the Budget Committee, understand the importance of trying to bring some fiscal sanity to the process. I do respect many of the comments my colleague from Oklahoma made on the floor. The only comment I have is that the time to have made many of those points is when the budget itself was before us. When the budget was before us, we had an opportunity to hold down spending. Many of us were disappointed at the level of spending that ended up being reflected out of the budget proposal, but I do want to commend Senator BURNS and his staff for staying within the 302(b) allocation, or the amount of money that was allocated through the budget to the Appropriations Committee, that eventually was reflected in the total amount of spending in this bill. So from my point of view, I found the chairman of the Interior Appropriations Subcommittee to be very responsible and diligent in his duties. I, for one, am very appreciative of that.

As I mentioned earlier, I respect what the President was trying to do to hold down spending. Some of the cuts he put forward, I strongly support. Some of them I have a disagreement with, and some of those disagreements are reflected in this particular legislation.

To give a little historical background, when the State of Colorado joined the Union in 1876, we were known as the Centennial State because we came in 100 years after our independence in 1776. Our first Senator, Senator Teller, was one of two Senators who assumed his duties and then, after his second term, became Secretary of the Interior. He became known eventually as the representative of the entire West because a lot of States were still territories. The jurisdiction of the territories fell under the Department of the Interior. So, historically, the programs in the Interior Department have been very important to States in the West. Colorado is no exception to that.

If we look at today's figures, the Federal Government owns approximately 24 million acres in Colorado. That is 34 percent of the total State lands. All told, about 60 percent of all the lands in the State of Colorado are owned by public entities—whether it is the Federal Government with its 34-percent share, or State and local lands which are owned by school districts in the State, as well as State parks and local parks and that type of thing. So, like other Western States, the Interior appropriations bill becomes very important.

If we contrast that with the State of Indiana, which is made up of less than 23 million acres, then the Members of Congress begin to appreciate the real significance of Federal lands in States such as Colorado. Only eight States, all in the West, have a higher percentage of Federal land ownership than the State of Colorado. This is important when we get to programs like the PILT Program, which means Payments In Lieu of Taxes. This is a program very important to the State of Colorado, as it is to many Western States. Payments In Lieu of Taxes is designed to help prevent property tax imbalance.

The Federal Government does not pay property taxes. So we have come up with this program called PILT, or Payments In Lieu of Taxes. The program helps those local governments whose property tax bases have been impacted because of Federal agencies, and helps to fund the services that they provide to their communities. This is an area where the President had suggested a reduction in funding.

I support the committee action in this bill to restore those dollars. The PILT funding in this bill is $235 million, $35 million above the amount of the President's budget request and $8.2 million more than last year's level. But the chairman was able to do this and stay within the budget numbers that were allocated to this committee.

Let me say a little bit more about the PILT Programs. These dollars go to the States, but what they help pay for primarily is education because in the Western States so much of the property tax goes to education. For example, in the State of Colorado a good share of educational effort is paid by the local property taxes. There are some Federal dollars and some State dollars that go in and match in with the local dollars, but basically education is a local program. So if you want to have a strong educational program, particularly in the rural areas of Colorado, this is an important program.

Why shouldn't the Federal Government do its fair share? If they are

using the resources of the communities in the States in which the Federal Government is doing business and costing those taxpayers money because of their presence, I think they owe those States, and those counties and local governments, their fair share of the property tax burden.

Another important program funded through the Interior appropriations bill is the Bureau of Land Management Oil and Gas Management Office. This is the office that is responsible for the leasing and permitting of onshore oil and gas wells. Throughout the West, there are very long delays in processing these permits, solely because the Bureau of Land Management lacks the staff to do it.

I have been told that each month of delay getting these wells on the line means that 28 million cubic feet of gas is not reaching the market. I believe that is critical. It is important to the Western States, but it is critical to the overall good of this country. Again, I commend the chairman for seeing the need and addressing the issue in this particular bill. But it concerns me when one considers the constrained supply and high prices all of our constituents are facing. So I am hopeful that down the line, we will be able to find some additional funding for these activities.

A program that is new to the Interior appropriations bill this year is the State and Tribal Assistance Grant Program, often called STAG. Just over $2.5 million in STAG funds will be going to Colorado. The nice thing about this program is that it is based on grants, so for those communities that have true needs, that money is going to be available to them.

This program helps communities around the country fund upgrades to their drinking water treatment systems. It is especially important to small communities that have severely aging infrastructure and are disproportionately impacted by increases in requirements and water standards. We have gone through a recent change in water standards that is having a disproportionate impact on some of the smaller communities that I represent in the State of Colorado.

I would also mention a number of projects that are funded throughout this bill that are important to me and to the State of Colorado. These projects are not locale-designated projects. In other words, not one community or one county necessarily benefits, but they do tend to benefit a larger geographical area. As I go through these, I think you will begin to understand what I am trying to accomplish.

We get a lot of requests as Members of the Senate from specific cities and specific counties wanting projects designated specifically for their area. But I have tried to keep these generally spread out because then the entire State of Colorado benefits. There are a lot of needs out there.

We set aside some money for the High Elk Corridor. It is a migration route for elk, and it is important in central Colorado, so we have set some money aside for that. The Platte River fish recovery project—this is for the entire drainage system of the south Platte and also the north Platte. It affects, actually, more States than just Colorado. It is an attempt to restore endangered species within the drainage system so the Endangered Species Act doesn't come into play in a way that impacts property rights, which is a very important issue as far as Western States are concerned.

I also have some money here for the Upper Colorado Fish Recovery Program. This is the Colorado River drainage system. Not only does it help the State of Colorado, but other States that are on the Colorado River, because we are trying to sustain an endangered fish population in that river system so that our water users do not get disproportionately impacted.

We have some money in there to complete a conservation easement on the Banded Peaks Ranch, and funds for the Colorado Canyons conservation area. We want to help sustain the conservation efforts there.

It is projects such as these that benefit the public as a whole, and I am pleased we were able to secure funding for them.

Finally, before closing, I again thank the full committee chairman and ranking member, Senators COCHRAN and BYRD, and the majority and minority leader for bringing this bill to the floor so quickly. Again, I also recognize the diligent effort by Senator BURNS and his ranking member, Senator DORGAN. This is the first appropriations bill we have up on the Senate floor this year. It reflects their hard work and commitment to getting us through this session in a timely way.

I believe it is very important that Congress meet its responsibilities to pass funding bills before the end of the fiscal year. I think that continuing resolutions and omnibus bills tend to be messy, and an inappropriate way to go about fulfilling our responsibilities to fund the Federal Government. I am pleased we seem to be on track to pass the appropriations bills on time this year.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1010

Mr. BURNS. Mr. President, on behalf of Senator VOINOVICH, I call up amendment No. 1010, which relates to Indian gaming.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for Mr. VOINOVICH, proposes an amendment numbered 1010.

Mr. BURNS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to take certain land into trust without the consent of the Governor of the State in which the land is located)

On page 254, after line 25, add the following:

SEC. 4 . None of the funds made available by this Act may be used to take land into trust on behalf of an Indian tribe for the specific purpose of gaming without the consent of the Governor of the State in which the land is located.

Mr. BURNS. Mr. President, I think that is about the only amendment that we have to be offered in today's business. We have kind of run our trap lines. Senator DORGAN?

Mr. DORGAN. I don't know of any amendment also intended to be offered today. I do know we have had some colleagues talking to us about amendments they wish to offer on Monday, but at least on this side, I know of no amendments to be offered for the remainder of the day. My understanding about the amendment the Senator has just laid down on behalf of Senator VOINOVICH is we are not going to dispose of that amendment at this point. We have some issues we need to discuss. We will begin to think about action on that on Monday; is that right?

Mr. BURNS. That is correct. We will huddle on that, on this amendment and others that will be coming to the floor later on.

Mr. DORGAN. I ask unanimous consent to speak for as long as I continue.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DORGAN. I will not speak for a lengthy time, but I wanted to thank my colleague from Montana as he leaves. He will be back on Monday as we take up this bill again, and I look forward continuing to work with him. We put together a pretty decent bill.

As I indicated previously, this bill actually cuts by $½ billion, slightly more, spending over the previous year. So it has been a chore to get this done because of the substantial cuts. But the Senator from Montana has been good to work with.

MORNING BUSINESS

Mr. BURNS. I ask unanimous consent that we now have a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CUBA POLICY

Mr. DORGAN. Mr. President, I do wish to mention two issues before we complete today. I talked a few moments ago about a soldier who is trying to see his sick children in Cuba. I put in a call to Secretary Snow to see if we can't make that happen. I will not go through all of that again. But, again, it is unbelievable to me that we are penalizing this soldier, who has earned a Bronze Star and is an American citizen who wants to see his sick child in

Cuba, and penalizing him because we are upset with Fidel Castro.

PUBLIC BROADCASTING

Mr. DORGAN. Mr. President, I want to make a comment today about actions taken yesterday by the Corporation for Public Broadcasting. I have spoken about this on the floor of the Senate previously. Let me describe just a bit of the history here.

I read some while ago that Mr. Kenneth Tomlinson, who is the Chairman of the Board of the Corporation for Public Broadcasting—again, Chairman of the Board of the Corporation for Public Broadcasting, was making the case publicly that public broadcasting has a liberal bias. He was relentlessly making the case that public broadcasting has a liberal bias—public television, public radio, and so on. Maybe he thinks Big Bird is a Republican—or a Democrat. Maybe he thinks the Cookie Monster goes to precinct meetings someplace for some political party or other. I have no idea what he thinks. Frankly, he was concerned about Bill Moyers, who was doing a program called ''NOW.'' He was sufficiently concerned about that, having made allegations that there is a liberal bias in the public television, that he hired a consultant to do an evaluation of the program that Bill Moyers does.

This consultant was paid for with public funds. So I wrote Mr. Tomlinson and I said: You believe there is a liberal bias here with public broadcasting. You have paid taxpayers' monies to have a consultant—who himself, by the way, is a partisan—a consultant to evaluate a specific set of programming. I would like the results of that.

So he sent me the raw data, which is about I think maybe 70 pages. It is a rather large stack of raw data—no summary. So I called him back and said: I really want the summary. There wasn't a summary, he said. He said he is making a summary, preparing a summary. He said he would have it to me, I think, a week ago now. And I have not yet received the summary, but the raw data was interesting. At least in portions, this program was evaluated, by a particular consultant who himself was a partisan, as is Mr. Tomlinson, the raw data was evaluating segments in public television, particularly in the NOW program, on whether they were anti-Bush or pro-Bush. Anti-Bush, anti-Bush, anti-Bush. Apparently the lens or prism through which they are evaluating public broadcasting was: Do they support the President or not?

One was interesting. For example, in one case, it was labeled ''antidefense'' because it was a program about waste in the Pentagon. My colleague from Oklahoma talked about waste a little earlier. He said there is a lot of waste in the Pentagon. If you talk about waste in the Pentagon, you, apparently, are ''antidefense.'' Unbelievable.

I mentioned previously, my colleague, Senator CHUCK HAGEL from Nebraska, a red-blooded American patriot who served this country, a Republican conservative, by all accounts, who serves in the Senate, someone with whom I am proud to serve, was on one of the programs. He apparently said something that was at odds with the President's policy, so he was labeled a ''liberal.'' Yes, my friend, CHUCK HAGEL, conservative Republican Senator from Nebraska, is labeled liberal because he was on public broadcasting and said something at odds with the policy of the Bush administration. Unbelievable.

Anti-Bush, anti-Bush, liberal, antidefense. What an unbelievable thing to have done to hire a partisan consultant to evaluate for a liberal bias in public broadcasting.

Is Big Bird a Democrat? What a weighted question.

So Mr. Tomlinson, Chairman of the Board of the Corporation for Public Broadcasting, was not only embarking on this effort to prove an allegation he had been making—that is, there is a liberal bias in public broadcasting—but also working to put in a new president of the Corporation for Public Broadcasting.

So who does Mr. Tomlinson want as the head of the Corporation for Public Broadcasting? The former Co-Chair of the Republican National Committee. Yes, that is right.

You say, well, that cannot be.

Of course, that is exactly right. In fact, that person was just hired in a split vote by the Board of Directors of the Corporation for Public Broadcasting. It is unbelievable.

The Chairman spends his time alleging the organization he heads has a liberal bias, hires a partisan to try to prove it, to put together work papers that come from evaluating programming, and then embarks on an effort to decide there should be a former Co-Chair of the Republican National Committee to run the Corporation for Public Broadcasting.

I don't know, maybe it is hard to take a level look when you are a partisan. But public television has a program that deals with the Wall Street Journal editorial board. No one would suggest the Wall Street Journal editorial pages are anything other than solid, hard-rock Republican. No question about that. They don't pretend. There is no veil over their secrecy about their politics. That is what they are.

They have a program on public broadcasting with Tucker Carlson. I don't know Tucker Carlson. I don't know Tucker Carlson from a block of wood. He wears a bow tie. He is a conservative Republican, and so they hire him to do a program. I think he has just left. It is not as if public broadcasting has not had conservative voices. They are just upset with the ''NOW'' program by Bill Moyers. Why are they upset with Bill Moyers? Let me give one example.

Public broadcasting tackles subjects others will not tackle. One subject is the concentration of media ownership in this country. What has happened with the radio and television industry is it has been gobbled up into huge packages. One company owns 1,200 radio stations. The Federal Communications Commission, under pressure from the broadcast industry, was going to change the rules on ownership, and they did. Pressure from the publishers, pressure from the television, pressure from the radio industry. The Federal Communications Commission did the most complete cave-in to corporate interests I have ever seen in my life. They have new ownership rules that say, totus porcus, you can own everything. Here is what they said in the rules: In the largest city in this country, or in the largest cities, it is okay for one company to own eight radio stations, three television stations, the dominant newspaper, and the cable company. That is all fine. That is nirvana.

That is absolutely nuts. Yet that was the rule the FCC came up with. Majority party, representing the interests of the President, says this is what we are doing. We will allow more concentration in broadcasting so that four, five, or six people will largely control what the American people see, hear, and read.

Guess what. A Federal appeals court decided they were going to stay those rules. Three-quarters of a million people wrote to the FCC saying, do not do this. It was the largest outpouring of letters I can recall. The FCC did it anyway, caved in to the corporate interests, and the Federal court stayed the rules, it went up to the Supreme Court, the stay was not lifted and it is back to the FCC to do over. We will see whether they cave in, once again, or whether the public interest might prevail.

My point of telling that story is this: Bill Moyers did stories on this issue about the concentration in the broadcasting industry. Do you think anybody else was interested in doing big stories about this? Do you think CBS would do a story about that? Or FOX? Or ABC? Or NBC? Not on your life, because they are the beneficiaries of those policies. They want to be bigger. They want more. They think it is fine if you live in one city, that one company will call the tune on information. One company will own eight radio stations, three television stations, the newspaper, and the cable company. They think that is fine.

You are not going to see stories as you peruse the television dial about this subject from the major companies. They will not do it. Guess who did it. Bill Moyers, on a program called ''NOW.'' Did that upset some people? I suppose, sure. They do not like that. But the fact is, public broadcasting has been independent. It was created as the independent source of news, oblivious and impervious to the pressures and partisan wins.

So the ''NOW'' program does a couple of programs on concentration of broadcasting and they collect a firestorm of

protests by the big economic interests and by those who support the President's policies on this.

Let them all merge. They say, well, all these mergers do not matter. You have all these television channels these days, you have more opportunities. What you have are more voices coming from one ventriloquist. Add up where all the channels are owned and where they come from. It is exactly the same concentration.

There are investigations going on at the Corporation for Public Broadcasting. Mr. Tomlinson was named Chairman by the President, September 2003. He spends his time telling us there is a liberal bias in public broadcasting so he hired a consultant to track the political leanings of certain programming. He hired a conservative partisan to do that. Paid for it with taxpayers' money. That is now being evaluated by the Inspector General. He did not tell the Board of Directors about this expenditure. He, in a letter to me, said, maybe I didn't tell the Board of Directors but that is because the President of CPB signed the contract.

That is not accurate. He signed the contract several months before the President that he alleged signed it had actually become President at the Corporation for Public Broadcasting.

Now they have appointed a new President at the urging of Mr. Tomlinson, a partisan former Co-Chair of the Republican National Committee. Some of the members of the Board of Directors of the Corporation for Public Broadcasting have alleged to me personally that the process by which that was done was a stilted process, not a fair and open process. I am going to ask the Inspector General to include that in his investigation as well.

I did not join all those in the Senate last week who signed a letter to suggest Mr. Tomlinson should resign. I was not one of those who signed it. But I now think he should. I think orchestrating the hiring of a partisan former Co-Chair of the Republican National Committee to run the Corporation for Public Broadcasting after he has made a mini-career here out of alleging there is a liberal bias, to suggest he should be the point of the spear to move it in a direction that clearly is partisan is unfortunate, in my judgment, and will do dramatic injury to public broadcasting.

My hope is public broadcasting will recover from these missteps. Public broadcasting has done a wonderful service in our country. I kidded about Big Bird. Big Bird is not a partisan. When American children watch ''Sesame Street'' and see wonderful programming—which, by the way, they took care of that program and it does not exist on commercial television—most Americans in the polls I have seen believe public broadcasting does a real service.

I don't think there is a better newscast than PBS, Jim Lehrer. I think he is incredibly good. You get it straight. You do not get it in 8-second sound bites as is the case with the network news. You get a discussion by both sides, in depth, about issues that matter to this country. Those who are deciding to take it upon themselves to try to do injury to public broadcasting did no service to this country.

I know there is a network of radio and broadcast opportunities out there for largely one voice, the conservative voice, that is relentless, every day, all over the dial. The fairness doctrine is gone so they can do that. There does not have to be balance on commercial stations. There used to be. It does not have to be anymore because under President Reagan the fairness doctrine was obliterated.

I know they do not like this message about the push-back on public broadcasting. In my judgment, when I see someone doing injury to public broadcasting, I think it is important to speak out. I think Mr. Tomlinson is doing injury to something that is very important to our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the Senator from North Dakota was an important part of the work on clean energy that we finished work on last night and will vote on next Tuesday. I will make some remarks about that in a few minutes, but I acknowledge his contribution and that of the ranking Democrat, JEFF BINGAMAN, who worked with our chairman, PETE DOMENICI, and the Presiding Officer, who has experience in the House of Representatives on the Energy Committee.

These last 2 weeks have been extraordinarily good for the Senate. I think we got a good result.

ENERGY POLICY ACT

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, I support what Senator DURBIN is trying to achieve with this amendment regarding CAFE standards. Over the past few years, I have looked closely at this issue and believe strongly that we need a consensus path forward. I do not believe, however, that Senator DURBIN's amendment or Senator BOND's amendment will achieve that goal. I have followed closely the information available from the National Academy of Sciences and have spoken with labor groups, automobile manufacturers, and environmental groups. We can, and must, significantly increase the efficiency of our automobile fleet, but we cannot do it without creating new incentives for automobile manufacturers to retool plants to produce advanced technology, more efficient vehicles, and lead the way toward an energy-independent America.•

Ms. STABENOW. Mr. President, I want to thank the bill managers, Senator BINGAMAN and Senator DOMENICI, for accepting my amendment calling for an investigation by the Federal Trade Commission into gasoline price manipulation and anticompetitive practices by oil companies and refineries. I also want to thank Senator DORGAN and Senator BOXER for their hard work on this issue.

We are living in a time when the average American family has no assurance from week to week that they will be able to afford to fill their vehicle with gas.

Over the past year, gasoline prices have increased by 23 percent. And since December the average price for oil has climbed 40 cents per gallon. To make matters even worse, prices fluctuate wildly from week to week and month to month, making it impossible for families to budget for the cost of gasoline. In fact, I heard from a constituent in Lansing on Monday that gasoline was $2.10 a gallon at 7:30 in the morning and by 9:30 it had jumped over 12 percent to $2.35 a gallon. Gas prices in the Upper Peninsula range from $2.19 to $2.24 a gallon. People in Detroit are paying the highest prices in the State at $2.40 a gallon.

Furthermore, the Energy Information Administration estimates that pump prices for the summer will average about $2.17 per gallon, which is 26 cents per gallon above the price from last year. So what does this mean for the average American family? Using the AAA Trip Calculator I discovered that a family driving their Ford station wagon from Grand Rapids, MI to Washington, DC, would spend $89.82 on gas. These high prices may mean the difference between a family trip to visit grandparents and extended family and staying home. So you see we are talking about real impacts to working families.

At the same time that our families are struggling to find room for the cost of gasoline in their household budgets and canceling their summer vacations, oil companies are chalking up record-breaking profits for the first quarter of this year.

Families are worried about whether or not they can afford the gas to get to work, while oil companies are raking in billions of dollars.

I think my colleagues must agree with me that there is something seriously wrong when American families are struggling to make ends meet and the world's top five petroleum companies are reporting more than $230 billion in profits since 2001.

Furthermore, when we consider that the cost of crude oil makes up less than 50 percent of the total cost of gasoline, there can be no doubt that oil companies and refineries are making their profits off the backs of hardworking Americans.

In a recent CNN/USA Today/Gallup poll, 78 percent of people surveyed said that gasoline prices are not fair.

I agree with them.

There are two ways we can start to lower gasoline prices. One way is to release oil from our National Strategic Petroleum Reserves, which will lower prices by increasing supply while sending a clear signal to OPEC that we are not going to sit back and take whatever they decide to deal. The second is to make sure that no anticompetitive practices are taking place among the big oil companies and oil refineries here in our own country.

My amendment gets to this second point. I have called for an investigation by the Federal Trade Commission into gasoline price manipulation. We need to make sure that American families are not being unfairly taken advantage of by oil companies and refineries.

Should the FTC's investigation find that illegal practices are taking place, they have a couple of options. First, the FTC can pursue a civil action and fine companies breaking the law. Or, if they find evidence of criminal behavior, the FTC can then notify the Department of Justice, which would then pursue criminal action.

We have seen the devastating effects that market manipulation can have when energy companies withheld power from California's power grid in 2000 and 2001 in order to drive up the price of electricity. The result was 38 days of blackouts, rolling brownouts, service interruptions, and ultimately over $11 billion from the California State Treasury. A later report by the California Public Utilities Commission stated that the vast majority of the power failures could have been prevented.

We need to make sure the same kind of intentional market manipulation and preventable economic losses do not happen to American consumers when they buy gasoline.

Mr. DORGAN. Mr. President, I was necessarily absent for part of this week and want to indicate how I would have voted if I had been present.

If present, I would have voted in the following ways: ''no'' on the Nelson (FL) amendment, rollcall vote No. 143; ''yes'' on the Hagel amendment, roll call vote No. 144; ''yes'' on the Voinovich amendment, rollcall vote No. 145; ''no'' on the McCain-Lieberman amendment, rollcall vote No. 148; ''yes'' on the motion to table the Bingaman amendment, rollcall No. 149; ''no'' on the Alexander amendment, rollcall vote No. 150; ''yes'' on the Kerry amendment, rollcall vote No. 151; ''yes'' to invoke cloture on the energy bill; rollcall vote No. 152; and ''yes'' to waive the budget point of order on the Domenici-Landrieu amendment, rollcall No. 153.

ADDITIONAL STATEMENTS

HONORING JEAN O'LEARY

• Mrs. FEINSTEIN. Mr. President, I rise today to honor an outstanding American whose tireless work helped bring to national attention the matter of gay civil rights. Jean O'Leary represented the ideals of a truly integrated society, a Nation that saw equality for gay, lesbian, bisexual, and transgender people of this world. On June 4, 2005, my dear friend, Jean O'Leary died at the age of 57, in her home in San Clemente, CA. Her passing is a great loss to her family and she will be missed by all who knew her. I offer my deepest condolences to her family and am joined by the thousands of Californians, as well as those throughout the country, who have benefited from her work to end the injustices that segregate this great Nation. Jean O'Leary's was a light, a remarkable voice in an area that needed a champion. Her legacy will live on through the passion and energy she gave to the gay rights movement.

Jean Marie O'Leary lived a life of extraordinary accomplishments. Born in Kingston, NY, but raised mostly in Ohio, Ms. O'Leary attended parochial schools from third grade through high school and in 1966 joined the Sisters of the Holy Humility of Mary to become a nun. Many were surprised by her decision which contradicted her independent and rebellious nature. Years later she revealed that she wanted to become a nun because she ''wanted to do something special, to have an impact on the world.''

Jean O'Leary left the covenant in 1971, returning to New York where she immersed herself in the gay rights movement. She was a member of the Gay Activists Alliance, founder of the Lesbian Feminist Liberation, co-executive director of the National Gay Task Force, and head of the National Gay Rights Advocates where she helped bring visibility to the movement.

In 1977, Ms. O'Leary through her close friendship with Midge Costanza, an advisor to President Jimmy Carter, organized the first-ever meeting of gay rights advocates in the White House. This historic gathering of gay and lesbian leaders spurred a national discussion to review and begin to correct the antigay policies by Federal Government agencies. President Carter later appointed her to the National Commission on the Observance of International Women's Year where she negotiated the inclusion of gay and lesbian rights on the commission's conference held in Houston. In her work as a Democratic Party activist, O'Leary was a pillar of strength and support that helped advance the rights of gay men and lesbians, women and people living with HIV and AIDS.

Truly, she lived up to her dreams to shape the world. In a career that spanned 35 years, I remember Ms. O'Leary as an exception activist, a woman with a soft-spoken, charming, and compassionate nature that shown through in her tremendous ability to pioneer an issue that involves millions worldwide.

Jean O'Leary was an exemplary American who worked to improve the life of all persons in the Nation. She was an outstanding individual, a close and trusted friend, and an inspiration to this Nation. We will all miss her spirit and passion, and our thoughts go out to her family and friends.•

MESSAGE FROM THE HOUSE

At 11:27 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2985. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2985. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALLARD, from the Committee on Appropriations, with amendments:

H.R. 2985. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–89).

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. SANTORUM (for himself and Mr. SPECTER):

S. 1310. A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. KERRY):

S. 1311. A bill to provide grants for use by rural local educational agencies in purchasing new school buses; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 277

At the request of Mr. JOHNSON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 277, a bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for Medicare beneficiaries, and for other purposes.

S. 392

At the request of Mr. LEVIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee

Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 555

At the request of Mr. DEWINE, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 555, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1139

At the request of Mr. SANTORUM, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1197

At the request of Mr. BIDEN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1246

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1246, a bill to require the Secretary of Education to revise regulations regarding student loan payment deferment with respect to borrowers who are in postgraduate medical or dental internship, residency, or fellowship programs.

S. 1290

At the request of Mrs. MURRAY, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from Illinois (Mr. OBAMA), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1290, a bill to appropriate $1,975,183,000 for medical care for veterans.

S. 1300

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 1300, a bill to amend the Agricultural Marketing Act of 1946 to establish a voluntary program for the provision of country of origin information with respect to certain agricultural products, and for other purposes.

S. RES. 154

At the request of Mr. BIDEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 154, a resolution designating October 21, 2005 as ''National Mammography Day''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. KERRY):

S. 1311. A bill to provide grants for use by rural local educational agencies in purchasing new school buses; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, many years ago, when I attended school in Searchlight, I walked to school. And when it was time for high school, I hitched a ride into a town forty miles away and had to stay with family during the week. There weren't many options back then. That was the transportation system in rural America: walk or hitchhike.

Now, of course, we have school buses to get children to school.

Unfortunately, rural school districts across America are strapped. They can't afford to buy newer, safer buses. And skyrocketing gas prices have only made the problem worse. As a result, many rural areas have no choice but to operate outdated, unsafe school buses for as long as they can pass inspection.

Last year, I met with the school superintendents in my State. While each district identified their own, unique challenge, they all had an urgent need for school buses. I was astonished to learn that the school buses in some rural Nevada counties travel a combined million miles in a single school year.

The superintendents asked for my help, and I want to help. And based on conversations with some of my colleagues on both sides of the aisle, I am pretty confident the need for newer and safer school buses is not unique to Nevada's rural school districts.

I am introducing legislation today that will help rural districts transport children to school in a way that is safe, affordable, and environmentally sound.

The ''Bus Utility and Safety in School Transportation Opportunity and Purchasing Act of 2005''—or BUS STOP—authorizes the Federal Government to provide $50,000,000 in grants on a competitive basis to rural local education agencies seeking Federal share assistance to purchase school buses. The Federal share will be 75 percent.

Some may wonder why we need such a program when the Environmental Protection Agency already has a cost-share grant program to help school districts purchase new buses powered by natural gas or other alternative fuels.

Unfortunately, most of the rural districts in my State, and, I would imagine, across the country cannot apply for these grants because they don't have the infrastructure in place to support this technology.

However, working in the spirit of clean air and healthy children, my bill will help rural school districts buy newer buses that are better for our air, and safer for our children.

There are many small, rural towns in America, like Searchlight, where the kids need our help. They deserve no less than safe. clean, economical buses to get them to school.

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. 1311

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 ''Bus Utility and Safety in School Transportation Opportunity and Purchasing Act of 2005''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) school transportation issues remain a concern for parents, local educational agencies, lawmakers, the National Highway Traffic Safety Administration, the National Transportation Safety Board, and the Environmental Protection Agency;

(2) millions of children face potential future health problems because of exposure to noxious fumes emitted from older school buses;

(3) many rural local educational agencies are operating outdated, unsafe school buses that are failing inspection, resulting in a depletion of the school bus fleets of the local educational agencies; and

(4) many rural local educational agencies are unable to afford newer and safer buses.

(b) PURPOSE.—The purpose of this Act is to establish within the Department of Education a Federal cost-sharing program to assist rural local educational agencies with older, unsafe school bus fleets in purchasing newer, safer school buses.

SEC. 3. DEFINITIONS.

In this Act:

(1) RURAL LOCAL EDUCATIONAL AGENCY.—The term ''rural local educational agency'' means a local educational agency, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), with respect to which—

(A) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile;

(B) all schools served by the local educational agency are designated with a school locale code of 7 or 8, as determined by the Secretary of Education; or

(C) all schools served by the local educational agency have been designated, by official action taken by the legislature of the State in which the local educational agency is located, as rural schools for purposes relating to the provision of educational services to students in the State.

(2) SCHOOL BUS.—The term ''school bus'' means a vehicle the primary purpose of which is to transport students to and from school or school activities.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

SEC. 4. GRANT PROGRAM.

(a) IN GENERAL.—From amounts made available under subsection (e) for a fiscal year, the Secretary shall provide grants, on a competitive basis, to rural local educational agencies to pay the Federal share of the cost of purchasing new school buses.

(b) APPLICATION.—

(1) IN GENERAL.—Each rural local educational agency that seeks to receive a grant under this Act shall submit to the Secretary for approval an application at such time, in such manner, and accompanied by such information (in addition to information required under paragraph (2)) as the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) documentation that, of the total number of school buses operated by the rural local educational agency, not less than 50

percent of the school buses are in need of repair or replacement;

(B) documentation of the number of miles that each school bus operated by the rural local educational agency traveled in the most recent 9-month academic year;

(C) documentation that the rural local educational agency is operating with a reduced fleet of school buses;

(D) a certification from the rural local educational agency that—

(i) authorizes the application of the rural local educational agency for a grant under this Act; and

(ii) describes the dedication of the rural local educational agency to school bus replacement programs and school transportation needs (including the number of new school buses needed by the rural local educational agency); and

(E) an assurance that the rural local educational agency will pay the non-Federal share of the cost of the purchase of new school buses under this Act from non-Federal sources.

(c) PRIORITY.—

(1) IN GENERAL.—In providing grants under this Act, the Secretary shall give priority to rural local educational agencies that, as determined by the Secretary—

(A) are transporting students in a bus manufactured before 1977;

(B) have a grossly depleted fleet of school buses; or

(C) serve a school that is required, under section 1116(b)(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(9)), to provide transportation to students to enable the students to transfer to another public school served by the rural local educational agency.

(d) PAYMENTS; FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each rural local educational agency having an application approved under this section the Federal share described in paragraph (2) of the cost of purchasing such number of new school buses as is specified in the approved application.

(2) FEDERAL SHARE.—The Federal share of the cost of purchasing a new school bus under this Act shall be 75 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act—

(1) $50,000,000 for fiscal year 2006; and

(2) such sums as are necessary for each of fiscal years 2007 through 2011.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1010. Mr. BURNS (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 1011. Mrs. BOXER (for Mr. ALEXANDER (for himself and Mr. SMITH)) proposed an amendment to the bill S. 714, to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

SA 1012. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1013. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1014. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1015. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1016. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1017. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1018. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1019. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1010. Mr. BURNS (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 254, after line 25, add the following:

SEC. 4_____. None of the funds made available by this Act may be used to take land into trust on behalf of an Indian tribe for the specific purpose of gaming without the consent of the Governor of the State in which the land is located.

SA 1011. Mrs. BOXER (for Mr. ALEXANDER (for himself and Mr. SMITH)) proposed an amendment to the bill S. 714, to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions; as follows:

On page 2, line 15, strike ''and''.

On page 2, between lines 15 and 16, insert the following:

''(ii) the sender obtained the number of the telephone facsimile machine through—

''(I) the voluntary communication of such number, within the context of such established business relationship, from the recipient of the unsolicited advertisement, or

''(II) a directory, advertisement, or site on the Internet to which the recipient voluntarily agreed to make available its facsimile number for public distribution,

except that this clause shall not apply in the case of an unsolicited advertisement that is sent based on an established business relationship with the recipient that was in existence before the date of enactment of the Junk Fax Prevention Act of 2005 if the sender possessed the facsimile machine number of the recipient before such date of enactment; and''

On page 2, strike lines 16 through 26 and insert the following:

''(iii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D),

except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile machine that complies with the requirements under paragraph (2)(E); or''.

On page 7, line 17, strike ''(1)(C)(ii),'' and insert ''(1)(C)(iii),''.

On page 7, line 25, strike ''(1)(C)(ii)'' and insert ''(1)(C)(iii)''.

SA 1012. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 254, after line 25, add the following:

SEC. 4_____. (a) In this section:

(1) The term ''Federal land'' means the approximately 115 acres of Bureau of Land Management land identified on the map as ''Lands identified for Las Vegas Speedway Parking Lot Expansion''.

(2) The term ''map'' means the map entitled ''Las Vegas Motor Speedway Improvement Act'', dated February 4, 2005, and on file in the Office of the Director of the Bureau of Land Management.

(3) The term ''Secretary'' means the Secretary of the Interior.

(b)(1) If, not later than 30 days after the date of completion of the appraisal required under paragraph (2), Nevada Speedway, LLC, submits to the Secretary an offer to acquire the Federal land for the appraised value, notwithstanding the land use planning requirements of section 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall, not later than 30 days after the date of the offer, convey to Nevada Speedway, LLC, the Federal land, subject to valid existing rights.

(2)(A) Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land.

(B) The appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) All costs associated with the appraisal required under subparagraph (A) shall be paid by Nevada Speedway, LLC.

(c) Not later than 30 days after the date on which the Federal land is conveyed under subsection (b)(1), as a condition of the conveyance, Nevada Speedway, LLC, shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under subsection (b)(2).

(d) As a condition of the conveyance, any costs of the conveyance under subsection (b)(1) shall be paid by Nevada Speedway, LLC.

(e) If Nevada Speedway, LLC, or any subsequent owner of the Federal land conveyed under subsection (b)(1), uses the Federal land for purposes other than a parking lot for the Nevada Speedway, all right, title, and interest in and to the land (and any improvements to the land) shall revert to the United States at the discretion of the Secretary.

(f) The Secretary shall deposit the proceeds from the conveyance of Federal land under subsection (b)(1) in accordance with section 4(e)(1) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(g)(1) Except as provided in subsection (b)(1) and subject to valid existing rights, the Federal land is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) The withdrawal of the Federal land under paragraph (1) shall be in effect for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 2 years after the date of enactment of this Act; or

(B) the date of the completion of the conveyance of Federal land under subsection (b)(1).

SA 1013. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 254, after line 25, add the following:

SEC. 4_____. None of the funds made available to the Forest Service under this Act shall be expended or obligated for any activity relating to the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.

SA 1014. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 234, line 5, strike ''127,605,000'' and insert ''122,156,000''

On page 130, line 24, strike ''766,564,000'' and insert ''772,013,000''.

SA 1015. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 233, line 9, strike ''126,264,000'' and insert ''121,264,000''.

On page 234, line 5, strike ''127,605,000'' and insert ''122,156,000''

On page 130, line 24, strike ''766,564,000'' and insert ''777,013,000''.

SA 1016. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the tale; as follows:

On page 133, strike lines 16 through 22.

On page 139, strike lines 18 through 26.

On page 150, line 22, strike ''86,005,000'' and insert ''30,000,000''.

On page 207, strike lines 4 through 12.

SA 1017. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, strike lines 16 through 22.

On page 139, strike lines 18 through 26.

On page 150, line 22, strike ''86,005,000'' and insert ''30,000,000''.

On page 207, strike lines 4 through 12.

On page 216, strike ''2,732,323,000'' and insert ''2,886,330,000''.

At the appropriate place, insert the following:

Provided further, That of the funds provided to the Indian Health Service, no less than $227,000,000 shall be made available for the Special Diabetes Program for Indians, and no less than $216,080,000 shall be made available for the Alcohol and Substance Abuse Program.

SA 1018. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Provided further, That none of the funds in this or any other Act may be used for the acquisition of land for inclusion in the Deep Fork National Wildlife Refuge.

SA 1019. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 133, strike lines 16 through 22.

On page 139, line 24, strike ''40,827,000'' and insert ''8,827,000''.

On page 150, line 22, strike ''86,005,000'' and insert ''54,005,000''.

On page 207, strike lines 4 through 12.

On page 216, strike ''2,732,323,000'' and insert ''2,853,498,000''.

At the appropriate place, insert the following:

Provided further, That of the funds provided to the Indian Health Service, no less than $210,000,000 shall be made available for the Special Diabetes Program for Indians, and no less than $200,248,000 shall be made available for the Alcohol and Substance Abuse Program.

PRIVILEGE OF THE FLOOR

Mr. BURNS. Mr. President, I ask unanimous consent that privilege of the floor be granted to George Matejko, a detailee on my personal staff, and Michele Gordon and Rachael Taylor of the Appropriations Committee staff during consideration of H.R. 2361, the fiscal year 2006 Interior and related agencies appropriations bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

JUNK FAX PREVENTION ACT OF 2005

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar 120, S. 714, the junk fax bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 714) to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science and Transportation, with amendments.

[Strike the part shown in black brackets and insert the part shown in italic.]

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 ''Junk Fax Prevention Act of 2005''.

SEC. 2. PROHIBITION ON FAX TRANSMISSIONS CONTAINING UNSOLICITED ADVERTISEMENTS.

(a) PROHIBITION.—Section 227(b)(1)(C) of the Communications Act of 1934 (47 U.S.C. 227(b)(1)(C)) is amended to read as follows:

''(C) to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement, unless—

''(i) the unsolicited advertisement is from a sender with an established business relationship with the recipient; and

''(ii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D), except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile machine that complies with the requirements under paragraph (2)(E); or''.

(b) DEFINITION OF ESTABLISHED BUSINESS RELATIONSHIP.—Section 227(a) of the Communications Act of 1934 (47 U.S.C. 227(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) The term 'established business relationship', for purposes only of subsection (b)(1)(C)(i), shall have the meaning given the term in section 64.1200 of title 47, Code of Federal Regulations, as in effect on January 1, 2003, except that—

''(A) such term shall include a relationship between a person or entity and a business subscriber subject to the same terms applicable under such section to a relationship between a person or entity and a residential subscriber; and

''(B) an established business relationship shall be subject to any time limitation established pursuant to paragraph (2)(G)).''.

(c) REQUIRED NOTICE OF OPT-OUT OPPORTUNITY.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(D) shall provide that a notice contained in an unsolicited advertisement complies with the requirements under this subparagraph only if—

''(i) the notice is clear and conspicuous and on the first page of the unsolicited advertisement;

''(ii) the notice states that the recipient may make a request to the sender of the unsolicited advertisement not to send any future unsolicited advertisements to a telephone facsimile machine or machines and that failure to comply, within the shortest reasonable time, as determined by the Commission, with such a request meeting the requirements under subparagraph (E) is unlawful;

''(iii) the notice sets forth the requirements for a request under subparagraph (E);

''(iv) the notice includes—

''(I) a domestic contact telephone and facsimile machine number for the recipient to transmit such a request to the sender; and

''(II) a cost-free mechanism for a recipient to transmit a request pursuant to such notice to the sender of the unsolicited advertisement; the Commission shall by rule require the sender to provide such a mechanism and may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, exempt certain classes of small business senders, but only if the Commission determines that the costs to such class are unduly burdensome given the revenues generated by such small businesses;

''(v) the telephone and facsimile machine numbers and the cost-free mechanism set forth pursuant to clause (iv) permit an individual or business to make such a request [during regular business hours;] *at any time on any day of the week;* and

''(vi) the notice complies with the requirements of subsection (d);''.

(d) REQUEST TO OPT-OUT OF FUTURE UNSOLICITED ADVERTISEMENTS.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsection (c), is further amended by adding at the end the following:

''(E) shall provide, by rule, that a request not to send future unsolicited advertisements to a telephone facsimile machine complies with the requirements under this subparagraph only if—

''(i) the request identifies the telephone number or numbers of the telephone facsimile machine or machines to which the request relates;

''(ii) the request is made to the telephone or facsimile number of the sender of such an unsolicited advertisement provided pursuant to subparagraph (D)(iv) or by any other method of communication as determined by the Commission; and

''(iii) the person making the request has not, subsequent to such request, provided express invitation or permission to the sender, in writing or otherwise, to send such advertisements to such person at such telephone facsimile machine;''.

(e) AUTHORITY TO ESTABLISH NONPROFIT EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c) and (d), is further amended by adding at the end the following:

''(F) may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, allow professional or trade associations that are tax-exempt nonprofit organizations to send unsolicited advertisements to their members in furtherance of the association's tax-exempt purpose that do not contain the notice required by paragraph (1)(C)(ii), except that the Commission may take action under this subparagraph only—

''(i) by regulation issued after public notice and opportunity for public comment; and

''(ii) if the Commission determines that such notice required by paragraph (1)(C)(ii) is not necessary to protect the ability of the members of such associations to stop such associations from sending any future unsolicited advertisements; and''.

(f) AUTHORITY TO ESTABLISH TIME LIMIT ON ESTABLISHED BUSINESS RELATIONSHIP EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c), (d), and (e) of this section, is further amended by adding at the end the following:

''(G)(i) may, consistent with clause (ii), limit the duration of the existence of an established business relationship, however, before establishing any such limits, the Commission shall—

''(I) determine whether the existence of the exception under paragraph (1)(C) relating to an established business relationship has resulted in a significant number of complaints to the Commission regarding the sending of unsolicited advertisements to telephone facsimile machines;

''(II) determine whether a significant number of any such complaints involve unsolicited advertisements that were sent on the basis of an established business relationship that was longer in duration than the Commission believes is consistent with the reasonable expectations of consumers;

''(III) evaluate the costs to senders of demonstrating the existence of an established business relationship within a specified period of time and the benefits to recipients of establishing a limitation on such established business relationship; and

''(IV) determine whether with respect to small businesses, the costs would not be unduly burdensome; and

''(ii) may not commence a proceeding to determine whether to limit the duration of the existence of an established business relationship before the expiration of the [18-month period] *3-month period* that begins on the date of the enactment of the Junk Fax Prevention Act of 2005.''.

(g) UNSOLICITED ADVERTISEMENT.—Section 227(a)(5) of the Communications Act of 1934, as so redesignated by subsection (b)(1), is amended by inserting '', in writing or otherwise'' before the period at the end.

(h) REGULATIONS.—Except as provided in section 227(b)(2)(G)(ii) of the Communications Act of 1934 (as added by subsection (f)), not later than 270 days after the date of enactment of this Act, the Federal Communications Commission shall issue regulations to implement the amendments made by this section.

SEC. 3. FCC ANNUAL REPORT REGARDING JUNK FAX ENFORCEMENT.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended by adding at the end the following:

''(g) JUNK FAX ENFORCEMENT REPORT.—The Commission shall submit an annual report to Congress regarding the enforcement during the past year of the provisions of this section relating to sending of unsolicited advertisements to telephone facsimile machines, which report shall include—

''(1) the number of complaints received by the Commission during such year alleging that a consumer received an unsolicited advertisement via telephone facsimile machine in violation of the Commission's rules;

''(2) the number of citations issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

''(3) the number of notices of apparent liability issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

''(4) for each notice referred to in paragraph (3)—

''(A) the amount of the proposed forfeiture penalty involved;

''(B) the person to whom the notice was issued;

''(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

''(D) the status of the proceeding;

''(5) the number of final orders imposing forfeiture penalties issued pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

''(6) for each forfeiture order referred to in paragraph (5)—

''(A) the amount of the penalty imposed by the order;

''(B) the person to whom the order was issued;

''(C) whether the forfeiture penalty has been paid; and

''(D) the amount paid;

''(7) for each case in which a person has failed to pay a forfeiture penalty imposed by such a final order, whether the Commission referred such matter for recovery of the penalty; and

''(8) for each case in which the Commission referred such an order for recovery—

''(A) the number of days from the date the Commission issued such order to the date of such referral;

''(B) whether an action has been commenced to recover the penalty, and if so, the number of days from the date the Commission referred such order for recovery to the date of such commencement; and

''(C) whether the recovery action resulted in collection of any amount, and if so, the amount collected.''.

SEC. 4. GAO STUDY OF JUNK FAX ENFORCEMENT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding complaints received by the Federal Communications Commission concerning unsolicited advertisements sent to telephone facsimile machines, which study shall determine—

(1) the mechanisms established by the Commission to receive, investigate, and respond to such complaints;

(2) the level of enforcement success achieved by the Commission regarding such complaints;

(3) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints; and

(4) whether additional enforcement measures are necessary to protect consumers, including recommendations regarding such additional enforcement measures.

(b) ADDITIONAL ENFORCEMENT REMEDIES.—In conducting the analysis and making the recommendations required under subsection (a)(4), the Comptroller General shall specifically examine—

(1) the adequacy of existing statutory enforcement actions available to the Commission;

(2) the adequacy of existing statutory enforcement actions and remedies available to consumers;

(3) the impact of existing statutory enforcement remedies on senders of facsimiles;

(4) whether increasing the amount of financial penalties is warranted to achieve greater deterrent effect; and

(5) whether establishing penalties and enforcement actions for repeat violators or abusive violations similar to those established under section 1037 of title 18, United States Code, would have a greater deterrent effect.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study under this section to the

Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

Mr. ALEXANDER. Mr. President, I ask unanimous consent the committee-reported amendments, as amended, be agreed to, the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motions to reconsider be laid upon the table en bloc, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 1011) was agreed to, as follows:

(Purpose: To require post-date-of-enactment authorization for an established business relationship to a telephone facsimile machine)

On page 2, line 15, strike ''and''.

On page 2, between lines 15 and 16, insert the following:

''(ii) the sender obtained the number of the telephone facsimile machine through—

''(I) the voluntary communication of such number, within the context of such established business relationship, from the recipient of the unsolicited advertisement, or

''(II) a directory, advertisement, or site on the Internet to which the recipient voluntarily agreed to make available its facsimile number for public distribution,

except that this clause shall not apply in the case of an unsolicited advertisement that is sent based on an established business relationship with the recipient that was in existence before the date of enactment of the Junk Fax Prevention Act of 2005 if the sender possessed the facsimile machine number of the recipient before such date of enactment; and''

On page 2, strike lines 16 through 26 and insert the following:

''(iii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D),

except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile machine that complies with the requirements under paragraph (2)(E); or''.

On page 7, line 17, strike ''(1)(C)(ii),'' and insert ''(1)(C)(iii),''.

On page 7, line 25, strike ''(1)(C)(ii)'' and insert ''(1)(C)(iii)''.

The bill (S. 714), as amended, was read the third time and passed, as follows:

S. 714

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 ''Junk Fax Prevention Act of 2005''.

SEC. 2. PROHIBITION ON FAX TRANSMISSIONS CONTAINING UNSOLICITED ADVERTISEMENTS.

(a) PROHIBITION.—Section 227(b)(1)(C) of the Communications Act of 1934 (47 U.S.C. 227(b)(1)(C)) is amended to read as follows:

''(C) to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement, unless—

''(i) the unsolicited advertisement is from a sender with an established business relationship with the recipient;

''(ii) the sender obtained the number of the telephone facsimile machine through—

''(I) the voluntary communication of such number, within the context of such established business relationship, from the recipient of the unsolicited advertisement, or

''(II) a directory, advertisement, or site on the Internet to which the recipient voluntarily agreed to make available its facsimile number for public distribution,

except that this clause shall not apply in the case of an unsolicited advertisement that is sent based on an established business relationship with the recipient that was in existence before the date of enactment of the Junk Fax Prevention Act of 2005 if the sender possessed the facsimile machine number of the recipient before such date of enactment; and

''(iii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D),

except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile machine that complies with the requirements under paragraph (2)(E); or''.

(b) DEFINITION OF ESTABLISHED BUSINESS RELATIONSHIP.—Section 227(a) of the Communications Act of 1934 (47 U.S.C. 227(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) The term 'established business relationship', for purposes only of subsection (b)(1)(C)(i), shall have the meaning given the term in section 64.1200 of title 47, Code of Federal Regulations, as in effect on January 1, 2003, except that—

''(A) such term shall include a relationship between a person or entity and a business subscriber subject to the same terms applicable under such section to a relationship between a person or entity and a residential subscriber; and

''(B) an established business relationship shall be subject to any time limitation established pursuant to paragraph (2)(G)).''.

(c) REQUIRED NOTICE OF OPT-OUT OPPORTUNITY.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(D) shall provide that a notice contained in an unsolicited advertisement complies with the requirements under this subparagraph only if—

''(i) the notice is clear and conspicuous and on the first page of the unsolicited advertisement;

''(ii) the notice states that the recipient may make a request to the sender of the unsolicited advertisement not to send any future unsolicited advertisements to a telephone facsimile machine or machines and that failure to comply, within the shortest reasonable time, as determined by the Commission, with such a request meeting the requirements under subparagraph (E) is unlawful;

''(iii) the notice sets forth the requirements for a request under subparagraph (E);

''(iv) the notice includes—

''(I) a domestic contact telephone and facsimile machine number for the recipient to transmit such a request to the sender; and

''(II) a cost-free mechanism for a recipient to transmit a request pursuant to such notice to the sender of the unsolicited advertisement; the Commission shall by rule require the sender to provide such a mechanism and may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, exempt certain classes of small business senders, but only if the Commission determines that the costs to such class are unduly burdensome given the revenues generated by such small businesses;

''(v) the telephone and facsimile machine numbers and the cost-free mechanism set forth pursuant to clause (iv) permit an individual or business to make such a request at any time on any day of the week; and

''(vi) the notice complies with the requirements of subsection (d);''.

(d) REQUEST TO OPT-OUT OF FUTURE UNSOLICITED ADVERTISEMENTS.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsection (c), is further amended by adding at the end the following:

''(E) shall provide, by rule, that a request not to send future unsolicited advertisements to a telephone facsimile machine complies with the requirements under this subparagraph only if—

''(i) the request identifies the telephone number or numbers of the telephone facsimile machine or machines to which the request relates;

''(ii) the request is made to the telephone or facsimile number of the sender of such an unsolicited advertisement provided pursuant to subparagraph (D)(iv) or by any other method of communication as determined by the Commission; and

''(iii) the person making the request has not, subsequent to such request, provided express invitation or permission to the sender, in writing or otherwise, to send such advertisements to such person at such telephone facsimile machine;''.

(e) AUTHORITY TO ESTABLISH NONPROFIT EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c) and (d), is further amended by adding at the end the following:

''(F) may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, allow professional or trade associations that are tax-exempt nonprofit organizations to send unsolicited advertisements to their members in furtherance of the association's tax-exempt purpose that do not contain the notice required by paragraph (1)(C)(iii), except that the Commission may take action under this subparagraph only—

''(i) by regulation issued after public notice and opportunity for public comment; and

''(ii) if the Commission determines that such notice required by paragraph (1)(C)(iii) is not necessary to protect the ability of the members of such associations to stop such associations from sending any future unsolicited advertisements; and''.

(f) AUTHORITY TO ESTABLISH TIME LIMIT ON ESTABLISHED BUSINESS RELATIONSHIP EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c), (d), and (e) of this section, is further amended by adding at the end the following:

''(G)(i) may, consistent with clause (ii), limit the duration of the existence of an established business relationship, however, before establishing any such limits, the Commission shall—

''(I) determine whether the existence of the exception under paragraph (1)(C) relating to

an established business relationship has resulted in a significant number of complaints to the Commission regarding the sending of unsolicited advertisements to telephone facsimile machines;

''(II) determine whether a significant number of any such complaints involve unsolicited advertisements that were sent on the basis of an established business relationship that was longer in duration than the Commission believes is consistent with the reasonable expectations of consumers;

''(III) evaluate the costs to senders of demonstrating the existence of an established business relationship within a specified period of time and the benefits to recipients of establishing a limitation on such established business relationship; and

''(IV) determine whether with respect to small businesses, the costs would not be unduly burdensome; and

''(ii) may not commence a proceeding to determine whether to limit the duration of the existence of an established business relationship before the expiration of the 3-month period that begins on the date of the enactment of the Junk Fax Prevention Act of 2005.''.

(g) UNSOLICITED ADVERTISEMENT.—Section 227(a)(5) of the Communications Act of 1934, as so redesignated by subsection (b)(1), is amended by inserting '', in writing or otherwise'' before the period at the end.

(h) REGULATIONS.—Except as provided in section 227(b)(2)(G)(ii) of the Communications Act of 1934 (as added by subsection (f)), not later than 270 days after the date of enactment of this Act, the Federal Communications Commission shall issue regulations to implement the amendments made by this section.

SEC. 3. FCC ANNUAL REPORT REGARDING JUNK FAX ENFORCEMENT.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended by adding at the end the following:

''(g) JUNK FAX ENFORCEMENT REPORT.—The Commission shall submit an annual report to Congress regarding the enforcement during the past year of the provisions of this section relating to sending of unsolicited advertisements to telephone facsimile machines, which report shall include—

''(1) the number of complaints received by the Commission during such year alleging that a consumer received an unsolicited advertisement via telephone facsimile machine in violation of the Commission's rules;

''(2) the number of citations issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

''(3) the number of notices of apparent liability issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

''(4) for each notice referred to in paragraph (3)—

''(A) the amount of the proposed forfeiture penalty involved;

''(B) the person to whom the notice was issued;

''(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

''(D) the status of the proceeding;

''(5) the number of final orders imposing forfeiture penalties issued pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

''(6) for each forfeiture order referred to in paragraph (5)—

''(A) the amount of the penalty imposed by the order;

''(B) the person to whom the order was issued;

''(C) whether the forfeiture penalty has been paid; and

''(D) the amount paid;

''(7) for each case in which a person has failed to pay a forfeiture penalty imposed by such a final order, whether the Commission referred such matter for recovery of the penalty; and

''(8) for each case in which the Commission referred such an order for recovery—

''(A) the number of days from the date the Commission issued such order to the date of such referral;

''(B) whether an action has been commenced to recover the penalty, and if so, the number of days from the date the Commission referred such order for recovery to the date of such commencement; and

''(C) whether the recovery action resulted in collection of any amount, and if so, the amount collected.''.

SEC. 4. GAO STUDY OF JUNK FAX ENFORCEMENT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding complaints received by the Federal Communications Commission concerning unsolicited advertisements sent to telephone facsimile machines, which study shall determine—

(1) the mechanisms established by the Commission to receive, investigate, and respond to such complaints;

(2) the level of enforcement success achieved by the Commission regarding such complaints;

(3) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints; and

(4) whether additional enforcement measures are necessary to protect consumers, including recommendations regarding such additional enforcement measures.

(b) ADDITIONAL ENFORCEMENT REMEDIES.—In conducting the analysis and making the recommendations required under subsection (a)(4), the Comptroller General shall specifically examine—

(1) the adequacy of existing statutory enforcement actions available to the Commission;

(2) the adequacy of existing statutory enforcement actions and remedies available to consumers;

(3) the impact of existing statutory enforcement remedies on senders of facsimiles;

(4) whether increasing the amount of financial penalties is warranted to achieve greater deterrent effect; and

(5) whether establishing penalties and enforcement actions for repeat violators or abusive violations similar to those established under section 1037 of title 18, United States Code, would have a greater deterrent effect.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

FREEDOM OF INFORMATION ACT EXEMPTIONS

Mr. ALEXANDER. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar 126, S. 1181.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1181) to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr President. Earlier this month, Senator CORNYN and I introduced a simple and straightforward bill to strengthen open Government and the Freedom of Information Act, or FOIA. It was the third commonsense proposal on Government openness we have offered to the Senate this year. The Senator from Texas has a long record of promoting open government, most significantly during his tenure as attorney general of Texas. He and I have forged a productive partnership in this Congress to support and strengthen FOIA. We introduced two bills earlier this year and held a hearing on our bill, S. 394, the Open Government Act, during Sunshine Week in March.

The bill we pass today simply requires that when Congress sees fit to provide a statutory exemption to FOIA, it must state its intention to do so explicitly. The language of this bill was previously introduced as section 8 of the Open Government Act.

No one argues with the notion that some Government information is appropriately kept from public view. FOIA contains a number of exemptions for national security, law enforcement, confidential business information, personal privacy, and other matters. One provision of FOIA, commonly known as the (b)(3) exemption, states that records that are specifically exempted by statute may be withheld from disclosure. Many bills that are introduced contain statutory exemptions or contain language that is ambiguous and might be interpreted as such by the courts. In recent years, we have seen more and more such exemptions offered in legislation. A 2003 Justice Department report stated that Congress has been ''increasingly active in enacting such statutory provisions.'' A June 3, 2005, article by the Cox News Service titled, ''Congress Cloaks More Information in Secrecy,'' pointed to 140 instances ''where congressional lawmakers have inserted such exemptions'' into proposed legislation.

Our shared principles of open government lead us to believe that individual statutory exemptions should be vigorously debated before lawmakers vote in favor of them. Sometimes such proposed exemptions are clearly delineated in proposed legislation, but other times they amount to a few lines within a highly complex and lengthy bill. These are difficult to locate and analyze in a timely manner, even for those of us who stand watch. As a result, such exemptions are often enacted with little scrutiny, and as soon as one is granted, others are requested.

The private sector has sought many exemptions in exchange for agreeing to

share information with the Government. One example of great concern to me is the statutory exemption for critical infrastructure information that was enacted as part of the Homeland Security Act of 2002, the law that created the Department of Homeland Security. In this case, a reasonable compromise—approved by the White House—to balance the protection of sensitive information with the public's right to know was pulled out of the bill in conference. It was then replaced with text providing an overly broad statutory exemption that undermines Federal and State sunshine laws. I have introduced separate legislation, called the Restoration of Freedom of Information Act, to revert to that reasonable compromise language.

Not every statutory exemption is inappropriate, but every proposal deserves scrutiny. Congress must be diligent in reviewing new exemptions to prevent possible abuses. Focusing more sunshine on this process is an antidote to exemption creep. The American people deserve our ongoing diligence in limiting undue exemptions that only serve to clog the plumbing and limit the public's right to know.

When we introduced the Open Government Act in February, we addressed this matter with a provision that would require Congress to identify proposed statutory exemptions in newly introduced legislation in a uniform manner. Today, we pass that single section as a new bill. I urge the House to take action quickly and the President to sign this bill into law.

I want to thank the Senator from Texas for his personal dedication to these issues, and I thank all Senators for their support of this bill.

Mr. CORNYN. Mr. President, I rise to express strong support for S. 1181, concerning the Federal Freedom of Information Act—or FOIA. The bill is cosponsored by Senator LEAHY—with whom I am pleased to be working on a number of FOIA issues—as well as by Senators ALEXANDER, FEINGOLD, ISAKSON, and SPECTER. I am pleased that S. 1181 enjoys strong bipartisan support and the support of numerous organizations across the ideological spectrum. I can't imagine a more commonsense, good government bill. It should not be controversial. I am aware of any opposition to it. I am informed that the administration has no concerns about it. The Senate Judiciary Committee approved the measure by voice vote on June 9, and I am hopeful that the Senate will take up this matter shortly.

On February 16, shortly before the President's Day recess, the Senator from Vermont and I introduced the OPEN Government Act of 2005, S. 394—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. On March 15, the Terrorism subcommittee convened a hearing on that legislation. Like S. 1181, the OPEN Government Act is a good bill to strengthen and enhance FOIA. But I recognize that the OPEN Government Act will take some time to work through.

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 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 bill attempts to incorporate some of the most important principles and elements of Texas law into the Federal Freedom of Information Act. And I am gratified that Senators ALEXANDER, FEINGOLD, ISAKSON, and NELSON of Nebraska are cosponsors of this bipartisan Cornyn-Leahy legislation.

The OPEN Government Act is the culmination of months of extensive discussions between the offices of Senators CORNYN and LEAHY and members of the requestor community. It is supported by Texas Attorney General Greg Abbott and a broad coalition of organizations across the ideological spectrum, including:

American Association of Law Libraries; American Civil Liberties Union; American Library Association: American Society of Newspaper Editors; Associated Press Managing Editors; Association of Alternative Newsweeklies; Association of Health Care Journalists; Center for Democracy & Technology; Coalition of Journalists for Open Government; Committee of Concerned Journalists; Common Cause; Defenders of Property Rights; Education Writers Association; Electronic Privacy Information Center; Federation of American Scientists/Project on Government Secrecy; Free Congress Foundation/Center for Privacy & Technology Policy; Freedom of Information Center, Univ. of Mo.; The Freedom of Information Foundation of TX; The Heritage Foundation/Center for Media and Public Policy; Information Trust; League of Women Voters of the United States; Liberty Legal Institute; Magazine Publishers of America; National Conference of Editorial Writers; National Freedom of Information Coalition; National Newspaper Association; National Press Club; National Security Archive/Geo. Wash. Univ.; Newspaper Association of America; OMB Watch; One Nation Indivisible; OpenTheGovernment.org; People for the American Way; Project on Government Oversight; Radio-Television News Directors Association; Reporters Committee for Freedom of the Press; Society of Environmental Journalists.

I am particularly pleased to report the recent endorsements of three conservative public interest groups—one devoted to the defense of property rights—Defenders of Property Rights, led by Nancie G. Marzulla—one devoted to the issue of racial preferences in affirmative action programs—One Nation Indivisible, led by Linda Chavez—and one devoted to the protection of religious liberty—Liberty Legal Institute, led by Kelly Shackelford.

This broad and diverse support across political parties and across the ideological spectrum is important because it demonstrates that the cause of open government is neither a Republican nor a Democrat issue—neither a conservative nor a liberal issue. Rather, it is an American issue. Accordingly, I look forward to future Senate action on the OPEN Government Act.

In the meantime, S. 1181 should be very easy for the Senate to approve today. It simply implements section 8 of the OPEN Government Act. It would simply help to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to the Federal Freedom of Information Act must be stated explicitly within the text of the bill. Specifically, any future attempt to create a new so-called ''(b)(3) exemption'' to the Federal FOIA law must specifically cite section (b)(3) of FOIA if it is to take effect.

The justification for this provision is simple: Congress should not establish new secrecy provisions through secret means. If Congress is to establish a new exemption to FOIA, it should do so in the open and in the light of day. FOIA establishes a presumption of disclosure. But if documents are to be kept secret pursuant to a future act of Congress, as is sometimes appropriate and necessary, we should at least make sure that that act of Congress itself not be undertaken in secret.

I want to be clear: This bill does not affect current law in any way, and it does not affect the executive branch in any direct way. It only applies to the process through which Congress must enact any FOIA exemption in the future. For those who are interested in the technical aspects of this bill, I will point out that this provision is modeled after other Federal laws—such as the War Powers Resolution—50 U.S.C. §1547(a)—and the Federal Vacancies Reform Act—5 U.S.C. §3347—which also require Congress to act in an explicit fashion in order to carry out particular objectives. Think of it as a direction to the courts—a canon of interpretation, advising on how to construe future acts of Congress.

Senator LEAHY and I firmly believe that all of the provisions of the OPEN Government Act are important—and that, as a recent Cox News Service report demonstrates, section 8 in particular is a worthy provision that can and should be quickly enacted into law.

July 4 is the anniversary of the 1966 enactment of the original Federal Freedom of Information Act. Accordingly, we have devoted our efforts this month to getting section 8 approved by Congress and submitted to the President for his signature by that anniversary date. Toward that end, we ask our Senate colleagues to support this measure. And we look forward to working with our colleagues in the House—including Representatives LAMAR SMITH and BRAD SHERMAN, the lead sponsors of the OPEN Government Act

in the House, H.R. 867; Chairman TOM DAVIS, who leads the House Committee on Government Reform; Chairman TODD PLATTS, who leads the House Government Reform Subcommittee that recently held a hearing to review the Federal FOIA law; and Representatives HENRY WAXMAN and EDOLPHUS TOWNS, the ranking members of the committee and subcommittee.

S. 1181 is a commonsense, uncontroversial provision that deserves the support of every Member of Congress. I hope that it can be enacted into law quickly, and that Congress will then move to consider the other important provisions of the OPEN Government Act.

I ask unanimous consent that a copy of the news report I previously mentioned be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Cox News Service, Jun. 3, 2005]

CONGRESS CLOAKS MORE INFORMATION IN SECRECY

(By Rebecca Carr)

WASHINGTON.—Few would argue with the need for a national livestock identification system to help the federal government handle a disease outbreak such as mad cow.

But pending legislation calling for the nation's first electronic livestock tracking system would prohibit the public from finding out anything about animals in the system, including the history of a cow sick with bovine spongiform encephalopathy.

The only way the public can find out such details is if the secretary of agriculture makes the information public.

That's because the legislation, sponsored by Rep. Collin C. Peterson, D–Minn., includes a provision that exempts information about the system from being released under the Freedom of Information Act.

Formally called the ''third exemption,'' it is one of nine exemptions the government can use to deny the release of information requested under the FOI Act.

Open government advocates say it is the most troubling of the nine exemptions because it allows Congress to cloak vital information in secrecy through legislation, often without a public hearing or debate. They say Congress frequently invokes the exemption to appease private sector businesses, which argue it is necessary to protect proprietary information.

''It is an easy way to slap a secrecy stamp on the information,'' said Rick Blum, director of openthegovernment.org, a coalition of more than 30 groups concerned about government secrecy.

The legislative intent of Congress is far more difficult to challenge than a federal agency's denial for the release of information, said Kevin M. Goldberg, general counsel to the American Society of Newspaper Editors.

''This secrecy is often perpetuated in secret as most of the (third exemption) provisions consist of one or two paragraphs tucked into a much larger bill with no notice that the Freedom of Information Act will be affected at all,'' Goldberg said.

There are at least 140 cases where congressional lawmakers have inserted such exemptions, according to a 2003 Justice Department report.

The report notes that Congress has been ''increasingly active in enacting such statutory provisions.''

The exemptions have become so popular that finding them in proposed legislation is ''like playing a game of Wackamole,'' one staffer to Sen. Patrick Leahy, D–Vt., joked. ''As soon as you handle one, another one pops up.''

Congress used the exemption in its massive Homeland Security Act three years ago, granting businesses protection from information disclosure if they agreed to share information about the vulnerabilities of their facilities.

And in another twist on the exemption, Congress inserted a provision into the Consolidated Appropriations Act of 2004 that states that ''no funds appropriated under this or any other act may be used to disclose'' records about firearms tracking to the public.

Government agencies have also sought protection from information disclosure.

For example, Congress passed an amendment to the National Security Act in 1984 that exempted the CIA from having to comply with the search and review requirements of the FOI Act for its ''operational files.''

Most of the information in those files, which included records about foreign and counterintelligence operations, was already protected from disclosure under the other exemptions in the FOI Act.

But before Congress granted the exemption, the agency had to search and review each document to justify withholding the information, which cost time and money.

Open government advocates say many of the exemptions inserted into legislation are not justified.

''This is back door secrecy,'' said Thomas Blanton, executive director of the National Security Archive at George Washington University, a nonprofit research institute based in Washington.

When an industry wants to keep information secret, it seeks the so-called third exemption, he said.

''It all takes place behind the sausage grinder,'' Blanton said. ''You don't know what gristle is going through the spout, you just have to eat it.''

But Daniel J. Metcalfe, co-director of the Justice Department's Office of Information and Privacy, said the exemption is crucial to the FOI Act's structure.

In the case of the animal identification bill, the exemption is critical to winning support from the cattle industry and on Capitol Hill.

''If we are going to develop an animal ID system that's effective and meaningful, we have to respect participants' private information,'' said Peterson, the Minnesota lawmaker who proposed the identification system. ''The goal of a national animal I.D. system is to protect livestock owners as well as the public.''

As the livestock industry sees it, it is providing information that will help protect the public health. In exchange for proprietary information about their herds, they believe they should receive confidence that their business records will not be shared with the public.

''The producers would be reluctant to support the bill without the protection,'' said Bryan Dierlam, executive director of government affairs at the National Cattleman's Beef Association.

The animal identification bill provides the government with the information it needs to protect the public in the event of a disease outbreak, Dierlam said. ''But it would protect the producers from John Q. Public trying to willy-nilly access their information.''

Food safety experts agree there is a clear need for an animal identification system to protect the public, but they are not certain that the exemption to the FOI Act is necessary.

''It's sad that Congress feels they have to give away something to the cattle industry to achieve it,'' said Caroline Smith DeWaal, director of the food safety program at the Center for Science in the Public Interest, a nonprofit organization based in Washington.

Slipping the exemption into legislation without notice is another problem cited by open government advocates.

It has become such a problem that the Senate's strongest FOI Act supporters, Sen. John Cornyn, R–Texas, and Sen. Patrick Leahy, D–Vt., proposed that lawmakers be required to uniformly identify the exemption in all future bills.

''If Congress wants to create new exemptions, it must do so in the light of day,'' Cornyn said. ''And it must do so in a way that provides an opportunity to argue for or against the new exemption—rather than have new exemptions creep into the law unnoticed.''

Leahy agreed, saying that Congress must be diligent in reviewing new exemptions to prevent possible abuses.

''In Washington, loopholes tend to beget more loopholes, and it's the same with FOI Act exemptions,'' Leahy said. ''Focusing more sunshine on this process is an antidote to exemption creep.''

Mr. ALEXANDER. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1181) was read the third time and passed, as follows:

S. 1181

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

SECTION 1. SPECIFIC CITATIONS IN EXEMPTIONS.

Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute—

''(A) if enacted after July 1, 2005, specifically cites to this section; and

''(B)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

''(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld;''.

Mr. ALEXANDER. Are we in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALEXANDER. I ask unanimous consent to speak for as much time as I may require on energy.

The PRESIDING OFFICER. The Senator is recognized.

ENERGY POLICY ACT OF 2005

Mr. ALEXANDER. Mr. President, late last night the Senate finished work on what I call the Clean Energy Act of 2005. For Americans who watch the legislative process, this is not likely to have been the front-page news, but it is by far one of most important things we have done in this Senate because it affects millions of Americans. Our final vote is on Tuesday. I anticipate it will be a strong, bipartisan vote in support, just as the work that was done here was strong and bipartisan.

The first thing the bill will do, and most important, in my opinion, is to stabilize and lower natural gas prices. We hear a lot of talk about $60 a barrel oil. No one likes to pay high prices for gasoline at the pump. The bigger problem is the price of natural gas. In North Carolina and Tennessee, all across this country, there are millions of blue-collar workers who work in plants where the cost of natural gas is driving their jobs overseas. Natural gas used to be in this country the lowest price in the industrial world at a unit price of $2 or $3. Our economy was geared to it. Today it is at $7, and headed up.

If you are working at the Eastman plant in Tennessee, where 10,000 or 11,000 people work, and 40 percent of the cost of your product is natural gas—because they make chemicals there; and you can buy natural gas at $7 here, and you can buy it at $5, $4 overseas—those jobs are going to be headed overseas if that keeps up for very long.

If you are a farmer in North Carolina or Tennessee, the cost of fertilizer has gone up $200 to $500 per unit. That is a big pay cut for you if you are a farmer.

If you are a homeowner across this country and you rely on natural gas to heat and cool your home—and natural gas heats and cools more homes than any other kind of fuel—you might find your bill going up 50 percent recently.

So for blue-collar workers, for farmers, and for homeowners, this legislation we will be voting on Tuesday stabilizes and potentially lowers the price of natural gas. That is one of the single most important things we can do for our country.

The second thing, in my view, the bill does that is important is it recognizes that global warming is a problem. There is not a complete consensus about that in the Senate, but the bill has a different kind of consensus that makes more difference, in my opinion, than the mandates that we did not adopt because the bill changes the way we produce electricity toward ways that are low carbon and no carbon. If you produce less carbon, then you have less global warming, if you believe carbon makes a difference in global warming.

So there is a big difference in the conversation and debate in the Senate this year over last year, in my judgment. While the McCain-Lieberman amendment was rejected—I voted against it myself—there was adopted the Hagel amendment, which has significant new incentives for producers of carbon across this country to reduce the amount of carbon they emit.

We did pass the Bingaman sense-of-the-Senate resolution, which I voted for, which says we expect one day to have mandatory controls that lead us toward a lower carbon production economy. But I, for one, am not yet ready to impose mandatory controls on this big, complicated economy because I do not think we know enough about what it would do to the economy, and I do not think it is wise.

Senator DOMENICI and Senator BINGAMAN have said they will begin, in July, to hold hearings about this complicated process and to assess how the incentives we may enact—or likely will enact—in this bill operate. Over the next year or two or three or four years, we may learn more.

We may learn enough where a majority of us are willing to have some system of mandatory caps, just as we have in other areas of clean air and acid rain, for example. But in my opinion, we are not there yet.

But the second most important thing in this legislation, in my view, is a shift in attitude toward global warming, a recognition by a majority of the Senators that it is a real problem and taking significant steps to change the way we make electricity so that we make it in a low-carbon or no-carbon way.

The third big change, I believe, is the technologies we use to meet those objectives of lowering natural gas prices and of producing low-carbon or no-carbon electricity. I would call it a new realism about energy in this country. This is a big country. We produce 33 percent of all the money. We use 25 percent of all the energy in the world. We are not some desert island. We use a lot of electricity for our computers and our jobs and our homes. If we have any disruption in that—whether it is a blackout or it is a price that is too high or a lack of supply—it has devastating consequences for us.

So there is a new realism, I would say, about exactly what is available to help us get where we want to go. First is aggressive conservation. That is new about this bill. It is twice the amount of conservation that was in the bill that we passed a year ago which never became law. By conservation, I mean new efficiency standards for appliances. The estimate of our committee is that these new efficiency standards for appliances will avoid the building of as many as 45 large gas electricity plants. That is significant conservation.

There is a provision in the bill that would give 300,000 Americans a $2,000 deduction to buy a hybrid or an advanced-diesel car. That reduces the use of oil. That is aggressive conservation.

There is an amendment in the bill that would have the President mandate a million-barrels-a-day reduction in the use of oil. That is aggressive conservation because that amount of oil equals about the entire production onshore of the State of Texas or the entire projected production from ANWR in Alaska. So we have aggressive conservation. We start there because that is the first thing we can do to save oil, increase supply, and reduce prices.

The second thing this bill does is recognize we need new supplies. We have taken steps to make it easier to bring liquefied natural gas into this country. Some may say: Oh, we don't want to go down that road. We are already bringing in too much oil.

We all agree with that. But if we do not bring the natural gas in, we are going to be sending the jobs out. And for the foreseeable future, for the short term, if we want to reduce the cost of natural gas, we need to bring a lot of it in from overseas. And having a few more terminals, as provided in the streamlined provisions in this bill—which still give States and communities input into where it goes—is a very important provision.

This legislation basically relaunches the American interest in nuclear power. That is realistic, too. There is a growing interest in global warming. That is caused, many say, by carbon in the air. So we need energy that has less carbon. Seventy percent of the carbon-free electricity we produce in the United States today comes from nuclear power. So if we care about global warming, we better care about nuclear power. There is no other way around it.

There are incentives for advanced nuclear power, the kind of reactors that do not cost as much to build. We know how to operate them. Twenty percent of our electricity is already from that. We invented the technology. Dozens of our Navy vessels operate with nuclear reactors. They have, without incident, since the 1950s. France is now 80 percent nuclear power. They are the European country most likely to meet the Kyoto standards because they have adopted the technology that is likely to produce the largest amount of carbon-free electricity—nuclear power.

We also have come to a consensus within the last year—I think I am accurate on this—that waiting in the wings behind nuclear power is coal gasification and carbon sequestration. Long words, but it simply means we take this several-hundred-year supply of coal that we have and we find a clean way to burn it. The way we are encouraging that in this legislation is to turn the coal into gas and then burn the gas. That gets rid of the nitrogen and the mercury and the sulfur, but it leaves the carbon.

There are also provisions, incentives in this bill, and loan guarantees and authorization, then, to have large demonstrations of carbon sequestration, taking the remaining carbon dioxide—the major residue or pollutant from coal gasification—and putting it in the ground.

Now, this is the strategy that is preferred by several important environmental groups. That sounds like a surprise. They would prefer coal? Here is the reason. They have some concerns about nuclear—the proliferation problems, the storage of waste—but if coal can be burned in a clean way and the carbon can be recaptured and put in the ground, that is a solution to global warming without mandates.

That is a solution, and not just in the United States but around the world. Because we might clean up our air, but if China and India and the rest of the

world build hundreds of coal plants that are dirty, it will not matter what we do because the air just goes around the world, and we will be breathing it, too. So a very important way for us to help the world have clean air and an adequate supply of electricity is coal gasification.

So I call that the new realism: conservation; increased natural gas supplies, including from overseas; relaunching nuclear; and coal gasification and carbon sequestration. If we do that over the next 10 years, we will have an adequate supply of American-produced, reliable, low-carbon electricity. And the debate about global warming will be off our desks because we will not be producing enough carbon to affect global warming, and we can argue about something else.

Now, there is also generous support in this legislation for renewable energy. I am especially pleased that for the first time, we have support for solar energy in a useful way. Up to this time, we have had a renewable tax credit that solar could not take advantage of. But the Finance Committee changed that. Solar shows some promise, as does biomass, as does some geothermal, as does wind. I think my colleagues know I think wind is heavily oversubsidized and overestimated, but it is supported in here.

But there is a realism about that. We are not going to run the American economy on windmills and solar panels. They will provide a few percent of what we need by the year 2025. If we want carbon-free adequate supplies of American-produced energy, we are going to have to conserve, launch nuclear again, do coal gasification, and bring in supplies of natural gas. Renewables are fine, but they are a very small part of the answer. While we do not all agree on that here in the Senate, there is still a consensus.

There is also generous support for longer term technologies. I think we are realistic about that as well. There is a great deal of excitement about the hydrogen-fuel-cell vehicle.

When I was in Yokohama a year ago, I visited a hydrogen-fuel-cell vehicle filling station. There were seven SUVs parked, all of them from different manufacturers in the world, many of them American. I filled up the Nissan hydrogen-fuel-cell vehicle. Carlos Ghosn is the chief executive of Nissan. He drives that vehicle around Tokyo every weekend. He is spending $700 million of Nissan money every year on hydrogen-fuel-cell research. And Toyota is doing the same. Others—Ford, General Motors—are all interested.

But the potential of hydrogen is down the road. It's several years away. We are going to be talking about it, working on it—and hopefully it will come to fruition. But it is several years down the road. When we produce enough hydrogen to run our automobiles, we will have to use nuclear power or natural gas or coal gasification to produce that hydrogen.

So I would say of special note—to reemphasize some of the points I made—is the serious interest in conservation. This is a bipartisan bill. You do not hear the word ''conservation'' come out of the mouths of every Senator first. You might not think Republican Senators would start out talking, first, about conservation. But we know if we want to reduce the cost of natural gas, if we want to reduce our reliance on oil, that the quickest and easiest way to do that is aggressive conservation.

Nuclear power—Senator DOMENICI, our chairman, mentioned to me we had something like 167 amendments offered to this bill at one time, and so far as we could tell, not a single amendment was antinuclear, not a single amendment was antinuclear. There is a growing awareness that if we want carbon-free electricity, we are going to have to have some nuclear powerplants to do that. That is a big change even just from last year.

Another big change, as I mentioned, is the emergence of coal gasification and carbon sequestration and support and research for that in a very serious way, both in industrial sites and in freestanding plants, and sequestration demonstrations. None of that was being discussed broadly by the Energy Committee last year. A few Senators understood that, but most of us, I think it is fair to say, did not really see the significance of this technology. Now we do, and we have strong support for it.

The importance of liquefied natural gas and the streamlining of siting—that may be the most important provision in the bill in terms of an immediate impact because there are large amounts of natural gas that can be brought in.

Another important development is the serious discussion of new supplies of natural gas here at home. Now, this is a very controversial subject. But last year we could not even get an inventory of what supplies of natural gas we have offshore. We have plenty of natural gas; we just have rules that say you cannot drill for it. There was no serious discussion of giving States the opportunity—other States, such as Virginia—the option of drilling in Federal waters offshore for natural gas, as Texas, Alabama, Mississippi, and Louisiana now do.

We couldn't get a vote on that because of the controversy, but I believe there were 51 votes in the Senate for giving States the option of deciding for themselves whether they wanted to allow natural gas drilling offshore, take a share of the money for the State, put a share of the money in a national fund for wildlife preservation, put the rest in the Federal Treasury, and put the gas into our system so we could lower the cost of natural gas. There is a lot of progress there.

Finally, I pay tribute to two parts of the Senate. One is to the Finance Committee for what it did with the tax title. The total amount of money of incentives is $14 to $16 billion. But rather than the amount of money, it is what it is for because it is completely consistent with clean energy objectives for low-carbon and no-carbon, new technologies. There is money for clean energy bonds for certified coal products, consumer incentives for hybrid and diesel vehicles, incentives for energy-efficient appliances and buildings, incentives for coal gasification powerplants, incentives for solar energy development in an important way for the first time in a long time, incentives for the deployment of advanced nuclear power, incentives for cogeneration projects. All of these will change the way we produce electricity.

I compliment Chairman GRASSLEY and his staff for this. I hope very much that the Senate version of how we spend our tax dollars in support of research and development for clean energy is dominant in the conference rather than another version. That will be something we will have to work out with our friends in the House of Representatives.

I think a great deal of credit needs to go to Chairman DOMENICI and to Senator BINGAMAN, ranking Democrat on the committee. This bill came out 21 to 1 in favor from our committee. For those who are not in the Senate, this may sound like inside housekeeping. This body operates only by consensus. Nothing happens here—because of the unique nature of this body, where every Senator is an equal, every single one of us can stop anything at least for a while, unless there is a consensus. The consensus came because of the kind of leadership, beginning with Chairman DOMENICI, who personally visited all the members of the committee, including the Democratic members, in their offices, took their advice, incorporated their ideas, and we came to a consensus.

Senator BINGAMAN pointed out in our hearing that we had many votes, but he didn't remember a single party-line vote. We had close votes, but we voted our convictions and our regions of the country and our backgrounds and attitudes. We didn't line up and say: This is a Republican view and a Democratic view.

I am glad we have waited until next Tuesday morning to vote on the Clean Energy Act of 2005, until Chairman DOMENICI and Senator BINGAMAN can be here. They had to be in New Mexico yesterday for a BRAC hearing. They deserve to be here. I want the full Senate and our country to see the result that they have led. I believe their being here and the big vote we have will get us off to a big start.

I feel very good about what the Senate has done. I hope there is a big vote on Tuesday. For the American people, the result will be stabilized and lower natural gas prices for homeowners, for blue-collar workers, and for farmers; No. 2, a recognition that global warming is a problem, and the beginning of aggressive conservation and a variety

of technologies to deal with that by producing low-carbon and no-carbon electricity; and, finally, a realism about the base load that we need to encourage in this country to produce that kind of electricity, aggressive conservation, new supplies of natural gas, relaunching nuclear power, coal gasification, and carbon sequestration.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

GENERAL LOUIS H. WILSON, JR.

Mr. COCHRAN. Mr. President, this morning the Washington Post carries an article about the death of GEN Louis Wilson who was a former Commandant of the U.S. Marine Corps. He died on June 21 at his home in Birmingham, AL. He was a native of my State of Mississippi and was a personal friend and a great soldier and a wonderful Commandant of the U.S. Marine Corps. He and his wife Jane lived here in Washington in the Marine barracks, the Commandant's residence, and befriended my wife Rose and me when I was a young Member of Congress before I was elected to the Senate. He was serving as Commandant of the Marine Corps.

We enjoyed many opportunities to visit with them when they were resident in Washington. He was a very distinguished officer in the Marine Corps during World War II. He was given the congressional Medal of Honor for gallantry during his service in the battle in Guam on Fonte Hill. The description of his exploits and gallantry are contained in the citation that was issued when he was awarded the Congressional Medal of Honor.

The article talks about his career in glowing terms, a well-earned tribute for a courageous and brave soldier, and the first Marine Corps Commandant to serve as a member of the Joint Chiefs of Staff. He established a tradition when he was selected to serve on the Joint Chiefs of Staff which is carried on today. It was because of his strong leadership and his example that there is no question that a good decision was made to include in the Joint Chiefs of Staff the Commandant of the Marine Corps.

We mourn his passing, but we rejoice in the great life he lived and the inspiration that his career provided to marines in all of the succeeding generations of service in the U.S. Marine Corps.

I ask unanimous consent that the article in today's Washington Post and a copy of the citation for Louis Hugh Wilson, Jr., upon his being awarded the Congressional Medal of Honor be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jun. 24, 2005]

GEN. LOUIS WILSON DIES; AWARDED MEDAL OF HONOR

(By Adam Bernstein)

Gen. Louis H. Wilson Jr., 85, who received the Medal of Honor for taking and holding a key position on Guam during World War II and later served as commandant of the Marine Corps, died June 21 at his home in Birmingham. He had a degenerative nerve disorder.

On July 1, 1975, Gen. Wilson became the 26th commandant of the Marine Corps. He was the first commandant to serve full time on the Joint Chiefs of Staff, providing the corps with a greater say on defense matters.

During his four-year tenure, he was credited with shaping a post-Vietnam corps of strong expeditionary units ready for ''high mobility and high-intensity combat.'' He made personnel changes to raise morale and address disciplinary problems.

He increased academic enlistment standards (he wanted 75 percent of recruits to have high school diplomas); ordered the discharge of thousands of Marines with discipline problems; and offered tougher directives on weight requirements. ''Obesity must vanish,'' he said and set for himself a daily jogging regimen.

As commandant, he had a reputation for being blunt, thoughtful and refreshing. He publicly acknowledged the brutal treatment of recruits by some drill instructors and tried to change the policies that granted drill instructors ''too much autonomy. ''

In 1975, he told an interviewer that the Vietnam War had been fought in vain from a military view-point.

He also castigated draft laws that ''had been gerrymandered so that only the poor, the blacks and disadvantaged were really drafted. A great many fine young men came in. But many draftees, thrown in with them, were the dregs of society [and] many with continuing dissatisfaction with the war.''

''It's not like the old days,'' he added, ''when you could leave your wallet on your sack.''

The Mississippi native was an effective witness on Capitol Hill, prepared and authoritative in his bearing. Earlier, he had been a corps liaison to Congress. He was a favorite of Sen. John C. Stennis (D-Miss.), head of the Senate Armed Services Committee, who became his advocate for full membership on the Joint Chiefs of Staff in October 1978.

Previously, Marine Corp commandants attended meetings of the Joint Chiefs only when there was business of pressing concern to the corps.

Louis Hugh Wilson Jr. was born Feb. 11, 1920, in Brandon, Miss. His father was a farmer who died when Louis was 5. He was raised by his mother, and her large, extended family helped them through the Depression.

As a young man, he sold vegetables from a goat cart. He later studied economics at Millsaps College in Jackson, Miss., where he played football and was on the track team. A Marine Corps recruiter who came to campus persuaded him to enter the service after his graduation in 1941.

He landed at Guadalcanal, Efate and Bougainville and received the Medal of Honor, the military's highest award for valor, while fighting Japanese forces at Fonte Hill, Guam, on July 25 and 26, 1944. At the time, he was a captain and the commanding officer; of a rifle company.

Launching a daylight attack against massive machine gun resistance, he pushed his men 300 yards across open terrain and captured a portion of a hill that contained the enemy command post. That night, he took command of other disorganized units and motorized equipment and fortified defenses while risking exposure to enemy fire.

Wounded three times within five hours, he briefly sought treatment before volunteering to return to duty to defend against counterattacks that lasted through the night.

At one point, he dashed 50 yards through flying shrapnel and bullets to rescue a wounded Marine beyond the front lines. That was followed by hand-to-hand fighting over a 10-hour span, repelling Japanese troops that sought to overrun the Allied lines through 11 full-fledged attacks.

His Medal of Honor citation continued: ''Then organizing a 17-man patrol, he immediately advanced upon a strategic slope essential to the security of his position and, boldly defying intense mortar, machinegun, and rifle fire which struck down 13 of his men, drove relentlessly forward with the remnants of his patrol to seize the vital ground.''

He was credited with a pivotal role in the victory, which included the deaths of 350 Japanese troops. President Harry S. Truman presented him with the Medal of Honor on Oct. 5, 1945.

After the war, he held recruiting and command assignments, graduated from the National War College and served as assistant chief of staff to the 1st Marine Division in Vietnam during the war there.

He was promoted to brigadier general in 1966 and, after being appointed lieutenant general in 1972, assumed command of the Marine force in the Pacific. His decorations included three awards of the Legion of Merit.

After retiring from the military in 1979, he served on the corporate boards of such businesses as Merrill Lynch, the financial services company, and Fluor Corp., an engineering and construction company.

Survivors include his wife of 61 years, Jane Clark Wilson, and a daughter, Janet Taylor, both of Birmingham; and two grandsons.

WILSON, LOUIS HUGH, JR.

Rank and organization: Captain, U.S. Marine Corps, Commanding Rifle Company, 2d Battalion, 9th Marines, 3d Marine Division. Place and date: Fonte Hill, Guam, 25–26 July 1944. Entered service at: Mississippi. Born: 11 February 1920, Brandon, Miss. Citation: For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as commanding officer of a rifle company attached to the 2d Battalion, 9th Marines, 3d Marine Division, in action against enemy Japanese forces at Fonte Hill, Guam, 25–26 July 1944. Ordered to take that portion of the hill within his zone of action, Capt. Wilson initiated his attack in mid-afternoon, pushed up the rugged, open terrain against terrific machinegun and rifle fire for 300 yards and successfully captured the objective. Promptly assuming command of other disorganized units and motorized equipment in addition to his own company and reinforcing platoon, he organized his night defenses in the face of continuous hostile fire and, although wounded 3 times during this 5-hour period, completed his disposition of men and guns before retiring to the company command post for medical attention. Shortly thereafter, when the enemy launched the first of a series of savage counterattacks lasting all night, he voluntarily rejoined his besieged units and repeatedly exposed himself to the merciless hail of shrapnel and bullets, dashing 50 yards into the open on 1 occasion to rescue a wounded marine lying helpless beyond the frontlines. Fighting fiercely in hand-to-hand encounters, he led his men in furiously waged battle for approximately 10 hours, tenaciously holding his line and repelling the fanatically renewed counterthrusts until he succeeded in crushing the last efforts of the hard-pressed Japanese early the following morning. Then

organizing a 17-man patrol, he immediately advanced upon a strategic slope essential to the security of his position and, boldly defying intense mortar, machinegun, and rifle fire which struck down 13 of his men, drove relentlessly forward with the remnants of his patrol to seize the vital ground. By his indomitable leadership, daring combat tactics, and valor in the face of overwhelming odds, Capt. Wilson succeeded in capturing and holding the strategic high ground in his regimental sector, thereby contributing essentially to the success of his regimental mission and to the annihilation of 350 Japanese troops. His inspiring conduct throughout the critical periods of this decisive action sustains and enhances the highest traditions of the U.S. Naval Service.

Mr. COCHRAN. 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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS

Mr. FRIST. Mr. President, as we bring this week to a close and look back, I am pleased with the progress that has been made on the Energy bill which we have completed, in essence, except for final passage which we will do Tuesday. Then we are ahead of what I initially anticipated, having proceeded to our first appropriations bill, the Interior appropriations.

The bill, as has been mentioned, is an excellent bill. I congratulate both the leaders on that bill, the chairman and the ranking member on the Interior Subcommittee, for their superb shepherding of this bill through their subcommittee, and now bringing it to the floor. I also thank the committee for reporting a bill that keeps to the spending allocation under this year's budget resolution.

As we travel back home, and as we will see when we go back during the Fourth of July recess, the American people expect us to adhere to that budget, a very strict spending budget, a budget on which Chairman GREGG led, and we passed, the fastest budget we have ever passed but, more important than that, a budget that shows fiscal discipline. Indeed, the ranking member and chairman of the subcommittee adhered to that allocation throughout. Senators BURNS and DORGAN have worked hard to be responsible stewards of American taxpayer dollars. At the same time it is reflected in the bill the importance of being stewards of the natural wonders and the heritage and the beauty of our great country. I thank Senator BURNS and Senator DORGAN for their hard work.

It is our first bill as we approach the appropriations process. It is the first of 12 newly constituted appropriations bills that we will consider. It is my hope to see all 12 of these bills passed. We need to do our very best to avoid the scenario that has unfolded all too often in recent years. Come November or December, we should not have to resort to an omnibus bill that lumps all of these individual bills that we wouldn't have been able to pass into a single bill. We are going to do everything possible to systematically address each one of these bills as they come along, and then be able to pass them to avoid coming to what has almost become customary, and that is an omnibus process.

It has been a decade, 10 years, not since 1995, since all appropriations bills were wrapped up before beginning the fiscal year. Over that last decade, the average was sending only 2.1 appropriations bills to the President for his signature before the beginning of the fiscal year, only 2. Actually it was 2.1, as I mentioned, appropriations bills.

We need to do better. We can do better, and we will do better. We need to get the job done—get every bill done right and done on time. I am very optimistic we can do that. This year, we passed the budget, as I mentioned, in the fastest time in history. That budget establishes an overall 2006 spending ceiling for all appropriations bills. And because of that ceiling, because of all of us working together, and by working together, I am hopeful that the process will proceed smoothly. We have initiated that process today with the Interior Appropriations bill. As we considered the bill before us today, I want to leave with a special place I think of when I contemplate what my vote on this bill means for America.

On a second issue, as we look to the appropriations bill that is likely and almost certain to follow the Interior Appropriations bill, I want to comment very briefly and introduce what we will see at the end of next week, and that is a comment on homeland security.

As September 11 so tragically demonstrated, protecting our borders—whether by air, by sea, or by land—has taken on a level of urgency and importance as never before. When you are talking to people at home, it arises again and again—it is almost the first, second, or third question at every town meeting we hold—border security.

Border security is no longer just an immigration issue or a customs issue. Border security must be a unified and coordinated strategy to thwart terrorism, which is something we didn't think about prior to September 11 nearly as much as we do today—thwarting terrorism and enforcing the laws.

Next week, we will debate the Homeland Security Appropriations bill, and we must include the necessary resources to meet these challenges.

This bill will address concerns regarding insecurity of our borders, which we know in fact does threaten national security. It is time to address that issue. We will again do that next week.

As we all know, each year thousands of people cross our borders illegally. The vast majority seek little more than better lives for their families, which we understand. But some do bring drugs. Some do traffic in human beings. Some may even have ties to terrorist groups. We don't know exactly how many come or will come. We don't know exactly what their backgrounds are. We don't know who might harm us. In today's time, that is wrong.

We know one thing: If drug dealers and human traffickers can operate on our borders, terrorists can as well. Our national security requires a safer and more secure border, and it is up to us to deliver that.

We face a crisis. Over 7,000 miles of land stretch across our borders. If you look at our ports, they handle as many as 16 million cargo containers; and 330 million noncitizens—students, visitors, and workers—cross our borders each year; 330 million noncitizens go back and forth across the borders. An unprecedented flow of illegal immigrants, criminals, terrorists, and unsecured cargo crosses our borders.

As representatives of the people, we need to focus on the rule of law. We will be focusing on that rule of law. This Nation is founded on the concept that all men are created equal and all have the inalienable right to be free. But those freedoms are protected by our institutions and these institutions require respect for the rule of law.

Those illegal immigrants who may wish us no harm have still violated our rule of law. We must remember this as this debate unfolds on border security next week.

Finally, America has always opened our doors to immigrants. We must continue to do so and we will continue to do so. People come to America looking for a better life, and we live better lives because of them. They contribute to our economy. They help weave that rich cultural fabric that makes up our society. But we must ensure that immigrants who come to America come here legally.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak for such time as I may consume.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

MONTANA'S ROCKY MOUNTAIN FRONT

Mr. BAUCUS. Mr. President, I rise to address an amendment that is very important to me and my State relating to Montana's magnificent Rocky Mountain front. I filed the amendment to the Energy bill and, even though we are not on the bill at the moment, I will talk about the amendment. I will speak about what it would have accomplished because I will not press for action on this amendment. Rather, I will offer it at a later time.

So what is the front? The front, as we call it back home, is one of the largest

and most intact wild places left in the lower 48 States. We call it a front because that is what it is. It is a front.

Anybody driving across the State of Montana westward, coming in from the east, first encounters open plains and prairies; they are vast. And then, suddenly, out in the distance the Rocky Mountains, the Continental Divide, jumps out of the plains. That is what we call the eastern front.

It is amazing and it astounds me every time I drive across the State and see it from a distance. It is special to Montanans and it is sacred to the Blackfeet Indian tribe. It is home to the Nation's largest population of big horn sheep, and the second largest population of elk, as well as deer, grizzly bear, and countless other species of fish and wildlife. In fact, the front is the only place in the lower 48 where grizzly bears still roam the plains, just as they did when Lewis and Clark passed through the area 200 years ago.

Because of this exceptional wild space, which includes Glacier National Park, millions of acres of wilderness and the Blackfeet Indian Reservation, the front offers unsurpassed hunting, fishing, and recreational opportunities.

Sportsmen, local landowners, local elected officials, hikers, Tribal leaders, local communities, and many other Montanans have worked for decades to protect and preserve the front for future generations. I have hiked in the front many times, including to the top of Ear Mountain. It's special to me personally.

Most Montanans believe very strongly, frankly, that oil and gas development and the front just don't mix.

The front is too wild and too precious to subject it to roads, pipelines, noise and other such development activities. In addition, surveys of the area indicate that there just isn't that much oil and gas in the front, certainly not enough to justify disturbing this pristine area.

That is why it has been well over a decade since any development activity occurred there at all, and why this administration last year halted an environmental impact study in the Blackleaf Area of the Front. The administration conceded that the time and expense associated with evaluating drilling options in the front was not the best use of taxpayer dollars.

They conceded that this area might indeed be one of those special places where the benefits of oil and gas development do not outweigh its costs. Even the administration understands that it's highly unlikely that any leaseholder will ever be able to drill in the front.

I couldn't agree more.

That's why I filed an amendment to the energy bill that offers a permanent solution to the century-long conflict over development on the front.

My amendment would establish a voluntary program allowing leaseholders in the Badger-Two Medicine or Blackleaf Areas of the front to cancel their leases. In exchange, leaseholders could receive rights to drill elsewhere in Montana, or bidding, rental or royalty credits for existing leases in Montana, or a tax credit.

Any canceled lease would be permanently withdrawn from future leasing and oil and gas development activity. This withdrawal provision would also apply to a lease canceled for any other reason, including as the result of a private buy-out.

To encourage leaseholders to take advantage of the program, it would expire at the end of 2009. Finally, it would provide economic development grants to Teton County, Montana, to compensate the county for the loss of any potential revenue from these leases.

This is a win-win proposal that provides leaseholders value for their investment, while providing permanent protections for the front. Because it's a purely voluntary program, leaseholders don't have to participate, but there will be a strong incentive for them to do so—they know that their leases will probably never be developed, given the intense local opposition and the expense and time involved with trying to drill in the front.

Unfortunately, Mr. President, the time was not right for me to call for a vote on ame mendment, but I thought it was very important to share it with my colleagues. I will work hard in the coming months to build support for my proposal, which I think is critical to ending the conflict over the front and preserving its beauty and wildlife for future generations.

AMERICA'S PLACE IN THE WORLD

Mr. BAUCUS. Mr. President, a little less than 2500 years ago, in Athens, Pericles the king looked out from the Acropolis. In the bay beyond the port city, he saw some of Athens's 200 ships, which brought peace, commerce, and Athenian pottery to a free-trade area of more than 100 Greek city-states. Pericles boasted: ''The wares of the whole world find their way to us.''

Pericles stood astride one the wealthiest, most culturally-advanced states of his time. Greeks had vanquished the evil empire of Persia to the east. Pericles had transformed the Delian League, a defensive alliance formed to contain Persia, into an Athenian empire. And Pericles advanced the world of ideas, advocating the new idea of democracy.

Said Pericles: ''Athens alone, of the states we know, comes to her testing time in a greatness that surpasses what was imagined of her. . . . Future ages will wonder at us, as the present age does now.''

Pericles had every reason to believe that Divine Providence had smiled on him and on his city.

A little less than 500 years ago, in Aachen, Charles V looked up to receive the crown of Germany. Charles had become the most powerful ruler in Christendom: Holy Roman Emperor and sovereign over what is now Spain, Central Europe, southern Italy, and Spain's new overseas colonies. Sir Walter Scott said: ''The sun never sets on the immense empire of Charles V.'' Charles sought to unite his empire into a universal, multinational, Christian empire. His motto was: ''Even further.''

Charles had every reason to believe that divine providence had smiled on him and on his empire.

A little more that 150 years ago, in London, Queen Victoria, adorned in pink, silver, and diamonds, escorted by a troop of the Household Cavalry, road in a closed carriage from Buckingham Palace to Hyde Park to see the Great Exhibition at The Crystal Palace. Trumpets flourished, and a thousand voices greeted her, singing Handel's Hallelujah Chorus.

She walked through the Exhibition, a world's fair, and saw exhibits displaying the riches of Britain's far-flung colonies: carved ivory furniture from India, furs from Canada, hats made by convicts from Australia. The theme of the Exhibition was one word: ''Progress.''

Victoria saw exhibits representing an England that was industrially supreme. England controlled one-third of the world's international trade. The English merchant navy handled three-fifths of the world's oceangoing tonnage. Senator Daniel Webster called the English empire: ''A power which has dotted over the surface of the whole globe with her possessions and military posts, whose morning drumbeat, following the sun, and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England.''

Victoria had every reason to believe that Divine Providence had smiled on her and on her empire.

The citizens of Periclean Athens, Habsburg Spain, and Victorian England each could feel that their nation had reached the zenith of human endeavor. From where they stood, Pericles, Charles, and Victoria were the most powerful leaders of their time. Their centuries belonged to them.

Pericles looked to ''future ages.'' Charles envisioned going ''even further.'' And Victoria saw ever more ''progress.''

But within a century, each nation had been eclipsed.

Periclean Athens fell victim to war. Not long after Pericles's death, the devastating Peloponnesian War with Sparta weakened Athens. Within a hundred years, the great city was dominated by a little known northern country called Macedonia.

Charles V, seeking to harness a new technology of shipbuilding and royal navies, incurred spiraling defense costs. Charles's wars caused him to pledge his revenues to bankers for years into the future. By 1543, two-thirds of his ordinary revenue went to pay interest on past debts alone. Not

long after Charles' death, dynastic division rent his empire apart. And within a hundred years, Europe had become a continent of many roughly-equal powers.

Not long after Victoria's death, England found itself surpassed by American economic growth and mired in World War. And within a hundred years, Britain's once-great empire had spun off into a splintered commonwealth.

And so began what Henry Luce called ''the American Century.'' At the beginning of the 20th century, America's economy was already 40 percent larger than China's and more than twice as big as Britain's.

And in the wake of World War II, America was the only major power whose homeland had not suffered massive devastation. America's economy dominated the world. At mid-century, America's gross domestic product was 5 times Britain's, 5½ times China's.

Look out today at the ships docked in the port of Seattle. Count the containers that bring grain and beef from Montana to the world. Count the containers that bring ''the wares of the whole world . . . to us.''

On behalf of a great and powerful nation, on February 2, President Bush could look out over lawmakers assembled in the House of Representatives and say: ''[W]e've declared our own intention: America will stand with the allies of freedom to support democratic movements in the Middle East and beyond, with the ultimate goal of ending tyranny in our world.''

America's is a great promise. Ours is the leading nation. We live in the preeminent country on earth.

Americans have every reason to believe that Divine Providence has smiled on us and on our Nation.

Today, Americans account for fewer than 1 in 20 of the world's people. But Americans produce more than a fifth of the world's economic output.

Today, America has a $12 trillion economy, three times the size of Japan's, fives times the size of Germany's.

But China's economy, when measured on a purchasing power parity basis, is now $7.3 trillion. And it is growing fast.

Like Athens or Spain or England in their day, America is the greatest power of our time. But our lease on greatness is no more certain than those of the great powers of the past. We, no more than they, cannot maintain our leadership of the world without effort.

The next two decades will challenge America. We face competition from rising economic powers, powers with vast populations with nowhere to go but up. And foremost among those competitors will be China.

We cannot blithely sit back and rest on our laurels. We must energize ourselves anew to maintain America's place in the world.

Over the last two decades, China's economy has grown an average of 9.5 percent, roughly three times as fast as America's. And although America is a populous country of almost 300 million people, China is home to 1.3 billion people. India is not far behind, with just over a billion people.

Starting in the late 1970s, China and India began to reform their economies. And in the late 1980s, Communism collapsed in Eastern Europe. In the last two decades, these transformations have led to nearly half the world's population—about 2.6 billion people—entering the global workforce. The world has only just begun to feel the effects of this awakening.

Visit export-zone China, and you will see that corporate America and corporate—Japan are already well in evidence. The international corporations already understand that China will fuel this century's economy.

Much of America, however, still has a shock ahead of it. Before 2020, China may surpass America as the world's largest economy. Superpower America has competition, after all. And we had better hustle, too, or the Chinese will eat our lunch.

Well-educated young people in China, India, and Eastern Europe increasingly have the skills to compete with Americans for high-value-added jobs. Companies are moving jobs offshore to workers in these countries not only because they work for less, but also because they are well educated in math and science.

An old Chinese proverb says: ''What you cannot avoid, welcome.'' Dramatic Chinese growth appears unavoidable.

China has drunk the Kool-Aid of capitalism and it is not looking back. Big city China hustles, bargains, and works hard for a better life. Skylines soar in Shanghai and Beijing.

Big city Chinese public street signs come in Chinese and English. Western and Japanese companies' neon signs dominate the skyline. Western commerce is well represented, half a world from the West. China is no longer as foreign as you might expect.

You can see one district of Beijing that still sports Cyrillic billboards and shop signs. But this Russian enclave sells furs, not ideas. You can see which economic system won the cold war.

They call it ''market socialism.'' And the European economic tradition is full of the melding of the two systems, so we cannot necessarily say that the term is a contradiction. But plainly the Maoist state-controlled economy is on the descent, and free-enterprise, self-interested capitalism is on the rise. Chinese government officials smile as they explain, quote, ''Communism.''

The bargaining economy now permeates China. Chinese merchants love to haggle over sales great and small.

The change began with Deng Xiaoping, who ruled from 1978 to 1997. But the change has now firmly taken root. Some will explain, in muffled tones, that in the wake of the 1989 Tiananmen massacre, the government made a concerted effort to demonstrate that China was ''open for business.''

China, India, and Eastern Europe are now actively seeking to move underemployed populations into more productive occupations—occupations that America and other developed countries once dominated. Millions of jobs in high-tech manufacturing, software development, and services are moving to these growing labor markets.

More than 700 million workers live in China. Half of them still work in agriculture and forestry. More than three out of every five Chinese still live in the countryside. As many as 200 million underemployed Chinese workers in rural areas could move into the cities and industrial jobs.

This huge pool of surplus labor presents China with a vast opportunity to modernize its economy, continue rapid growth, and move its people up the value-added ladder into more productive employment.

Tour an American or Japanese company plant in Shanghai. You will see rows of diligent, uniformed workers filling rows of clean, well-lit work stations. The plant manager will tell you how he pays these workers $1 an hour—+about $2,000 a year-plus food and housing benefits. That is a good wage in a country with an average income of $1,100 a year. Compare that to America's average income of $37,600. Plants like this boast of a 90-percent retention of employees.

The plant manager will complain, however, that for the less-sophisticated operations, still-lower-cost centers are already nipping at their heels. Even within China, competitive businesses need to profit from innovation and new ideas, or fall victim to even-lower-cost competition.

In the long-term, Chinese labor rights must advance to help lift Chinese wages. But with 200 million job seekers at the door, substantial wage increases still appear a ways off. For the near future, China appears to own the role of the world's low-cost manufacturer.

And China's workers are not all unskilled laborers. China has focused on its education system. It is quite good for a country its size. The literacy rate tops 86 percent.

Visit a primary school in a middle-sized Chinese city. Bright, enthusiastic, charming children will greet you and win your heart. Happy first graders will greet you in English. Chinese schools are preparing students to compete in an intertwined, multinational, multilingual world economy.

Are American schoolchildren learning Mandarin? Are they even learning Spanish? The coming generation of Chinese businesspeople will do business around the world. Americans need to broaden our linguistic abilities, or Chinese businesspeople will cut the deals before us.

China's growing population of college graduates also fuels its increasing strength in high tech. Last year, nearly 3 million Chinese entered the workforce from colleges and graduate programs. That was one-third more than

the year before and double the year before that. Last year, China produced 220,000 new engineers. America educated only 60,000.

China now has an unusually open economy. Foreign investment in China is more than a third of its economy, compared with only 2 percent in Japan. In 2004, the sum of exports and imports is likely to reach three-quarters of China's GDP, far more than in other large economies. In American, Japan, India, and Brazil, the figure is 30 percent or less. China has allowed foreigners to participate in its growth and development.

China has stoked the engines of its economic development through means both fair and foul. China promotes its domestic high-tech industry at the expense of foreign firms. World Trade Organization commitments prohibit discriminatory taxation of foreign products. But China applied a 17 percent value added tax on all semiconductor sales, and then rebated 11 percent of this for semiconductors produced in China and 14 percent for semiconductors designed and produced in China. The United States had to bring a WTO case to challenge the policy. China agreed to drop the policy last year.

And China does an abysmal job of protecting patents and intellectual property. Walk into an open-air market in Shanghai, and you can buy ties that bear less than credible labels: well-known brand names, ''Made in Italy.''

And it is not just ties that Chinese businesses knock off. A red sign festooned a Shanghai market: Respect ''trademark law,'' it cajoled. But as you walk under the sign, literally dozens of men hawk DVDs and watches of plainly dubious vintage.

And China also uses its currency exchange rate to distort the market. China has set, or pegged, its currency to the dollar, with an exchange rate of 8.28 renminbi to the dollar. Critics argue that as China's economy has grown, its currency should have appreciated against the dollar, making Chinese goods more expensive relative to American goods. The renminbi has not appreciated—and Chinese goods have not gotten more expensive—because of the peg. Many argue that China keeps the peg in place to support its manufacturing sector.

The reality may be more complex. But there is no denying that China does not have a free-floating currency. And there is no denying that a free-floating currency would be better for China and its trading partners, over the longer term. How to get there, especially with China's badly insolvent banking system, is what the debate is about.

China's economy could easily stumble, as America's did during the booms and busts of the 19th century. But barring any truly devastating crisis, China's economy will likely continue its upward trajectory. China will become the world's largest economy. The only question is when.

Faster growth in China should mean faster growth elsewhere. If China's real income grows by 8 percent per year—and it is—income distribution remains unchanged, then by 2020, China's top 100 million households will have an average income equal to the current average in Western Europe. That is a giant new market for consumer goods.

China's boost to global growth could exceed even those that the world economy has recently enjoyed from the spread of computers. Like that IT revolution, China's growth may lead to the loss of some jobs in the United States. But it will also likely lead to the creation of different jobs in greater numbers.

Notwithstanding the pervasive influence of American and Western culture even in once-isolated China, one senses a love-hate relationship with America. Chinese officials will note how our two nations had once been sworn enemies in a war that Americans, with our short memories, forgot long ago. On Chinese streets, men will walk up to you, asked you if you are American, and debate you about American foreign policy.

The Chinese Government maintains power through two tools: One, an improving standard of living, and two, nationalistic sentiment. In furthering the latter, China often paints America as the enemy keeping China from reuniting with Taiwan. The U.S. is thus second only to the Japanese in unpopularity in China. It need not be so.

Together, America and China accounted for half the world's economic growth in recent years. We are economic partners. We share interests in a non-nuclear Korean peninsula. And we share a common concern with radical terrorists. But many Chinese appear put off by the swagger of current U.S. foreign policy. We still have work to do to thaw U.S.-Chinese relations.

No American Government can prevent the challenges to the American economy posed by the increasing sophistication of labor markets in China, India, and Eastern Europe. We must accept the reality of these challenges.

The ancient Persians looked with disdain at the Athenian marketplace, the Agora. It was a proverb among the Persians that there: ''Greeks meet to cheat one another.'' But we can no more prevent the spread of the world's commerce than Persia could stop the spread of Hellenism.

Some may seek to avoid the unavoidable future. But we would do better to learn how to embrace it. We must adjust our policies to meet the challenge.

The American Government cannot stop international companies from hiring overseas workers instead of American workers, without inflicting great harm on the American economy. American companies compete in a global environment. If an American company cannot hire those hard-working but low-wage Shanghai workers, a foreign company will. That other company will sell the products of that factory at lower cost. Consumers worldwide will buy them. And the American company will lose the business and jobs.

Neither can we erect tariff barriers that wall off foreign competition. Higher tariffs are taxes that harm both the foreign sellers trying to sell into America and the American buyers who seek to buy foreign products. Tariffs impose a dead-weight loss on both sides. And protectionist measures invite retaliation. Protectionism thus ultimately harms a country's economy. Protectionism puts at even greater risk the jobs the politicians seek to protect.

Rather, to help prepare America to meet the challenges of the next 2 decades, we need to ensure that Americans develop the skills needed to continue to compete in higher-value-added fields. We need to continue our tradition of rewarding innovation and risk-taking. We need to fight to open new markets around the world. And we need to remove burdens that hinder our international competitiveness, like the high cost of health care in America.

Engineers play a critical role in the development of new jobs and new industries. In 1975, the United States ranked third in the world in the percentage of 24-year olds who held a science or engineering degree. By 2000, we had slipped to fifteenth. By 2004, we were seventeenth. At the same time, the Department of Labor projects that new jobs requiring science, engineering, and technical training will increase four times faster than the average national job growth rate.

Only a little more than 1 in 20 high school seniors who took the 2002 college entrance exam planned to pursue an engineering degree. The United States trains only half as many engineers as Japan and Europe, and less than a third as many as China. We should increase scholarships and loan forgiveness for engineering students to entice more young Americans to study engineering.

We should support community colleges, and strengthen the link between them and the workforce. Schools can then develop training programs relevant to jobs that actually exist in any given community.

We should make it easier, consistent with the requirements of national security, for foreign students to study in America. America has benefited from our ability to attract and to retain the best and brightest students from countries all over the world. Yet, since 9/11, many students are having a difficult time getting visas to study in America. Foreign applications to American graduate schools fell 28 percent in 2004. And enrollments of foreign students at all levels of college declined for the first time in 30 years.

Foreign students are increasingly studying in Europe and elsewhere. We are losing a generation of foreign minds, minds that in another time would have come to our shores. These

declines are due in large part to the difficulties foreign students now face in getting a visa to study in America.

We must not compromise our security needs to host foreign businesspeople or students. But there must be ways to streamline visa procedures and otherwise lighten the burden to make it easier for foreigners to study and conduct business here.

American universities and research institutes do much of the most innovative research in the world. But over the last 20 years, Federal research funding in the physical sciences and engineering has actually declined by nearly one-third as a share of the economy.

Money invested in Federal research programs pays dividends many times the investment. For example, National Science Foundation funding of research in the basic sciences and engineering has helped discover new technologies that have led to multi-billion dollar industries and created countless new jobs. These include jobs in fiber optics, radar, wireless communication, nanotechnology, plant genomics, magnetic resonance imaging, ultrasound, and the Internet.

We should invest in our future by fully funding research support organizations such as the National Science Foundation, National Institutes of Health, and the Office of Science at the Department of Energy.

Without Government support, private investment in research and development would be less than it should be. The society as a whole needs to foster the research that will build a better nation in the future. The R&D tax credit has helped. But we can improve the R&D tax credit by simplifying it and making it permanent.

The Government has expended a tremendous amount of time, money, and manpower negotiating trade agreements with countries like Bahrain, Morocco, and Colombia. None of these small economies offers much to American exporters.

By contrast, last year, American companies lost more than $3.8 billion to business software piracy in China alone. Putting more resources toward defending American intellectual property rights would have a real effect on the bottom line for many American companies.

American companies sold $626.6 billion in copyrighted products in 2002, 6 percent of American GDP, and employed 5.5 million workers, or 4 percent of the American workforce. Their foreign sales and exports amount to $89 billion, more than most other export sectors. Our intellectual property is among our most valuable assets. Some would say it is now the American comparative advantage. We must do a better job protecting it.

The political bargain that has kept a consensus in support of liberalized trade has long been that in exchange for labor market flexibility, those hurt by trade would have help finding new jobs. That bargain has eroded.

America spends less on labor-adjustment assistance than any major industrialized country. Japan spends nearly twice the share of GDP, Canada nearly three times, and Germany more than eight times as much.

Trade adjustment assistance provides retraining, income support, a health insurance tax credit, and other benefits to workers who lose their jobs due to trade. TAA is not a handout for idle workers, but a means to retrain them for competitive employment and help them through the transition.

We should expand trade adjustment assistance to service workers and emphasize, and possibly expand, the wage insurance program.

And we need to do more to keep jobs in America. For most American companies, health care costs are the single biggest disincentive to hiring new workers. The costs are enormous, increasing at a double-digit pace, far outstripping health care costs in other countries.

America spends more on health care than any other country in the world. Per capita spending on health care in America is nearly 2½ times the average in the industrialized world.

Employers in America also bear much of the cost of the rising number of uninsured Americans through cost-shifting by hospitals and other health care providers. Last year, employers paid an average of nearly $2,900 for single employee coverage and more than $6,500 for family coverage.

By contrast, most employers in other industrialized countries do not pay anything for their employees' health care. A Government-sponsored universal health program bears those costs. The difference is hurting America's competitiveness.

We can take several small, practical steps to help lessen health care's burden on American companies. We could provide tax credits to small employers, fund employer-based group-purchasing pools, increase funding for high-risk pools, expand Medicaid and the State Children's Health Insurance Program, and permit a Medicare buy-in for the near-elderly.

But we cannot keep kidding ourselves. We need real change to address the problem of American health care costs. We need to do so, to meet the challenge to America's place in the world.

In reality, the economic reforms in China, India, and Eastern Europe that cause the challenge to American leadership are a good thing. We should want China, India, and Eastern Europe to educate their people, open their markets, and trade with us.

Since World War II, there has been no greater advocate for free markets around the world than America. America has much to gain in a world of free markets. When foreign workers move into more productive work, their incomes will rise. As foreign workers become more prosperous, they will become better able to buy American goods and services. And by keeping our markets open to foreign products, consumer prices fall on everything from footwear to electronics, making the American consumer's dollar go further. Everyone can be better off.

Trade is not a zero sum game. Increasing competition from China, India, and Eastern Europe does not mean that America will suffer.

Remember, after World War II, America prospered as it helped to rebuild a shattered Europe. Competition from recovering European economies did not hurt America. Rather, as Europe emerged from the devastation of war, the American economy grew along with Europe's. With the right policies, much the same can happen perhaps with much larger positive effects with the growth in China, India, and Eastern Europe.

Remember, in 1957, when the Soviet Union launched Sputnik, the first man-made satellite to orbit the Earth. The challenge of Sputnik gave America the political will to devote the resources needed to become the world's premier space power.

In the same vein, the economic challenge of the next 2 decades presents its own opportunities. The challenge posed by economic development in China, India, and Eastern Europe could help create a political consensus in favor of change and growth.

The former Librarian of Congress Daniel Boorstein wrote: ''The most important lesson of American history is the promise of the unexpected. None of our ancestors would have imagined settling way over here on this unknown continent. So we must continue to have a society that is hospitable to the unexpected, which allows possibilities to develop beyond our own imaginings.''

We cannot rest on our laurels. But if we remain open to the unexpected, if we allow the possibilities to develop, we can maintain America's leadership in the world.

It will take work. But if we redouble our education, if we open more markets, if we better manage our healthcare, then we can face the challenges of the decades to come.

We must get to work. But if we do, we can make an America that, in Pericles's words, ''comes to her testing time in a greatness that surpasses what was imagined of her.''

If we do, America can continue to ''stand with the allies of freedom'' throughout the world.

And if we do, ''Future ages will wonder at us, as the present age does now.''

The PRESIDING OFFICER (Mr. WARNER). The Senator from Utah.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNETT. I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 173, 174,

175, 176, 177, 178, 179, 180, 181, 182, 183, and 184.

I further ask unanimous consent that all of the mentioned nominations be confirmed en bloc, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

A. Noel Anketell Kramer, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Laura A. Cordero, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

EXECUTIVE OFFICE OF THE PRESIDENT

Linda Morrison Combs, of North Carolina, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

OFFICE OF PERSONNEL MANAGEMENT

Linda M. Springer, of Pennsylvania, to be Director of the Office of Personnel Management for a term of four years.

DEPARTMENT OF STATE

Emil A. Skodon, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

Joseph A. Mussomeli, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

Larry Miles Dinger, of Iowa, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati.

Ronald E. Neumann, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Afghanistan.

Gregory L. Schulte, of Virginia, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

INTERNATIONAL ATOMIC ENERGY AGENCY

Gregory L. Schulte, of Virginia, to be Representative of the United States of America to the International Atomic Energy Agency, Vienna Office of the United Nations, with the rank of Ambassador.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Michael E. Hess, of New York, to be an Assistant Administrator of the United States Agency for International Development, vice Roger P. Winter, resigned.

DEPARTMENT OF STATE

Dina Habib Powell, of Texas, to be an Assistant Secretary of State (Educational and Cultural Affairs), vice Patricia de Stacy Harrison.

NOMINATION OF LINDA SPRINGER

Mr. VOINOVICH. Mr. President, I would like to thank the Senate for its expeditious consideration of Ms. Linda Springer of Pennsylvania to be the Director of the Office of Personnel Management.

On Wednesday, June 15, I chaired a hearing of the Committee on Homeland Security and Governmental Affairs to consider the nomination of Ms. Springer. One week later, the committee unanimously approved her nomination. As my colleagues in the Senate know, I am committed to finding solutions to the human capital challenges of the Federal Government. Clearly, there is no more important partner in the executive branch of Government than the Director of the Office of Personnel Management in addressing these issues.

The Federal civil service now is undergoing the most dramatic changes in more than a quarter century. For example, agencies are implementing new performance management and a related pay for performance systems for the senior executive service. The Department of Homeland Security and the Department of Defense are designing new, modern, and flexible personnel systems to meet their national security missions. As these and other reforms continue, leadership from the Office of Personnel Management is imperative to guarantee that the merit principles that are the core of our Federal civil service are upheld and that the new personnel systems are fair and equitable for employees.

During the committee's hearing, I found Ms. Springer to be focused, dedicated, and more than capable of taking on this important job. Prior to the hearing, I met with Ms. Springer in my office and was impressed with her candor and recognition of the challenges confronting the workforce.

Ms. Springer's experience in the private sector and as Controller of the Office of Management and Budget has prepared her to lead this Federal agency. Mr. President, I urge my colleagues to support this nomination. Thank you.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 108–136, appoints the following individual to serve as a member on the Veterans' Disability Benefits Commission: Mr. Ken Jordan of California vice Mr. Mike O'Callaghan of Nevada.

ORDERS FOR MONDAY, JUNE 27, 2005

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Monday, June 27. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 3 p.m., with the majority leader or his designee in control of the first half of the time, and the Democratic leader or his designee in control of the second half of the time; provided that at 3 p.m. the Senate resume consideration of H.R. 2361, the Interior appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. Mr. President, on Monday, following morning business, the Senate will resume consideration of the Interior appropriations bill. Under a previous agreement, all amendments to the bill must be offered during Monday's session. There will be no rollcall votes on Monday, but Senators who have amendments to the bill should make themselves available to offer and debate their amendments. We will begin voting with respect to amendments to the Interior appropriations bill on Tuesday.

I also inform our colleagues the next vote will occur on Tuesday morning shortly before 10 a.m. That vote will be on passage of H.R. 6, the Energy bill.

Finally, on behalf of the majority leader, I would like to remind all Senators that next week will be the final week prior to the Fourth of July recess, so Senators should expect a busy week with rollcall votes throughout.

ADJOURNMENT UNTIL 1 P.M. MONDAY, JUNE 27, 2005

Mr. BENNETT. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:18 p.m., adjourned until Monday, June 27, 2005, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, June 24, 2005:

EXECUTIVE OFFICE OF THE PRESIDENT

LINDA MORRISON COMBS, OF NORTH CAROLINA, TO BE CONTROLLER, OFFICE OF FEDERAL FINANCIAL MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

OFFICE OF PERSONNEL MANAGEMENT

LINDA M. SPRINGER, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF FOUR YEARS.

DEPARTMENT OF STATE

EMIL A. SKODON, OF ILLINOIS, TO BE AMBASSADOR TO BRUNEI DARUSSALAM.

JOSEPH A. MUSSOMELI, OF VIRGINIA, TO BE AMBASSADOR TO THE KINGDOM OF CAMBODIA.

LARRY MILES DINGER, OF IOWA, TO BE AMBASSADOR TO THE REPUBLIC OF THE FIJI ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR TO THE REPUBLIC OF NAURU, THE KINGDOM OF TONGA, TUVALU, AND THE REPUBLIC OF KIRIBATI.

RONALD E. NEUMANN, OF VIRGINIA, TO BE AMBASSADOR TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

GREGORY L. SCHULTE, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

INTERNATIONAL ATOMIC ENERGY AGENCY

GREGORY L. SCHULTE, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

MICHAEL E. HESS, OF NEW YORK, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF STATE

DINA HABIB POWELL, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS).

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.

THE JUDICIARY

A. NOEL ANKETELL KRAMER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS.

LAURA A. CORDERO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

EXTENSIONS OF REMARKS

TRIBUTE TO CAROLYN ALFORD

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to Carolyn Alford, an outstanding citizen and educator in Southwest Michigan. A dedicated and committed individual, Carolyn first arrived in Southwest Michigan in 1969 as a recent high school graduate from Montgomery, Alabama. She came to visit her sister for a couple of weeks and, 36 years later, she has yet to leave! Carolyn is retiring from a long, industrious term of almost 16 years with the Kalamazoo Public Schools Board of Education.

Throughout Carolyn's tenure with the Board she wore many "hats," including President, Vice President, Secretary and Treasurer, among others. In her leadership roles, Carolyn continually went above and beyond the call of duty and could always be found outside of the office talking to parents and students regarding their concerns, attending open houses, or representing the board at graduation ceremonies, retirement dinners, awards presentations and, especially, sporting events.

However, Carolyn's community work didn't stop with the Kalamazoo Public Schools. As someone who always felt a "calling to be in public service," she is very active in her church, has served in numerous leadership positions with the NAACP, and tirelessly participates in the Northside Association for Community Development, YWCA Domestic Assault Program, the Douglas Community Association, Kalamazoo Northside Non-Profit Housing Corporation and many other organizations throughout Kalamazoo and Southwest Michigan. All this while working full time as an administrator at Kalamazoo Valley Community College.

We in Southwest Michigan are forever indebted to Carolyn Alford for the good she has done in our community. Her lifelong contributions to students and families throughout the Kalamazoo area have had great impact and will never be forgotten. I wish Carolyn and her family all the best in retirement, and I sincerely hope she enjoys the extra time with her grandchildren.

TRIBUTE TO JOAN AND WILLIAM F. INMAN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. HUNTER. Mr. Speaker, I rise today to honor and pay tribute to Joan and William F. Inman of El Cajon, California. On June 25, 2005, Joan and William will celebrate their fiftieth wedding anniversary.

Bill and Joan met in 1952, married on June 25, 1955, and their first daughter JoAnn was born the following year. As Bill went on to graduate from Pennsylvania State University in 1958, the couple decided to pursue the promise of employment and a chance for a new life together in San Diego, California. Over the next few years, Bill and Joan were blessed with a son, William F. Jr. and two more daughters, JoRae and Jodi.

While raising his family and beginning a career as a materials engineer at Rohr Industries, Bill continued his education at San Diego State College. During this time, Joan continued her service as a full time mother and worked as an emergency room and maternity ward nurse at Grossmont Hospital. Both Bill and Joan retired with more than 75 years of service to their community and nation.

Bill and Joan now fill their time with friends and family, enjoying golf and being a vital part of the lives of their four grandsons, Jeb, Jayme, Jonathan and Willie. Throughout their lives, Joan and Bill have faced life's challenges with a positive attitude and determined spirits, and have raised their children to do likewise. I wish Joan and Bill many more years of happiness together and in anticipation of their fiftieth anniversary, I ask that my colleagues join me in paying tribute to this milestone.

CONGRATULATING MARGERY A. UFBERG ON THE OCCASION OF BEING THE RECIPIENT OF THE UNITED HEBREW INSTITUTE'S ANNUAL SHOFAR AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Margery A. Ufberg, of Kingston, Pennsylvania, on the occasion of her being named recipient of the United Hebrew Institute's Annual Shofar Award.

Just as the Shofar has been used for millennia to sound the arrival of Rosh Hashanah, the Jewish New Year, the Shofar Award symbolizes the calling together of the community to recognize and praise the good works and accomplishments of an individual.

It is particularly fitting that Margery Ufberg is the recipient of the Shofar Award this year. She is well known throughout the community as a tireless advocate for the United Hebrew Institute and for the Wyoming Valley community in general.

Mrs. Ufberg's contributions toward refurbishing the UHI library and its kitchen and classrooms have been invaluable.

A teacher by profession, Mrs. Ufberg also serves on the board of directors and the Executive Board of the United Hebrew Institute. She also serves on the board of directors and the board of trustees at the Jewish Community Center.

She is a past board member at Ecumenical Enterprises, the Jewish Federation of Greater Wilkes-Barre, the Friends of Hospice St. John and Peoples National Bank.

Mrs. Ufberg remains active with Hadassah, Wyoming Seminary Preparatory School, United Jewish Campaign, Osterhout Library, Junior League of Wilkes-Barre and B'nai B'rith Women Green Circle Ethnic Diversity Program.

She has also given freely of her time to support the Camp Committee, Teen Committee, Soccer Committee, Basketball Committee and the Purim Carnival Committee for the benefit of children and teens at the Jewish Community Center

Mr. Speaker, please join me in congratulating Margery A. Ufberg on this notable occasion. Mrs. Ufberg's contributions have succeeded in raising the quality of life in the Greater Wyoming Valley and her dedication is an inspiration to all of us.

RECOGNIZING PAUL BERLANT OF WINDSOR, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Paul Berlant who is retiring after seven years as Town Manager of Windsor, California.

During his tenure, the Town of Windsor experienced a renaissance. The Town's old downtown area was redesigned as a vibrant and thriving mixed use neighborhood. The Town Green was central to this redevelopment and became the focal point for a farmers market, Movies on the Green, holiday tree lighting, summer concerts, 4th of July celebration and other seasonal festivals.

This was consistent with Mr. Berlant's vision for orderly development throughout the town. The single-family homes in the Vintage Green subdivision use recycled water for irrigation. Keiser Park was expanded by leveraging federal, state and local grants.

Mr. Berlant also oversaw the development of the Shiloh Commercial Center, the town's new corporation yard, various housing projects and the opening of the Arcata Lane/Highway 101 interchange.

He will be remembered as a skilled negotiator who treated everyone fairly and with respect and as someone who was able to interpret the Town Council's vision that, as the local newspaper said, "turned a vast vacant lot into a thriving urban center."

Mr. Speaker, Paul Berlant has spent 33 years working for cities throughout California. He and his wife, Carol Ann, plan to spend time with their new grandchild and traveling. It is appropriate that we honor him today for his public service and to wish him well on his retirement.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. CARTER. Mr. Speaker, on June 22, 2005, I was unavoidably detained on official business in my Congressional District.

On rollcall vote No. 293, if present, I would have voted ''nay.''

On rollcall vote No. 294, if present, I would have voted ''aye.''

On rollcall vote No. 295, if present, I would have voted ''aye.''

On rollcall votes Nos. 296 and 297, if present, I would have voted ''yea.''

On rollcall vote No. 298, if present, I would have voted ''aye.''

On rollcall votes Nos. 299, 300, 301, and 302, if present, I would have voted ''nay.''

On rollcall vote No. 303, if present, I would have voted ''yea.''

TRIBUTE TO U.S. ARMY 1LT AARON SEESAN

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. REGULA. Mr. Speaker, I rise today to pay tribute to U.S. Army 1LT Aaron Seesan, a constituent from my district who died on May 23rd from injuries he received in support of Operation Iraqi Freedom. Aaron was a graduate of Washington High School in Massillon, Ohio and of the Merchant Marine Academy at Kings Point, NY.

It takes an exceptional young person to be nominated for military academies. Aaron had an outstanding record in high school and in the Merchant Marine Academy and continued to make a difference as he continued his service to his country and fellow man.

After graduation he chose to join the Army. During his service in Iraq his vehicle came upon an incendiary explosive device. In this distressful time while he suffered from injuries, he directed help to others showing his sense of responsibility and duty.

The community fondly remembers Aaron as a young man who always strove to make those activities he was involved in the finest they could be. Aaron made a difference to others his age both in the military and in the community. He was a true role model and hero.

His memory will live on through the Aaron Seesan Memorial Garden at Lincoln Park in Massillon Ohio. In addition, the Aaron Seesan Memorial Scholarship Fund through the Stark County Community Foundation will serve as a tribute to his service and dedication.

IN HONOR OF CHARLES C. BARR

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the life of Charles C. Barr, former president of the Santa Cruz County Farm Bureau. On June 17, 2005, Charles Barr died of cancer at Dominican Hospital in Santa Cruz at the age of 81. Mr. Barr is survived by his wife Patricia; daughters Candy, Katherine, and Patricia; and his sons Chuck, Peter, Jeffrey, and Jonathan.

Charles C. Barr was born in Natick, MA on January 23, 1924. He was a third generation carnation grower, and pioneered the commercialization of miniature carnations in the United States. He joined the Navy and served our country in the capacity of a pilot on an aircraft carrier during WWII. In 1963 he moved his wife and seven children to Watsonville, CA and became a valuable member of the community.

Mr. Barr served as the President of the Santa Cruz County Farm Bureau from 1968–69 as well as the president of the American Carnation Society. Mr. Barr also resided on the Pajaro Dunes Homeowners Association Board of Directors, and was the president of the Watsonville Rotary Club as well as the vice-president of the Watsonville Bank of America.

Mr. Speaker, I am joined by Mr. Barr's family and friends to honor his life and contributions to the community. His leadership and love of the community serve as a model for all citizens.

TRIBUTE TO THE JIMMY CARTER WORK PROJECT

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. UPTON. Mr. Speaker, I rise today to recognize and pay tribute to the Jimmy Carter Work Project and the thousands of volunteers who joined together this week to help build Habitat for Humanity houses for the city of Benton Harbor, Michigan.

Across the State of Michigan, over 4,000 volunteers are building a total of 200 houses in local communities. In Benton Harbor alone, 1,700 volunteers from around the world have built 20 new houses, bringing not only large smiles on the faces of 20 families, but the reward of success after hours of hard work. The hands-on approach that the Jimmy Carter Work Project takes towards homeownership is both invaluable and inspiring. Homeowners must donate about 300 hours of their own time toward building their own homes. This partnership of volunteers working side by side with those in need is truly encouraging to all of us who want to bring the opportunity of homeownership to every family.

Homeownership is fundamental to improving and preserving the quality of life for the folks of southwest Michigan and beyond, and is truly the cornerstone of the American Dream. Taking pride in our neighborhoods and homes is a necessity to building successful communities and the work that Habitat for Humanity has done for countless individuals is truly inspiring.

This year's Project in Michigan is the second largest in Jimmy Carter Work Project's 22 year history and the first time that Habitat has organized to build homes throughout an entire state. Over the past several years Benton Harbor has been through many challenges and obstacles, but the coming together of folks throughout our community to work to bring the American Dream to our neighbors is what makes both the Jimmy Carter Work Project and southwest Michigan extraordinary.

I look forward to any opportunity to continue this partnership with Habitat for Humanity in its efforts to build more decent, affordable housing for all.

I want to once again commend everyone who has worked and continues to work to make homeownership a reality for people in need. This is a great day for our communities in Michigan and I want to once again commend both Jimmy Carter and Habitat for Humanity for turning dreams into reality.

TRIBUTE TO WALLY A. ''PREACHER'' HEBERT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. HUNTER. Mr. Speaker, I rise today to honor and pay tribute to the life and career of Wally A. ''Preacher'' Hebert. Wally is holder of 4 pitching records for the San Diego Padres and on June 25, 2005, he will be inducted into the Pacific Coast League San Diego Padres Hall of Fame.

Born in Lake George, Louisiana in 1907, Wally's talents and interests were evident at a very early age. Aside from gardening, hunting, and fishing as a child, he became an expert golfer, playing close to par with a 2 iron and a putter. He enjoyed athletics and when it came to football and baseball, Wally excelled over his peers.

At Lake Charles High School, Wally was an all-state football star and had been offered a scholarship at Louisiana State University when he caught the eye of a major league baseball scout. In his first professional game in Springfield, Missouri, he got off the train from Louisiana, went to the ballpark, and pitched a 22 inning complete game victory.

In 1931, Preacher, as he was also known, was called up to spring training for the St. Louis Browns and remained with the team throughout the rest of that season. As a lefthander, he began to attract attention with a variety of curve balls at various speeds and arm motions. His first major league appearance came that year against the New York Yankees where he faced Babe Ruth with the bases loaded and one out. The Babe hit into an inning-ending double play.

That season, Preacher won six games and was the only pitcher in the major leagues to beat the New York Yankees and the world champion Philadelphia Athletics twice in one season. His finest game that year included 8 shut out innings against the Yankees—striking out Lou Gehrig and Ruth three times. Unfortunately, St. Louis lost the game by one run after Preacher exited the game.

Over the next two seasons in St. Louis, Preacher pitched in relief, battling a shoulder injury. He was then sold to the Hollywood Stars which after one season, moved to San Diego and began playing at Lane Field. During seven seasons with the San Diego Padres, Preacher delighted fans with a dominating presence and pinpoint control.

While with the Padres, Wally and his bride Bobbie moved out to California where they

had their first two children, Hillene and Linda. Of all their children, Hillene had the ability to do what the opposition could rarely accomplish; knocking her father out of a game. Preacher was pitching when Hillene's birth was announced, at which point he collapsed on the mound.

His finest season as a Padre came in 1942 when he established records for most complete games pitched, batters faced, and innings pitched. During this season, Preacher finished every game he started.

In 1943, Preacher was traded to the Pittsburgh Pirates and at the end of the season, he faced a turning point in his career. While his arm was as strong as ever, his oldest daughter was beginning first grade and America's involvement in World War II made domestic travel difficult. When Bobbie indicated that the family would not be traveling to Pittsburgh that season, Wally chose his family and his beloved Louisiana over baseball. He turned down a contract worth $10,000 to earn 35 cents per hour in a wartime synthetic rubber factory.

After settling in Westlake, Louisiana, Wally and Bobbie had three sons and he resumed his life of hunting, fishing, and gardening while working in a nearby Firestone factory. He devoted himself to his family after his retirement from Firestone in 1965 and remained active as an outdoorsman until his death in 1999.

Today, Wally is survived by his beloved Bobbie, five children, numerous grandchildren. The legacy of Wally "Preacher" Hebert will long be remembered throughout the San Diego community and I ask that my colleagues join me in paying tribute to his life and long list of accomplishments.

CONGRATULATING THE POLISH NATIONAL ALLIANCE OF THE UNITED STATES OF NORTH AMERICA ON THE OCCASION OF ITS 125TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Polish National Alliance which is celebrating its 125th anniversary this year.

Founded in 1880 in Philadelphia to unite the needs of the people of Poland who had emigrated to the United States, the Alliance has remained faithful to that mission.

The PNA was founded to provide financial, social and leadership opportunities for a new group of Americans.

Since its founding, the PNA has contributed countless volunteer hours and raised significant charitable donations for community service projects and to encourage patriotism.

The PNA continues to support ethnic heritage programs that benefit its members and the community at large.

The PNA is one of 75 fraternal benefit societies that belong to the National Fraternal Congress of America.

The influence of Polish immigrants is a prominent part of the heritage of our community.

Let us remember their contributions and let us honor the women of the PNA who, for generations, have maintained the traditions and customs of their ancestors and who have given much service to the communities in which they lived.

Mr. Speaker, please join me in congratulating the Polish National Alliance now celebrating 125 years of service. This great nation is far better due to the contributions made by their members over the past century and a quarter.

RECOGNIZING JOHN GURNEY OF SONOMA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize John P. Gurney who is retiring this month after 12 years as the Chief of Police for the City of Sonoma, California.

How a police department in a small town interfaces with the community has always been central to Chief Gurney's policing philosophy. During his tenure in Sonoma, Chief Gurney successfully integrated the concept of community policing into the department by redirecting resources from administration to patrol officers. He established the Sonoma Police Department Community Advisory Council to provide public, input and feedback on department policies, programs and training. He then facilitated a department-wide workshop identifying community expectations and developed a strategic plan to meet those expectations. A departmental mission and value statement was developed to incorporate the community's vision.

He also established the Sonoma Valley Interagency Council for Youth and Family. This organization consists of government and non-profit youth and family service organization and is charged with reducing the risk factors to our youth and their families. In acknowledgment of his work with young people, he received the 2001 Sonoma County Office of Education's Youth Award.

On a countywide basis, Chief Gurney also participated in the development, acquisition and implementation of a $12 million Computer Aided Dispatch, Records Management and Mobile Computing/Field Reporting system and chaired the Oversight Committee for this project.

Professionally, he has served as President of the Sonoma County Law Enforcement Chiefs Association, Chair of the Santa Rosa Training Center Advisory Committee, member of the California Peace Officer's Association, law enforcement representative to the California Judicial Council Collaborative Justice Courts Advisory Committee, member of the California Police Chief's Association, the California Police Chief's Association representative to both the Community Colleges Chancellor's Office Statewide Public Safety Advisory Committee and the Commission on Peace Officer and Standards and Training Advisory Committee.

As a member of his community, Chief Gurney served on the Board of Directors of the Valley of the Moon Boys and Girls Club, and was in the inaugural class of Leadership Sonoma Valley.

Mr. Speaker, Chief Gurney and his wife Phyllis own a small vineyard in Sonoma and they intend to enjoy the good life upon retirement. It is appropriate that we commend him for his many years of public service and wish him well on his retirement.

RECOGNIZING THE ACCOMPLISHMENTS OF DR. EDWIN AND MRS. MARY ELLEN HENDERSON

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. MORAN of Virginia. Mr. Speaker, I rise today to recognize a family from Virginia's Eighth Congressional District whose recognition is long overdue. For every person of national recognition there is a local leader that accomplishes much under the shadow of their more recognized peers. Two of these people are Dr. Edwin and Mrs. Mary Ellen Henderson, civil rights pioneers from Northern Virginia who have worked for social justice for nearly 50 years. The couple, who were married for 65 years, worked tirelessly for the education of African American children. They also chronicled the early civil rights struggles in letters to the editor published around the country and energized their community in Northern Virginia to join the Nation's civil rights movement.

The Hendersons viewed education as one of the primary sources of human progress, and they both served their communities as teachers. Mary Ellen filled the difficult position of teaching the fourth, fifth, sixth and sevenths grades in the local segregated schoolhouse. The two-room facility overflowed with children, and it was heated by a potbelly stove and that lacked running water. Despite these difficult conditions of segregation, Mary Ellen taught with vitality and enthusiasm. Not satisfied with her inequitable surroundings, Mary Ellen worked to improve the conditions around her. By her own measure, she launched a study into the disparity between white and black schoolhouses, focusing on the learning environment and resources. Mary Ellen's work led to the formation of an interracial committee in Fairfax County, and ultimately the decision of the school administration to build the first new school for African American children in the area.

Dr. Edwin Henderson also dedicated his life to education. He focused his efforts on the promotion of interscholastic athletics and was certified as the first African American man to teach Physical Education in public schools. An avid basketball player himself, Edwin is credited with introducing the sport to the Washington, D.C. area as well as promoting athletics within the surrounding African American community. He organized the Interscholastic Athletic Association for black schools, the Public School Athletic League, and the Eastern Board of Officials for African American athletes. In addition, Edwin authored several books that spread awareness about the emergence of black sports. His groundbreaking works included "The Official Spaulding Handbook," "The Negro in Sports," and also "The Black Athlete: Emergence and Arrival." Edwin was a powerful force behind the positive recognition accorded to these athletes. As a result of his efforts, Edwin was admitted as a

charter member to the Black Athletes Hall of Fame.

The Hendersons also endeavored to improve the rights of African Americans in their community. In 1915, their hometown of Falls Church, Virginia, proposed to segregate all African Americans to a designated living area. The couple vehemently challenged the law by uniting people under the Colored Citizens' Protective League (CCPL). The CCPL succeeded not only in defeating the segregation ordinance, but also in advancing numerous civil rights endeavors. The organization later became the first rural branch of the National Association for the Advancement of Colored People, in which the couple was highly active.

The Henderson's contributions were extensive and continued to be felt throughout Northern Virginia. Although they coveted no recognition for themselves, these extraordinary individuals not only affected their community, but also helped shape the Nation. Mr. Speaker, I am proud to honor these great Americans today.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. OXLEY. Mr. Speaker, I was in my congressional district yesterday participating in events in support of the 179th Airlift Wing of the Ohio Air National Guard, which has been slated for closure by the Department of Defense. As a result, I was absent from the floor during yesterday's rollcall votes.

Had I been present, I would have voted against the Watt amendment to H.J. Res. 10, in favor of tabling each of the two appeals of the ruling of the chair on the motion to recommit H.J. Res. 10, in favor of final passage of H.J. Res. 10, in favor of ordering the previous question on H. Res. 334, in favor of H. Res. 334, against the Baird amendment to H.R. 2985, against the Jo Ann Davis amendment to H.R. 2985, against the Hefley amendment to H.R. 2985, against the motion to recommit H.R. 2985, and in favor of final passage of H.R. 2985.

RETIREMENT OF LIEUTENANT GENERAL RICHARD V. REYNOLDS

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to United States Air Force Lieutenant General Richard V. Reynolds for his 34 years of distinguished and honorable service in the U.S. Air Force and to our country.

On August 1, 2005, General Reynolds will be retiring from his current position as Vice Commander of the Air Force Materiel Command at Wright-Patterson Air Force, Ohio. The command conducts research, development, test and evaluation, and provides acquisition management and logistics support necessary to keep Air Force weapon systems ready for war.

This high level of research and development is critical to our Nation's defense, and requires effective leadership and experience. It is those qualities that General Reynolds has demonstrated during his service at Wright-Patterson AFB, and throughout his military career.

General Reynolds received his commission as a Second Lieutenant at the U.S. Air Force Academy in 1971. During his career, he has served as a pilot training instructor, a combat-ready bomber air crew commander, and as an experimental test pilot. He has also commanded the 4952nd Test Squadron and has served as a program director for several strategic and tactical aircraft acquisition programs, including the B–2 Spirit.

In addition, General Reynolds was the Air Force Program Executive Officer for Airlift and Trainers at the Pentagon, commanded the Air Force Flight Test Center at Edwards AFB California, and, prior to his current position, was Commander of the Aeronautical Systems Center located at Wright-Patterson AFB. He is also a commanded pilot with more than 4,000 flying hours in 60 types of aircraft.

Throughout his distinguished career, General Reynolds has received military awards for his service, including: the Distinguished Service Medal, the Legion of Merit with Oak Leaf Cluster, the Meritorious Service Medal with two Oak Leaf Clusters, and the Air Force Commendation Medal with two Oak Leaf Clusters.

In closing, I commend General Reynolds for his honorable and distinguished service to our country over the years, and I send my best regards to him and his family as he embarks on this new chapter in his life.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. CONAWAY. Mr. Speaker, I was detained and unable to cast a vote on H.R. 2985, the Legislative Appropriations Act for FY06, on June 22, 2005. I was in Brownwood, Texas attending the funeral of Lance Corporal Mario Castillo, a Marine from the 11th District of Texas. Please let the RECORD reflect that had I been here, I would have voted "yes."

HONORING THE WORK OF THE SENTINELS OF FREEDOM

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. POMBO. Mr. Speaker, I rise today to commend the Sentinels of Freedom for the work they do in support of out troops.

This group of business and community leaders in the San Ramon Valley have worked together to help a wounded soldier returning from Iraq. This group, led by Mike Conklin of San Ramon, California has created a scholarship that will provide housing, a handicapped-equipped van, education, and job training and placement for a soldier who lost both his legs in Iraq. For the next four years, a team of mentors will help with his transition from the military back into civilian life.

I am deeply supportive of the tireless work Mr. Conklin has done in support of the brave men and women of our Armed Services. Along with the Blue Star Moms, SBC Communications, Shapell Industries of Northern California, the community of San Ramon, California, the United States Army and Walter Reed Army Hospital, the Sentinels of Freedom have developed a great program to support our troops. This group is a tremendous inspiration and an example of the best spirit and values the American people have to offer.

Please join me in thanking the Sentinels of Freedom and encouraging communities and businesses around the country to follow their lead. The brave men and women returning from Iraq and Afghanistan give so much for our Nation and deserve nothing less then our complete support as they transition back to civilian life.

PERSONAL EXPLANATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. NEY. Mr. Speaker, on June 22, 2005, due to a death in the family, I was unable to be present for rollcall vote No. 293, on agreeing to the Watt amendment to H.J. Res. 10; for rollcall vote No. 294, on moving to table the appeal of the ruling of the Chair; for rollcall vote No. 295, on moving to table the appeal of the ruling of the Chair; for rollcall vote No. 296, on final passage of H.J. Res. 10; for rollcall vote No. 297, on ordering the previous question to H. Res. 334; for rollcall vote No. 298, on agreeing to H. Res. 334; for rollcall vote No. 299, on agreeing to the Baird amendment to H.R. 2985; for rollcall vote No. 300, on agreeing to Represenatative JO ANN DAVIS's amendment to H.R. 2985; for rollcall vote No. 301, on agreeing to the Hefley amendment to H.R. 2985; for rollcall vote No. 302, on agreeing to the motion to recommit H.R. 2985; and for rollcall vote No. 303, on final passage of H.R. 2985.

Had I been present, I would have voted "no" on rollcall vote No. 293, "yes" on rollcall vote No. 294, "yes" on rollcall vote No. 295, "yes" on rollcall vote No. 296, "yes" on rollcall vote No. 297, "yes" on rollcall vote No. 298, "no" on rollcall vote No. 299, "yes" on rollcall vote No. 300, "no" on rollcall vote No. 301, "no" on rollcall vote No. 302, and "yes" on rollcall vote No. 303.

COMMENDING THE FEDERAL TRIO PROGRAMS

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to pay tribute to an important group of Federal Education Programs known as the TRIO programs. In short, TRIO programs help to support and prepare low income students for post high school education.

TRIO is funded through the Labor, Health and Human Services Appropriations Bill that this body passed earlier today. I was proud to vote for this bill that included full funding for all TRIO programs. Two of the TRIO programs,

Upward Bound and Talent Search had been slated for elimination in the Administration's Fiscal Year 2006 budget request. As the co-chairman of the Congressional TRIO Caucus and a member of the Appropriations Committee, I worked with my colleagues on that Committee to make sure that these programs were restored to Fiscal Year 2005 funding levels.

I have received countless emails, letters and faxes from constituents in my district and other districts around the country urging me to spare Upward Bound and Talent Search. It is easy to understand why so many were concerned about the potential end of these two valuable TRIO programs that help over 3,500 low income Idaho students prepare for college. Parental income is one of the top predictors of whether or not a child will succeed in college or even go to college in the first place. Upward Bound and Talent Search help students exceed societal expectations and predictions by providing tutoring in college preparatory classes and help in navigating through the sometimes daunting maze of required forms and tests known as the college admission process.

Like so many other members of this House who joined me in the effort to save TRIO, several of whom are TRIO graduates themselves, I fully understand the worth and importance of these programs, and I will do everything I can to ensure that these programs continue to receive funding for many years to come. While the cost of Upward Bound and Talent Search may seem an unnecessary expense to some, I would ask them to consider the long term savings in public assistance generated by graduates of TRIO who go on to earn college degrees and become productive, self sustaining citizens.

Mr. Speaker, on behalf of the over 900,000 students currently enrolled in TRIO programs nationwide, I would like to thank and commend all those involved in the TRIO programs for a job well done. You are truly changing lives and making the impossible a reality for many of our Nation's students.

PERSONAL EXPLANATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. BRADY of Texas. Mr. Speaker, on Wednesday, June 22, 2005, I missed rollcall vote 296 regarding a proposed amendment to the Constitution authorizing Congress to prohibit the physical desecration of the flag of the United States. I fully regret not being able to participate in the vote. As a cosponsor of this legislation, I would have voted "yea."

TRIBUTE TO THE JAVITS-WAGNER-O'DAY PROGRAM

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to a small Federal program that is often overlooked as a way to provide employment opportunities for people with disabilities. The Javits-Wagner-O'Day Program, often referred to as JWOD, provides more than 40,000 Americans who are blind or who have other severe disabilities with the job skills and training necessary to receive good wages and benefits and gain greater independence and quality of life. The JWOD Program empowers people with disabilities who traditionally face an unemployment rate of 70 percent and rely heavily on social programs such as welfare and SSI.

National Industries for the Blind (NIB) and NISH daily are creating new employment opportunities for people with severe disabilities, along with local nonprofit organizations in the State of Michigan. Demonstrating an excellent Federal-private sector partnership, NISH, National Industries for the Blind, and local nonprofits such as Goodwill Industries of Southwestern Michigan, Inc. enhance opportunities for economic and personal independence of people who are blind or who have other severe disabilities, primarily through creating, sustaining, and improving employment.

On behalf of people with disabilities, I rise to salute the important contributions of JWOD and Goodwill Industries of Southwestern Michigan, Inc. to the city of Kalamazoo and the community as a whole; and hereby commend all persons who are committed to and work towards enhancing employment opportunities for people with visual and other severe disabilities.

TRIBUTE TO CYRIL WRABEC

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the fine accomplishments of a fellow Missourian and Sigma Chi brother, Mr. Cyril Wrabec.

Mr. Wrabec will be graduating in May 2005 from the University of North Dakota's School of Aerospace Sciences with a Bachelor of Science Degree, Summa Cum Laude, in Commercial Aviation. He has been an exemplary student and has been named to the President's Honor Roll five times. While at the University of North Dakota, he spearheaded the re-establishment of the UND Flying Club.

Mr. Wrabec is a brother of the Beta Zeta chapter of the Sigma Chi fraternity at the University of North Dakota. During his time as a brother, he has served two terms as president of the fraternity.

Community work has been an important part of Mr. Wrabec's life. In his home state of Missouri, he provided an aviation course for school children and has been an active volunteer at his church. Also, he is a Certified Homeland Security Volunteer Pilot.

Mr. Speaker, Mr. Wrabec is a fine, young man, and I know my fellow Members of the House will wish him all the best in the years to come.

RECOGNIZING MR. CARL "BRONKO" STANKOVIC

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great pride that I recognize Mr. Carl "Bronko" Stankovic, a proud World War II veteran, and the men of the Eighth Armored Division Association. Bronko is also a dear friend of mine.

Bronko has recently brought to my attention an inspirational poem written by A. Lawerence Vaincourt, a newspaper columnist and Canadian World War II veteran himself, in 1987. This poem speaks powerfully about the aging of our heroes. The emotions it represents rings true with Bronko and many other veterans that this poem has touched in its years of existence.

It is with great pride that I submit an excerpt of the poem, Just a Common Soldier, as a tribute to the memory of all our World War II veterans:

JUST A COMMON SOLDIER

(A SOLDIER DIED TODAY)

(By A. Lawrence Vaincourt)

He was getting old and paunchy and his hair was falling fast,
And he sat around the Legion, telling stories of the past.
Of a war that he had fought in and the deeds that he had done,
In his exploits with his buddies; they were heroes, every one.
And tho' sometimes, to his neighbors, his tales became a joke,
All his Legion buddies listened, for they knew whereof he spoke.
But we'll hear his tales no longer for old Bill has passed away,
And the world's a little poorer, for a soldier died today.
He was just a common soldier and his ranks are growing thin,
But his presence should remind us we may need his like again.
For when countries are in conflict, then we find the soldier's part
Is to clean up all the troubles that others often start.
If we cannot do him honor while he's here to hear the praise,
Then at least let's give him homage at the ending of his days.
Perhaps just a simple headline in a paper that would say,
Our Country is in mourning, for a soldier died today.

Mr. Speaker, I hope this poem inspires my distinguished colleagues as it has inspired me. The Greatest Generation has given so much to younger generations that I am happy to give something back by submitting this poem to the House of Representatives. I would ask my colleagues to join me in honoring World War II veterans with a moment of silence.

IN RECOGNITION AND REMEMBRANCE OF THE LIFE OF U.S. ARMY CHIEF WARRANT OFFICER MATTHEW LOUREY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, I thank you for the opportunity to recognize and honor the life of U.S. Army Chief Warrant Officer Matthew Scott Lourey.

Matt Lourey, son of Minnesota State Senator Becky Lourey, was an Army helicopter pilot under the command of the Tikrit-based 42nd Infantry Division. He died May 26, 2005, from injuries received when the Kiowa Warrior helicopter he was piloting was shot down in Baqouba, Iraq, while he was serving his second combat tour in Operation Iraqi Freedom.

Matt was born July 28, 1964, in Laurel, Maryland, grew up in Kerrick, Minnesota, and graduated from Askov High School in 1982. He had always wanted be in the military as a child, and after graduating from high school, joined the U.S. Marine Corps. When he was not able to fly for the Marines, he left the military, trained as a private pilot in northern Minnesota, and joined the Army as an officer. Matt Lourey flew Kiowa reconnaissance missions in Bosnia and elsewhere prior to going to Iraq. Matt was preceded in death by his brothers, Jay and Fernando.

Matt Lourey grew up in a large, loving family, with 11 brothers and sisters, many of whom were adopted, in northern Minnesota. Matt was Sen. Becky and father Eugene Lourey's second son.

Three years ago, Matt Lourey married a fellow soldier, Army Capt. Lisa Lourey. They lived in Lorton, Virginia.

There have been 22 members of the military from Minnesota who have died in Iraq since 2003. I honor Matthew Lourey for his courageous service to this country, and his commitment to protecting our freedom.

TRIBUTE TO FRANKIE AVALON

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to musician, vocalist, actor, community advocate and friend Frankie Avalon.

Frankie Avalon is a show business icon. In some ways he is also a show business anomaly. Frankie Avalon has been the loving husband of 43 years to Kathryn, and the devoted father to his eight children, four boys and four girls. He is also a firm believer in giving back to his community. A resident of the city of Thousand Oaks in my district, he will exhibit that quality once again when he appears as Master of Ceremonies at the Awards Dinner following Monday's 2nd Annual Michael DiRaimondo Foundation Golf Tournament and Silent Auction.

U.S. Army medic Michael DiRaimondo died when his medical helicopter crashed in Iraq after being hit by a rocket-propelled grenade in January 2004. His parents, Tony and Carol, launched the foundation to provide scholarships to those who wish to become paramedics, a dream of their son. Frankie Avalon's participation in the event has raised its profile and has helped ensure the event was sold out.

Frankie Avalon began his show business career as a child growing up in Philadelphia, where his father inspired in him a love of playing the trumpet. By the time he was 12, Frankie Avalon was performing on national television. He also formed a dance band with another young musician, drummer Bobby Rydell. His first hit, ''De De Dinah,'' which he performed on Dick Clark's ''American Bandstand,'' sold a million copies just as he was turning 18. More million-record hits followed.

In 1960, Frankie Avalon began his movie career when he co-starred with Alan Ladd in ''Guns of the Timberland.'' In 1963 he and Annette Funicello began their series of surfing movies, ''Beach Party,'' ''Muscle Beach,'' ''Beach Blanket Bingo,'' and several others.

Frankie Avalon continued to record during his movie-making years and in the summer of 1985 teamed up with Bobby Rydell and Fabian on a successful 50-city tour as the ''The Golden Boys of Bandstand.'' In 1987 he reunited with Annette Funicello to parody their earlier beach movies with ''Back to the Beach.''

Frankie Avalon continues to perform in nightclubs and concerts, often with two of his sons, one who plays guitar and one who plays drums.

Frankie Avalon's music and movies has always presented him as a clean-cut, all-American boy. In his case, however, it is not a Hollywood facade. Frankie Avalon's success in the entertainment industry is equaled by his success as a husband and father and his success in giving back to his community.

Mr. Speaker, I know my colleagues will join me in thanking Frankie Avalon for decades of entertainment and in paying tribute to him for retaining and promoting the American values we all hold dear.

TRIBUTE TO CAPTAIN RONALD DAVIS, U.S.C.G.

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mrs. BLACKBURN. Mr. Speaker, for more than 20 years Ronald Davis has served Tennessee and the Nation as a member of our Armed Forces and a dedicated District Attorney General for the 21st Judicial District.

And today, looking back on those years of faithful service, it's fair to say that we in Tennessee have been truly fortunate to count Ron as a friend and neighbor.

It is with pride and thanks that we recognize Captain Ronald Davis as he retires from the United States Coast Guard. Ron's service history is truly inspiring. He served in Vietnam, Operation Desert Storm, Operation Allied Force, Operation Enduring Freedom, and Operation Iraqi Freedom. The commendations and medals awarded to Captain Davis are simply too many to mention here, but among those he's received is the prestigious Defense Superior Service Medal.

Williamson County and middle Tennessee are thankful Ron will continue his work as District Attorney General, and we look forward to many more years of his leadership in our civic and community organizations.

Mr. Speaker, it is because of men and women like Ron that America remains strong and free. God bless Ron and his family.

APPLAUDING ASSISTANCE TO MILITARY FAMILIES

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. BILIRAKIS. Mr. Speaker, earlier this week, ''Operation Helping Hand,'' a program of the Tampa Chapter of the Military Officers Association of America (MOAA), was recognized for its efforts to assist the families of service members wounded in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF).

The James A. Haley VA Medical Center is one of four designated polytrauma centers within the Department of Veterans Affairs. Since the start of OIF/OEF, these trauma centers have served as regional referral centers for individuals who have sustained serious disabling conditions due to combat. Patients treated at these facilities may have a serious Traumatic Brain Injury (TBI) alone or in combination with amputation, blindness, or other visual impairment, complex orthopedic injuries, auditory and vestibular disorders, and mental health concerns. Because TBI influences all other areas of rehabilitation, it is critical that individuals receive care for their TBI prior to, or in conjunction with, rehabilitation for their additional injuries.

''Operation Helping Hand'' provides assistance to the families of the very seriously wounded and injured service members who were deployed in either Iraq or Afghanistan and are now receiving treatment at the James A. Haley VA Medical Center. The average hospital stay for the injured is approximately 45 days. The families of these injured service members travel from all over the country to be with their loved ones at this critical time.

''Operation Helping Hand'' assistance ranges from providing rental or leased cars, bus or taxi fares, cell phones or phone cards to the families of wounded service members. The program also provides tickets to local amusement parks, movie theaters and restaurants to make these families more comfortable while they are in Tampa waiting for their loved ones to recuperate. The assistance provided allows families to focus on their loved ones' recovery.

This year marks the sixth year that Newman's Own Inc., Fisher House Foundation Inc., and the Military Times Media Group have joined forces to present the ''Newman's Own Awards'' which seek to reward ingenuity and innovation for volunteer organizations working to improve the quality of life for military personnel and their families. These organizations issued a challenge to all private organizations serving our military communities: ''present an innovative plan to improve the quality of life for your military community and receive funding to carry out that plan.''

This year, 177 organizations submitted nominations for the award. I am pleased that ''Operation Helping Hand'' received the top

prize of $10,000. Ten other organizations shared $40,000 in grants.

I want to congratulate the Tampa Chapter of the MOAA and all the individuals involved in "Operation Helping Hand" for winning the Newman's Own Award. I also want to commend them and all the other award winners for their outstanding work in support of our military personnel and their families.

PERSONAL EXPLANATION

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. TIBERI. Mr. Speaker, on Wednesday, June 22, 2005, I was not present for rollcall votes 299, 300, 301, 302, and 303.

Had I been present I would have voted "nay" on rollcall votes 299, 300, 301, and 302, and "yea" on rollcall vote 303.

TRIBUTE TO THE HONORABLE CATHLEEN "CATHY" ANDERSON, HOLLYWOOD CITY COMMISSIONER

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to a trailblazer and community icon in South Florida politics, Hollywood, Florida City Commissioner Cathleen "Cathy" Anderson. Commissioner Anderson is celebrating her 30th year of uninterrupted service as a member of the City Commission, making her the longest serving member in the history of that body.

The first woman to serve on the Hollywood City Commission, she was originally appointed in June of 1975 to fill the unexpired term of Thomas Wohl. A Broward County native, Anderson justifiably takes great pride in a family history that is intertwined with the history of our state—all the way back to 1896, when her great grandfather and great uncle traveled on the first Flagler train to Broward County. That pioneering spirit has since been a family tradition and a trademark of Anderson's career in Public Service.

She was an early leader in the Broward County Environmental Movement which brought one-half of Hollywood's Barrier Island into public ownership. She was a founding Director of the Broward Chapter of the National Conference of Christians and Jews in 1979 (now the National Conference for Community and Justice); served for more than 20 years as a trustee of the Broward County Historical Commission; and served seven years as chairperson of the Broward County Historical Preservation Board. She is currently a longtime Board Member of the Broward County Tourist Development Council; and Honorary Board Member of the Hollywood Police Athletic League.

Since early childhood, Commissioner Anderson has been an animal rights activist, with a deep and enduring love of animals. In 1970, she founded Animal Birth Control, a non-profit organization established for the benefit and welfare of cats and dogs. Today, the organization continues to successfully operate with Commissioner Anderson as President.

Commissioner Anderson's innovative spirit and dedicated approach to public service has benefited and touched people in all walks of life and has resulted in her being recognized and honored by countless organizations, including NCCJ, American Jewish Congress, Humane Society of Broward County. Additionally, Commissioner Anderson was inducted in March of 1999 into the Broward County Women's Hall of Fame.

A resident of Hollywood said of Commissioner Anderson in a recent Miami Herald article, "No one owns Cathy; no one from old Florida, new Florida, no developer. Cathy is just Cathy." She has made and continues to make an indelible mark on the development of South Florida, and she is due a tremendous debt of gratitude for her foresight, courage and leadership over the past 30 years.

MOUNTING EVIDENCE OF WESTERN HEMISPHERE TRAVEL INITIATIVE'S NEGATIVE IMPACT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. RANGEL. Mr. Speaker, at a recent Senate hearing on the Western Hemisphere Travel Initiative, Senator NORM COLEMAN wisely asserted that "if you studied the Constitution, you will not find a section entitled, 'The Law of Unintended Consequences.' But it might as well be there."

Indeed, in the course of policymaking, unintended consequences can arise. It is thus the responsibility of lawmakers and policy practitioners to account for and mitigate these unforeseen effects. This seems to be the case as it relates to the Bush Administration's proposed Western Hemisphere Travel Initiative.

The Initiative will require all travelers to and from the Americas, the Caribbean, and Bermuda to have a passport to enter or re-enter the United States in order to strengthen border security. However, the Initiative is to be implemented in region specific phases, with travel to the Caribbean being affected by the end of 2005. Travel to Canada and Mexico will not be affected until the end of 2007—two full years later. It is expected that the early requirements will be a significant disincentive to U.S. travelers planning trips to the Caribbean, as this group is currently not required to utilize a passport.

A recent article in the New York publication CaribNews points to growing evidence of the Initiative's substantial negative impact. The article cited forecasts released by the World Travel Tourism Council (WTTC) which revealed that as much as $2.6 billion of travel related export earnings, and 188,000 travel and tourism jobs could be lost in the Caribbean due to the Initiative.

These are sobering statistics, especially considering what the Caribbean has been through in the last year. As most of us know, the Caribbean was devastated by destructive hurricanes and extreme flooding in late 2004. The region incurred billions of dollars in damage, and is only now starting to recover. In particular, the vital tourism sector is just starting to get back on its feet. If true, the forecasts by the WTTC spell further hard times ahead for our neighbors.

The American Society of Travel Agents (ASTA) also cited statistics from the WTTC during the recent Senate hearing, where it stated that several Caribbean nations will be "seriously impacted" by the Initiative. The ASTA provided statistics that show nearly 80 percent of U.S. visitors to some islands, such as Jamaica, do not currently utilize passports. With passport processing times of up to 2 months, and processing fees which can exceed $100.00, scores of U.S. tourists may choose vacation options that entail less hassle. The group further added that imposing the new requirements on the Caribbean earlier than other regions would likely cause a "diplomatic controversy."

ASTA also asserted that the early requirements will have negative implications for components of the U.S. travel industry, such as cruise ships, airlines, and travel agents, due to the forecasted reduction in U.S. travelers to the region. ASTA highlighted the particular case of the cruise industry, where unlike land based travel, substantial advance booking is commonplace.

With many cruise packages to the Caribbean selling for as little as $400.00, the $100.00+ passport processing fees that WHTI would necessitate, would represent an additional 25 percent in the original vacation price. With such a large and unexpected increase, many U.S. travelers may cancel their existing reservations. With over 3,578 cruises ships visiting the region in 2004, representing 6,380,021 in total passenger potential, this is no small consequence.

Also of note, the Advanced Notice for Proposed Rulemaking (ANPRM) process for the WHTI—where the public and industry are provided the opportunity to give their input and concerns on the proposal—has yet to be initiated by the appropriate government authorities. This is the case despite the fact that the new travel requirements for the Caribbean are set to go into effect in little more than 6 months. Even if the process does proceed, most entities in the U.S. travel industry will not have the time, or budget, to adequately inform the public by the Dec. 31, 2005 deadline. As such, the travel industry is urging the Administration to push back the timetable for the WHTI, especially as it relates to the Caribbean.

Mr. Speaker, all these facts, statistics, and opinions suggest that with the proposed Western Hemisphere Travel Initiative we are getting a lot more than we bargained for. Fortunately, we have an opportunity to make the appropriate modifications to ensure that this policy not only strengthens the security of the American people, but also protects the interests of the American traveler, and the economic interests of the United States and our regional neighbors. More than an opportunity, it is an obligation.

CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

SPEECH OF

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 22, 2005

Mr. MCCAUL of Texas. Mr. Speaker, yesterday, I attended the funeral of Congressman J.J. ''Jake'' Pickle—a former member of the House who represented the 10th District of Texas for 31 years. As the current representative of the 10th District of Texas, it was my duty to pay homage to Congressman Pickle who gave so much to Texas and his constituents.

In doing so, I was absent for legislative business on the floor, and missed the opportunity to vote in favor of an amendment to the Constitution to prevent the desecration of the flag. As an original cosponsor of this amendment, I would have voted ''yes'' to preserve the ultimate icon of American values.

Since 1994, there have been 119 instances of reported flag burning or desecration in the United States, but just one occurrence of this should be reason enough to outlaw this heinous act.

All 50 States have enacted resolutions asking Congress to pass a flag protection amendment, and an overwhelming majority of the American people have consistently supported the protection of our flag. Accordingly, the House has passed a flag protection amendment by more than the ⅔ majority needed in 5 separate Congresses.

Countless men and women, including my father, who are all heroes, have served under the glory of its stars and bars and died to ensure its spirit, and desecrating our flag is a desecration of their contribution to America. The American flag serves as the world's most recognized symbol of freedom and democracy, and should be given the appropriate respect and protection.

PERSONAL EXPLANATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. BONNER. Mr. Speaker, on Wednesday, June 22, 2005, I was absent for votes due to important official business in my district. I missed rollcall votes Nos. 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303. Had I been present for votes, I would have voted ''yea'' on Nos. 294, 295, 296, 297, 298, 303 and ''nay'' on Nos. 293, 299, 300, 301, 302.

TRIBUTE TO THE SPORTS FOUNDATION, INC.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. SERRANO. Mr. Speaker, it is with great p1easure that I rise today to pay tribute to the Sports Foundation, Inc. (SFI), a non-profit organization in the Bronx that will hold its 16th Annual ''Claude Buddy Young Dinner'' in acknowledgement of community leadership, on June 30th, 2005.

Using sports, education, health and the athletic arena as a model, Sports Foundation, Inc. is dedicated to making a difference in the lives of young people by developing innovative programs that foster development of the skills and qualities necessary to produce socially responsible citizens and community leaders. Since 1969, SFI has provided a full spectrum of youth development services and events to urban and at-risk youth, including sports and recreation, counseling and mentoring, educational and career development, and drug prevention and health awareness services free of charge. Through these services SFI has been able to impact over 100,000 young people.

The success that this organization has enjoyed over the past 36 years is due in large part to the great people who make up SFI. If it were not for their tireless efforts to empower the next generation of leaders, SFI would be nothing more than a great idea. I am proud to represent individuals who have the courage and conviction to take action when they see the need for improvement within the community.

Mr. Speaker, on June 30th, SFI will hold its annual dinner in which they pay tribute to individuals within the community who have complemented their efforts in the South Bronx. This year's honorees includes a wide array of influential leaders, including the late Yolanda Garcia, whose good works helped to provide adequate housing and cleaner air for Bronx residents. It is my hope that SFI and all of this year's honorees will continue to serve as a bridge between despair and hope for young people living in the South Bronx.

Mr. Speaker, as they celebrate their 16th Annual ''Claude Buddy Young Dinner'', I ask that my colleagues join me in paying tribute to the Sports Foundation Inc. for more than thirty-six years of service to the youth of the South Bronx.

FREEDOM FOR ALEXIS RODRÍGUEZ FERNÁNDEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. LINCOLN DIAZ-BALART. Mr. Speaker, I rise today to speak about Alexis Rodríguez Fernández, a political prisoner in totalitarian Cuba.

Mr. Rodríguez Fernández is a member of both the Christian Liberation Movement and the Movement of Cuban Young People for Democracy. Mr. Rodríguez Fernández believes in bringing freedom to an island enslaved by the nightmare that is the Castro regime. Unfortunately, Mr. Rodríguez Fernández has been a constant target of the dictatorship.

According to Amnesty International, in January 2002, Mr. Rodríguez Fernández was attacked and threatened by plain clothes state security agents and later abandoned in a remote area. In March 2003, as part of Castro's heinous crackdown on peaceful pro-democracy activists, Mr. Rodríguez Fernández was arrested. Subsequently, in a sham trial, he was sentenced to 15 years in the totalitarian gulag.

Mr. Rodríguez Fernández is currently languishing in an infernal cell in the totalitarian gulag. These depraved conditions are truly appalling. The State Department describes the conditions in the gulag as, ''harsh and life threatening.'' The State Department also reports that police and prison officials beat, neglect, isolate, and deny medical treatment to detainees and prisoners. It is a crime of the highest order that people who work for freedom are imprisoned in these nightmarish conditions.

Let me be very clear. Mr. Rodríguez Fernández is languishing in these depraved conditions because he believes in freedom. He believes in freedom of religion and human rights for every Cuban citizen. It is intolerable that freedom fighters like Mr. Rodríguez Fernández are locked in gulags 90 miles from our shore because they believe in fundamental human rights.

Mr. Rodríguez Fernández is one of the many heroes of the peaceful Cuban democratic movement who are locked in the dungeons of the dictatorship for their beliefs. They are symbols of freedom and democracy who will always be remembered when freedom reigns again in Cuba.

Mr. Speaker, it is condemnable and unconscionable that any person can be sentenced to 15 years in the grotesquely inhuman quarters of Castro's gulag for a belief in democracy. My Colleagues, we must demand the immediate and unconditional release of Alexis Rodríguez Fernández and every prisoner of conscience in totalitarian Cuba.

2005 ELLIS ISLAND MEDALS OF HONOR AWARDS CEREMONY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. BURTON of Indiana. Mr. Speaker, I rise today to congratulate and honor the 2005 Ellis Island Medal of Honor recipients. Presented annually by the National Ethnic Coalition of Organizations (NECO)—an umbrella group of more than 250 organizations that spans the spectrum of ethnic heritages, cultures and religions—the Ellis Island Medal of Honor commemorates and recognizes Americans of all ethnic backgrounds who have made significant contributions to our society. These medals have been aptly named for Ellis Island, as in so many ways Ellis Island is an enduring symbol of the immigrant roots and diversity that characterize our great Nation.

America has always been a haven for legal immigrants from all over the world who come to our shores with one simple dream; forging a new life in a land of opportunity, liberty, and freedom—freedom from religious, economic, political or ethnic persecution. When the immigrant station at Ellis Island, New York, opened on January 1, 1892, it admitted 700 immigrants into the United States on just its first day of operation. By the time the center closed in 1954, 17–million immigrants had passed through its doors. The Ellis Island administration and staff, on average, processed up to 5,009 people per day. Many of these

newcomers spoke little English, hardly had any money, and arrived with only the clothes on their backs. Despite those challenges, all were willing to risk their lives in exchange for the opportunity to build a better life for themselves and their families.

The Ellis Island Medal of Honor was created in 1986 to honor those individuals who—through their own perseverance, sacrifice and success—continue to help keep America at the forefront of science, business, sports, entertainment, health care research, and myriad of other important issues. Representing a rainbow of ethnic backgrounds the 2005 recipients received their awards on May 14, 2005, in the shadow of the historic Great Hall, where the first footsteps towards a new life were taken by the millions of immigrants who entered the U.S. in the latter part of the nineteenth century.

NECO Co-chairman Lee Iacocca, paying tribute to NECO's Founder and Chairman, William Denis Fugazy, said: "Bill's most enduring legacy is the National Ethnic Coalition of Organizations and the Ellis Island Medals of Honor. He has been the driving force behind NECO since its inception. Under the NECO banner he has led the fight against intolerance and hate, and brought together disparate groups to work together and to celebrate the gifts that each ethnic group brings to keep America the land of freedom and opportunity for all. His life is testament to what one person with a big heart and boundless energy can accomplish."

Nasser J. Kazeminy, Chairman of NECO's Executive Committee, said that the 2005 Ellis Island Medal of Honor recipients have enriched this country and have become role models for future generations. He noted that a posthumous Medal was given to Sergeant Christian P. Engeldrum, U.S. Army National Guard, who was killed in Iraq last November. Engeldrum, he said, was a heroic New York City firefighter, and also served in the Middle East during Operation Desert Storm. He was the first New York City employee to be killed in Iraq. His third child, a daughter, was born in June 2005.

Since 1986, approximately 1,700 American citizens have received Ellis Island Medals of Honor, which continue to pay tribute to the ancestry groups that comprise America's unique cultural mosaic. In addition, NECO awards one International Ellis Island Medal of Honor each year. This year's international honoree was Richard Platt, Chairman of Visy Industries, Australia.

Mr. Speaker, the 2005 Ellis Island recipients are without doubt a remarkable collection of individuals who have distinguished themselves as outstanding human beings and citizens of the United States. By honoring these outstanding individuals, we honor all who share their origins and we acknowledge the contributions they and other groups have made to America.

I once again commend NECO and its Chairman, my good friend William Denis Fugazy, for honoring the accomplishments of these outstanding individuals and their tireless efforts to foster dialogue, build bridges between different ethnic groups, and promote unity and a sense of common purpose in our Nation. I respectfully ask my colleagues to join me in recognizing the good works of NECO, and congratulating all the 2005 Ellis Island Medal of Honor recipients, and I would ask that the names of all of this year's recipients be placed into the CONGRESSIONAL RECORD following my statement.

2005 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

Abu S. Alam M.D. P.A., Bangladesh; George Atanasoski, Vice President, Microflex, Inc., Macedonian; Nishan Atinizian, President, Fresh Pond Mall Ltd Partnership, Armenian; Ambassador Elizabeth Frawley Bagley, Counsel & Sr. Advisor Global Strategies, Manatt, Phelps & Phillips, Irish; Avi Barbasch M.D., New York Oncology, Czech/Polish/Israeli; Joseph L. Basralian Esq., Managing Partner, Winne, Banta, Hetherington, Basralian & Kahn P.C, Armenian; Paul P. Bernstein, Board Member, Seeds of Peace, Russian; Nicholas A. Buoniconti, Founder, The Miami Project to Cure Paralysis, Italian; Terry Burman, Chairman & CEO, Sterling Jewelers, Inc., Russian/Polish; Hon. Elaine L. Chao, Secretary of Labor, U.S. Dept. of Labor, Chinese; Dr. James S.C. Chao, Chairman, Foremost Group, Chinese; Yeoung Bae Choi, Chairman, The Korean American Association of Flushing, Korean; Dr. Parveen Chopra, Chairperson, Comm. Of Human Rights—Nassau County NY, Asian Indian; Joseph A. Cimino M.D., Professor & Chairman, Community & Preventive Medicine, Italian; Vahakn N. Dadrian, Director of Research, Zoryan Institute, Armenian; Thomas E. Dreesen, Comedian, Italian/Irish; Victor J. Dzau, MD, Chancellor for Health Affairs, Duke University Medical Center, Chinese/Canadian; I. Steven Edelson, Managing Member, Mercantile, Russian/Polish; Christian Engeldrum (Posthumously), Sgt US Army, NYC Firefighter/Ladder 61; Andrew Evangelatos, Attorney at Law, Hellenic; Dr. Haifa Fakhouri, President & CEO, Arab American & Chaldean Council, Jordanian; Stefan J. Fedor, Service Delivery Executive, Cisco Systems, Inc., Czech/Hungarian; Anthony C. Ferreri, President & CEO, Staten Island University Hospital, Italian; Dr. Homayoun Firouztash, Partner, Centurion Holdings, LLC, Iranian; John W. Galanis, Esq., Chairman, Galanis, Pollack, Jacobs & Johnson, Hellenic; Judge John Gale, State of Florida, Italian; Robert C. Gallo, M.D., Director, Institute of Human Virology, Italian; Rickey M. Gelb, President, Gelb Enterprises, Austrian/Russian; Lola Nashashibi Grace, Philanthropist, Lebanese/Palestinian; Edgar Hagopian, Chairman, Hagopian Family of Companies, Armenian; Alexander W. Harris, CTC, Chairman, General Tours, Inc., Polish; Jay Hershenson, Vice Chancellor, CUNY, Polish; Wilhelmina Holliday, Commissioner (Ret), NYPD–MVPD, African American; Soung Eun Hong, President/CEO, Rainer Group of Atlantic, USA, Korean; Richard C. Iannuzzi, Vice President, NYSUT, Italian; Muta M. Issa, MD, MBA, Assoc. Prof./Chief of Urology, Emory Univ School of Med/Atlanta; VA Med Ctr, Iraqi; BG Jimmie C. Jackson, Jr., Cmdr 305th Air Mobility Wing, McGuire Air Force Base, Irish/Mexican; Eppaminondas G. Johnson, Founder, Eppie's Race, Director Univ of Nevada-Reno Foundation, Hellenic; Ranya Caren Kelly, Founder/Exec. Director, The Redistribution Center Inc., English/German; Cecile Keshishian, President (Ret), NH Medical Society Auxiliary, Lebanese; Won Ho Kim, President, Warner, Inc., So. Korean; Yohyun Kim, President, Ace Printing & Publishing, Korean; Theodore A. Laliotis, President, Laliotis & Associates, Hellenic; Dr. Henry C. Lee, Chief Emeritus, CT Forensic Science Laboratory, Chinese; Susan Levit M.D., F.A.C.P., President & Medical Director, Levit Medical Arts Pavilion, Russian/Israeli; Boris Lipkin, President & CEO, Therma-Wave, Ukrainian; Joseph Macnow, Executive VP & CFO, Vornado Realty Trust, Russian/Polish; LTG Robert Magnus, Deputy Commandant, US Marine Corps, English/Polish; Ranjan Manoranjan, Chairman & CFO, 3SG Corporation, Sri Lanka; Aris Mardirossian, President, Technology Patents LLC, Armenian; Penny Marshall, Director & Producer, Italian/German/Welsh; Bonnie McElveen-Hunter, Former Ambassador, Chairman, Board of Gov. / American Red Cross, President, Pace Communications, Scottish/Irish; Aaron David Miller, President, Seeds of Peace, Russian/Polish; Benjamin E. Montoya, CEO, Smart Systems Technologies, Inc., Mexican; Edward D. Mullins, President, NYPD Sergeants Benevelent Association, Irish/Spanish; John V. Murphy, Chairman President & CEO, Oppenheimer Funds Inc., Irish; Francesco Musorrafiti, Chairman & CEO, Engineering & Professional Serv. Inc, Italian; Firouz M. Naderi, Associate Director, Programs, Project Formulation & Strategy, Jet Propulsion Laboratory, Iranian; John S. Najarian, MD, Professor of Surgery, University of Minnesota, Armenian; John M. Nasseff, Community Leader & Philanthropist, Lebanese; Maria Neira, Vice President, NYSUT, Puerto Rican; Peter Nikiteas, Community Leader, Hellenic; James J. O'Connor, Chairman & CEO (Ret), UNICOM Corp & Commonwealth Edison, Irish; Michael D. O'Halleran, Chairman & CEO, Aon Corporation, Irish; Harris J. Pappas, President, Pappas Restaurant, Inc., Hellenic; Sudhir Parikh M.D., Center for Asthma and Allergies, Asian Indian; Peter P. Parthenis, CEO, Grecian Delight Foods, Inc., Hellenic; Martin R. Pollner, Senior Partner, Loeb & Loeb LLP, Polish/Hungarian; Rev. Peter A. Popaj, Our Lady of Shkodra RC Church, Albanian; Richard Pratt, AC, International Recipient, President, Visey Communications, Polish; Kassandra L. Romas, Managing Director, Bouras Properties, LLC, Hellenic; Joseph R. Rosetti, President, Safir Rosetti, Italian; BG Curtis M. Scaparrotti, Commandant, US Military Academy at West Point, Italian; Stephen M. Schuck, Chairman, The Schuck Corp., Russian/German; H.R. Shah, Chairman & CEO, TV Asia & Krauszer's, Asian Indian; M. Morris Shirazipour, CEO, Aero Toy Store, Israeli/Iranian/Canadian; Barbara Simmons, Department of Veterans Affairs, African American; Barry Ivan Slotnick, Attorney at Law, Buchanan Ingersoll PC, Polish; Edward M. Snider, Chairman, Comcast-Spectacar, Russian/Polish; Mona So, Chairperson, Chinese Import Association of America, Chinese; Mercedes H. Spotts, Esq., Polish; Thomas Stankovich, Senior VP & CFO, MP Biomedicals, Yugoslavian; John L. Starks, Founder & President, The John Starks Foundation, American Indian; Gwynn T. Swinson, Secretary of Administration, NC Dept. of Administration, African/Caribbean/European; Abdul Jamil Tajik, M.D., Cardiovascular Diseases & Internal Medicine—Mayo Clinic, Pakistani; Meilin Tan, Founder & President, Small Business Owners of Greater New York, Chinese; James Thomas, President & CPA, Thomas Auto Motor Group, Hellenic; George Tomov, President, Folk Dance Foundation, Macedonian Arts Council, Macedonian; Angelo Vivolo, Community Leader, Italian; Dionysios Vlachos, President, Allboro Waterproofing Corp., Hellenic; Frank Volpicella, Vice President, United Federation of Teachers, Italian; Robert Weisberg, Deputy Chief of Mission, American Embassy Helsinki, Russian/Rumanian/ Austrian; Thomas V. Whelan, Chairman &CEO, Concepts International, Irish; Capt. Glenn A. Wiltshire, Cmdr. of Coast Guard Activities NY, United States Coast Guard, English/Polish; James B. Zafiros, Vice President (Ret), NBC Televsion, Hellenic/Turkish; Larry A.

Zavadil, President & CEO, American Solutions For Business, Czech/German.

HONORING REPRESENTATIVE J.J. PICKLE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. RANGEL. Mr. Speaker, I rise today to honor a great man whose presence in this chamber raised the level of civility and decency and lifted the hearts of each and every one of us. Yesterday, with a number of my colleagues, I attended the funeral services of Representative J.J "Jake" Pickle of Texas. This was a man whose gregarious spirit and good humor over 31 years was a welcomed addition to the proceedings of the chamber, and whose passion and determination to achieve a better life for all Americans were evident in his every day good will and efforts.

Jake was a natural politician because he loved to serve the people and realized that serving the people meant knowing them. He went out of his way to greet and meet individuals who were constituents, who were Americans, and who were simply human. In formal meetings or walks to this chamber or sitting around the office, Jake always had a welcoming and calming smile accompanied by a hearty greeting and oftentimes an affectionate bear hug. He was a lightening rod of energy and enthusiasm and infused that passion and concern into everyone he came in contact with.

That passion and dedication to the public carried over into his work in this chamber. I had the honor to work with Jake on the Ways and Means Committee and I know he was committed to helping the public in every way possible. He was not blinded by partisanship but believed in the right ideals and direction for this country. In the 1980s, as chair of the Social Security Subcommittee, he worked across party lines to achieve reforms in the system that would guarantee the program for future generations. He built alliances with members of different ideologies on issues of importance to him, Austin, Texas, and the American public.

His bonds and connection to public service were rooted in principle and a desire to do what was right. He often stated to me his worry in 1964 over the Civil Rights Act. He knew that legislation to secure rights that had been long denied to African Americans was overdue and right; yet he also knew of the strong opposition to civil rights legislation in his congressional district and Texas. He took the unprecedented and dangerous (for a Texan) step of supporting that legislation, which has moved the country so far in terms of race relations. He knew the importance of addressing the issue of race in America and ensuring that all Americans were treated equally in this country. While he received President Lyndon Johnson's personal appreciation for that action, he was concerned that he would not be returned to office. Fortunately, the people of Austin saw the greatness of this man and reelected him fifteen times.

There was clearly something superb about the Gentleman from Texas. He was willing to work for and do the work of the people. His smiling face, his generous handshakes, and his willingness to put his neck on the line for the right cause were a welcomed part of his role in the House of Representatives. I miss working with Gentleman Jake as he would readily discuss and debate the issue of the day with anyone and with a hearty smile on his face.

There were several well-written obituaries earlier this week after Jake Pickle's death which captured much of the spirit and essence of this fine public servant. The one I found most meaningful is the one I submit for the RECORD today to share with my colleagues. It is an editorial from Jake's home town newspaper, the Austin American Statesman, paying him as high a compliment as any elected official can achieve, asserting that it was "A Privilege to be Served by Pickle."

A PRIVILEGE TO BE SERVED BY PICKLE

JUNE 19, 2005—Elected officeholders rightly talk about the privilege of serving the people. Occasionally, though, an officeholder comes along so complete in dedication, energy and humanity that the community is privileged to have his service. And having Jake Pickle for a congressman for 31 years proved just such a privilege for Central Texas.

Jake—anyone could call him Jake; that was fine by him—always enjoyed being the center of attention. He was a terrific storyteller, in part because he so obviously loved telling a story. Audiences, in turn, couldn't help but enjoy and start laughing at his stories, and soon he was laughing at himself and their reaction, too.

Another reason people liked him was that he so obviously relished being with people. He was a born politician, someone who really did get a charge out of meeting, being with and helping people. And he found in public office a perfect way to live out an honorable and useful life: Help others, and bask in the thanks.

But Pickle was far more than the gladhanding, back-slapping pal, as good as he was at that. He deeply believed that government could do things to help and protect ordinary people, and that's how he used his office in Congress. As he rose in seniority in Congress and the influential House Ways and Means Committee, he became chairman of its Social Security subcommittee, which in the early 1980s faced the same kind of fiscal problems it does today.

Here's an excerpt from the 1992 edition of the American Almanac of American Politics describing Pickle:

"While other Democrats went out and demagogued the Social Security issue on the campaign trail, Pickle pointed out its problems and worked hard as the architect of the Social Security rescue of 1983, when benefits were in effect cut by raising the normal retirement age over the years to 67 in the next century. He was a serious player on tax reform and on trade; he has come forward with well thought out amendments to help rural hospitals, to strengthen the Caribbean Basin Initiative and to tax foreign subsidiaries. Recently he has been looking closely, and to their discomfort, at government sponsored enterprises like Fannie Mae and Freddie Mac, not because they seem to be in trouble now, but because he wants to avoid huge unanticipated obligations of the sort generated by federal deposit insurance of savings and loans."

If only he were in Congress today!

Pickle worked hard for Central Texas, not just in committee meetings and on the floor of the House of Representatives, but by coming home and asking us, repeatedly, what we wanted him to do. He kept doing it so well that we kept sending him back, until he decided it was time for someone younger to fight the good fights.

It was a privilege to have him represent us, and we're sorry he won't be telling us any more good stories.

PERSONAL EXPLANATION

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. MCCAUL of FLorida. Mr. Speaker, yesterday, I attended the funeral of Congressman J.J. "Jake" Pickle—a former Member of the House who represented the 10th District of Texas for 31 years. As the current representative of the 10th District of Texas, it was my duty to pay homage to Congressman Pickle who gave so much to Texas and his constituents.

If I were able to vote on yesterday's considered measures, I would have voted in favor of an amendment that I offered to the Legislative Branch Appropriations Bill. This fiscally conservative, commonsense amendment would have addressed the excess printing and paper that is generated by the GPO, and directed those funds to a far more worthy recipient—the Capitol Police. I thank Congressman PATRICK MCHENRY for his support of my amendment, and for acting as my designee during the debate.

I also would have voted "yes" on a Constitutional Amendment banning the desecration of the American Flag—legislation of which I am an original cosponsor.

For the Legislative Branch Appropriations bill, I would have voted: "no" on the Baird amendment, "no" on the Davis amendment, "no" on the Hefley amendment, "no" on the motion to recommit, and "yes" on passage.

PERSONAL EXPLANATION

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. LEWIS of Kentucky. Mr. Speaker, I was absent from the House on Monday, June 20, 2005 so that I could testify before the BRAC Commission regional hearing in St. Louis, MO, on behalf of Ft. Knox, an Army instillation in my district designated for significant realignment. Had I been present, I would have voted the following way:

House amendment 328, claiming religious proselytizing at the Air Force Academy, "no."

House amendment 330, prohibiting funds for activities in Uzbekistan, "no."

House amendment 331, prohibiting military action against Syria, Iran, N. Korea without Congress authority, "no."

House amendment 333, prohibiting funds for carrying out sections of the Small Business Competitiveness Demonstration Program Act, "no."

H.R. 2863, on final passage of the Department of Defense Appropriations Act of 2006, "yea."

A TRIBUTE TO THE LATE HONORABLE JAMES JARRELL PICKLE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to pay tribute to my good friend, J.J. Pickle. Those of us who have the tremendous honor of serving in this great institution sometimes fail to see the giants that serve among us. Certainly J.J. Pickle was one of those giants.

He was born in Big Spring, Texas on October 11, 1913 and was educated in the public schools. He was a man who was clearly a leader, not only of the people of the State of Texas, of the district that he represented in the central part of Texas, but of this entire Nation.

He was a man who gave his heart, literally, to this country. He poured hours after hours into trying to grapple with the important issues we faced as a Nation, and he did it because he loved this country. He was truly a public servant who cared about the people in the State of Texas, and cared about the people in this great country.

It is rare that we see people in this institution who worked as hard as J.J. Pickle. However, in doing so, he was always able to retain his touch of the common man. As much as he accomplished academically and through the higher ranks of government in this country, he never lost the ability to relate to people on a day-to-day level. To me he will always be Jake, the fellow who would put his arm around you, smile and joke, and ask how things were going. He was a man who cared about you as an individual and cared about people.

He loved high-powered debates with intellectuals, but he never put on airs. He was one of only seven southern representatives to vote for the 1964 Civil Rights Act legislation. He believed that his most significant accomplishment as a lawmaker was the 1983 Social Security reform bill, which he helped pass as chairman of the Social Security subcommittee. That legislation eased Social Security's financial problems by raising the age for full benefits from 65 to 67 in the year 2000. He could talk to farmers and mechanics as easily as Presidents such as from his mentor, President Johnson and other leaders. It is no wonder the voters of Central Texas kept Jake in Congress for 31 years. They knew a good man when they saw him. They, and all Americans, have lost someone very special.

HONORING CW4 THOMAS W. GERRISH

HON. JEB BRADLEY

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to honor CW4 Thomas Gerrish for his 27 years of service in the U.S. Army Reserves.

CW4 Gerrish was born and raised in a family with a long history of military service. His father and grandfather served in the Navy for 20 and 30 years, respectively, and his two sons are both currently serving in the U.S. Army, with one presently on the ground in Iraq. It is evident that this strong commitment to serving one's country has made a profound impact on CW4 Gerrish's life and career path, and his own impressive record of military service reflects just that.

CW4 Gerrish enlisted in the U.S. Army Reserves in 1977. CW4 Gerrish decided to enroll in flight school, where he received his aeronautical rating as a U.S. Army Aviator and promotion to Warrant Officer in 1982. He was deployed to Southeast Asia to participate in Operations Desert Shield and Desert Storm in 1989, and in 1992, he attended and graduated from the CH–47 Maintenance Manager's/Maintenance Test Pilot's Course. As an Aircraft Component Repair Platoon Leader, CW4 Gerrish was responsible for overseeing 23 soldiers, six allied shops and equipment valued at over $10 million. Later, he served as Maintenance Platoon Leader and his hard work was largely the motivating factor behind his company earning the best OR rating in the Battalion.

Before retiring from military service, CW4 Gerrish coordinated aircraft maintenance prior to deployment for Operations Enduring and Iraqi Freedom. His last assignment was to serve as the Senior Warrant Officer to the Cargo Helicopter Project Manager's Office. During this assignment, CW4 Gerrish was responsible for fleet management and customer support for all CH–47 units and 461 H–47 helicopters. His leadership and technical abilities were instrumental in maintaining aircraft at the highest state of readiness and motivating and inspiring the soldiers under his command.

During the course of his service, CW4 Gerrish has been awarded 24 medals and honors, including the Bronze Star and the Legion of Merit. His long and varied career exemplifies his broad experience and growth. CW4 Gerrish has proven that hard work, dedication and a strong work ethic will achieve great things in one's career, and his impeccable record classifies him as a truly outstanding soldier. He has served his state and country valiantly and I know he will continue to do great things in his retirement. It is truly an honor to recognize his accomplishments today, and I thank him for his service.

HONORING PRESIDENT GORDON B. HINCKLEY

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. MATHESON. Mr. Chairman, this week marks the 95th birthday of Gordon Bitner Hinckley, the 15th President of the Church of Jesus Christ of Latter-day Saints.

Gordon B. Hinckley was born on June 23, 1910 to Bryant and Ada Hinckley in Salt Lake City, Utah. The day Hinckley was born, a can of Campbell's soup cost 10 cents, a man's shirt was less than $1 and beef sold for 30 cents a pound in Salt Lake City.

Growing up in Salt Lake City, young Gordon spent summers on the family fruit farm in the rural Salt Lake Valley. He and his brother Sherman often slept out under the stars in the box of an old farm wagon where they lay on their backs, picking out familiar stars. They also weeded and irrigated the family garden, looked after livestock, and dug fence post holes. In 1923, when President Warren G. Harding visited SLC, Gordon and his siblings helped line the streets to wave flags as the President's motorcade came into town.

In 1928, just a year before the onset of the Depression, Gordon Hinckley enrolled at the University of Utah thinking he might become an architect. But he loved English literature, particularly Shakespeare, and he decided to go into journalism instead.

From 1933 to the summer of 1935, he served as a missionary for the Church of Jesus Christ of Latter-day Saints in the British Isles. In addition to the hard work of proselytizing, he led efforts there to improve relations with the press, published articles, and wrote eloquent letters home.

Upon returning to Utah, he accepted a job as executive secretary of the newly formed Church Radio, Publicity and Mission Literature Committee. In this capacity he led the public relations and media efforts of the Church, grasping and utilizing new electronic media to modernize the delivery of the Church of Jesus Christ's message.

He married the late Majorie Pay on April 29, 1937 and together they had 5 children and 25 grandchildren.

By the time he became President of the Church on March 13, 1995, he had labored nearly 60 years at Church headquarters—38 years of service as a General Authority and 15 of those in the First Presidency.

During the last 10 years, President Hinckley has traveled extensively throughout the world meeting with dignitaries and members of the Church. Through these meetings, he has reinforced his statement that, "Good homes produce good people. Good homes become the foundation for the strength of any nation." In writing and speaking, he has encouraged church membership and others to strengthen their homes and families and cultivate virtues such as love, honesty, civility, mercy, industry, and gratitude.

As the leader of the ninth largest religion in the United States, he has overseen significant international building efforts, worldwide expansion of church membership, and has been noted for his openness to the press. He has endeared himself to Church members and others he meets with attributes developed in his earlier years: hard work, an ease with language, a dry wit, and a genuine love for people.

In addition to Church service, President Hinckley has been active in community affairs, receiving numerous honors, including the Presidential Medal of Freedom in 2004.

He wrote, "My plea is that we stop seeking out the storms and enjoy more fully the sunlight. I am suggesting that as we go through life, we 'accentuate the positive.' I am asking that we look a little deeper for the good." President Hinckley has embodied this positive attitude throughout his 95 years and shared it vigorously during his last 10.

I hope that my colleagues will join me in wishing a very happy 95th birthday to this great man and leader.

HONORING REVEREND JOHN F. EDWARDS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to recognize the lifelong dedication of Reverend John F. Edwards, who will retire this month after 50 years of active ministry.

As the Pastor of The Church of the Incarnation, in Wethersfield, Connecticut in my district, Father Edwards was an inspiration and source of strength for those he met during his service to the priesthood. Father Edwards experienced a religious calling and entered the St. Thomas Seminary in Bloomfield, Connecticut, where he remained from 1947–1949. On January 6, 1955, Reverend Edwards was ordained as a priest at St. Brendan's Church in New Haven, Connecticut by The Most Reverend Henry J. O'Brien. Shortly thereafter, Father Edwards received temporary assignments in Washington Depot, Connecticut and as Chaplin at St. Mary's Hospital in Waterbury. In April—August 1955, he received a permanent assignment as a Chaplin at St. Francis Hospital in Hartford, Connecticut.

In August of 1955, Father Edwards returned to St. Thomas Seminary, where his vocation developed and strengthened, and served as a teacher and administrator from 1955–1981. During his 26 year tenure, Father Edwards taught history and mathematics and became Principal of the high school at St. Thomas Seminary. In his final 6 years at St. Thomas Seminary, Father Edwards served as Director of The Permanent Diaconate Program of the Archdiocese of Hartford, which was a program that proved to be instrumental in fulfilling the needs of the Archdiocese. He also served as a weekend assistant at St. Helena Church in West Hartford, Connecticut from 1967–1980. Father Edwards was an inspiration in the classroom and in his community.

Father Edwards arrived at St. Joseph Church in Meriden, Connecticut in 1981, where he continued his service for 11 years as part of a Team Ministry with Father Mark Jette. In 1992, Father Edwards was appointed Pastor of The Church of the Incarnation where he continued to be a dedicated pastor, devoted spiritual leader, and friend. For the past 4 years, he has been the Dean of the Suburban Hartford Deanery where he fostered fellowship within the Greater Hartford Area.

Mr. Speaker, I ask that my colleagues join me today in thanking and honoring Reverend John F. Edwards for his 5 decades of service to the people of Connecticut. The parishioners of the Church of the Incarnation will miss his dedication and quiet thoughtfulness. Please join me in congratulating Father Edwards on his retirement and wishing him many enjoyable rounds of golf.

EXPLORING THE CARIBBEAN: THE INSTITUTE OF CARIBBEAN STUDIES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. RANGEL. Mr. Speaker, I rise today to bring to the attention of my colleagues the significant work of the Institute of Caribbean Studies (ICS), a magnificent organization that highlights and explores the linkages between the Caribbean and the United States. Today, Representative BARBARA LEE, Representative DONNA CHRISTENSEN, and I hosted a meeting of the Institute of Caribbean Studies in the Rayburn Building. I thank these wonderful congresswomen for joining me in our effort to raise the awareness and provide an opportunity for this Congress to explore the dynamics of the Caribbean economy, culture, and global appeal.

The Institute of Caribbean Studies works to find common links between the American public and the people of the Caribbean. It explores different avenues of change and development that are common to our two regions and seeks opportunities to nurture those developments to our collective best interests. This group is working to build a stronger economic, social, and cultural bond between two important regions of the world.

At their legislative forum today, the panels addressed the growing importance of the border security, economic development, disaster assistance, and human security. Panelists such as Foreign Minister of the Bahamas Fred Mitchell, the Jamaican Ambassador Gordon Shirley, the St. Lucian Ambassador Sonia Johnny, and the Grenadian Ambassador Denis Antonie examined various causes, effects, and responses to the challenges of linking the Caribbean and the United States. Their discussion and assessments provided important insight into the solutions and opportunities for advancement in the region.

I thank the panelists and participants for their thoughts, opinions, and wisdom on developing and encouraging a stronger linkage between our two parts of the world. I particularly would like to thank Dr. Claire Nelson, the President and Founder of the Institute, for her leadership and direction in the activities of the Institute of Caribbean Studies. I am sure that under her continued helm the organization will become a valuable resource for Congress and its deliberations on improved international relations.

I submit for the RECORD a copy of the mission statement and goals of the organization. I hope my colleagues will put this organization to use in developing responsible policies toward the Caribbean.

The Institute of Caribbean Studies (ICS) is a non-partisan, non-profit 501(c)(3) organization established in 1993 and dedicated to research, policy analysis, and education with a focus on issues that impact the Caribbean and Caribbean Diaspora. The purpose of the Institute is to provide a forum for scholars, the private sector, the non-government organization community and others interested in promoting a dialogue on Caribbean issues. The Institute seeks to address economic development problems facing Caribbean society, and to adopt a thorough, systematic and coordinated long-term perspective towards their resolution.

Since its inception, ICS has been on the forefront of the challenge to bring attention to the issues of critical importance to the Caribbean American community, which numbers over 3 million. ICS represents an important role in history as the first Caribbean-American community organization in the Washington, DC area devoted to the successful inclusion of Caribbean-Americans in U.S. policy making, and the economic development of the Caribbean region. ICS has built up a unique network of knowledgeable and committed individuals with expertise in a variety of sectors.

ICS's location in Washington, DC makes it an ideal interlocutor, advocate and intermediary between the U.S. government, multilateral agencies, the private sector, Caribbean-American communities, and Caribbean governments, communities, and organizations in the region. ICS enjoys the respect of a significant proportion of the Caribbean-American community, as well as the Caribbean diplomatic corps. ICS has established and will continue to develop partnerships and collaborative relationships with local and national organizations in the United States and the Caribbean, such as the Caribbean American Chamber of Commerce and Industry, Global Rights Law Group, National Minority Suppliers Development Council, World Bank/IMF Caribbean Staff Association, Caribbean Research Center, and the Caribbean Policy Development Center to meet its objectives, particularly those in the area of economic development and policy making.

ICS is dedicated to building bridges between Caribbean Americans and the U.S. population at large and advocating for the economic welfare of the Caribbean American community. Together with partner organizations with industry, government and civil society, we have built the foundation to make the Institute of Caribbean Studies, the leading Caribbean American organization in Washington, DC. Our mission is to provide our partners with solutions to the challenges they face, that will enable their survival, growth, and prosperity in the ever changing global marketplace, by providing world class research and action that supports their missions.

The organizational structure of the ICS provides an established framework within which 'Caribbeanists' can be mobilized to address issues of concern and implement research and/or program initiatives. This includes a Private Sector Council and a Research Council.

ICS program areas are designed to:

To promote the increased participation of Caribbean Americans in the U.S. economic and policy agenda.

To facilitate increased educational exchanges between Caribbean and American peoples.

To foster increased cooperation between the Caribbean and other developing country regions, such as Latin America and Africa, as well as the developed countries of Canada and Europe.

To facilitate the participation of, and discussion with, the Caribbean Diaspora around the world on issues pertaining to Caribbean development.

In keeping with its holistic philosophy of development, the Institute develops and supports programs which serve a multiplicity of interests—the community leader, the business person, the policy-maker, and the scholar, across various sectors. The program areas include: Economic Development, Science & Technology, Education & Health, and Sociology & Culture.

Our goal for economic development is to increase the participation of Caribbean Americans in the U.S. business sector, to promote increased trade and investment between the U.S. and the Caribbean, and to support entrepreneurial development and micro-enterprise development in the Caribbean. Our work includes creating linkages between U.S. small and disadvantaged businesses and Caribbean businesses, entrepreneurial development and skills training for youth with particular reference to, and acting as an interlocutor and facilitator for creating partnerships between U.S. transnational corporations and the Caribbean American community.

Our goal in the area of science and technology is improve the level and quality of technical assistance provided to the Caribbean region, to support improvements in the access, development and use of science and technology across all sectors, and the increased access of disadvantaged communities in the Caribbean to information technology. Our current agenda is the support of Computer centers in disadvantaged centers in the Caribbean and the development of exchange and linkages programs to support science education in the Caribbean such as support for the establishment of children's science centers.

Our goals in education and health include increasing transfer of technology to the Caribbean region; ensuring Caribbean Americans equity in health care; and supporting the provision of increased educational opportunities to disadvantaged populations in the Caribbean. This includes assisting in the establishment of linkage programs between historically Black colleges and universities.

Our goal in sociology and culture include: assisting the Caribbean-American community to participate in U.S. democratic processes; promoting the conservation and development of Caribbean arts and culture, and promoting an understanding of Caribbean culture in the U.S. Our current focus in this area is the establishment of June as Caribbean Heritage Month in the Washington, DC metropolitan region and the production of the DC Caribbean Film Festival.

THE CONVICTION OF EDGAR RAY KILLEN ON JUNE 21, 2005, IN NESHOBA COUNTY, MISSISSIPPI

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. LEWIS of Georgia. Mr. Speaker, it is so strange. It is so ironic. It is almost eerie that Edgar Ray Killen was convicted today exactly 41 years to the day that James Chaney, Mickey Schwerner, and Andy Goodman were found missing in Philadelphia, Mississippi. I knew these three young men, these brave and courageous fighters for freedom. They did not die in Vietnam. They did not die in the Middle East. They did not die in Eastern Europe. They did not die in Africa or South America; they died right here in the United States. And they were killed simply for helping Americans exercise their constitutional right to vote.

They were killed, not just by vicious members of the Ku Klux Klan, but they were also killed by an evil system of tradition and government that perpetuated segregation, racial discrimination, and deliberately and methodically denied African Americans the right to vote. Their murder was a sad and dark hour for the whole Civil Rights Movement, and especially for those of us who participated in the Mississippi Summer project. When we realized that these three young men were missing, it broke our hearts, but it did not destroy our determination to continue the struggle to gain the right to vote.

For more than a thousand young people who risked their lives in Mississippi that summer, and for the mothers and the families of James Chaney, Mickey Schwerner, and Andy Goodman, maybe, just maybe, what happened today will offer some degree of closure. It took a long time to bring some resolution to this case, but justice is never too late. I hope that this conviction will have a cleansing effect on our nation's dark racial past.

I also hope that the state of Mississippi and the American people will do more. I hope that we will seek and find appropriate ways to honor the sacrifices of these three young men. I hope that as a nation and as a people we will always remember that the struggle for civil rights in America is littered by the battered and broken bodies of countless men and women who paid the ultimate price for a precious right—the right to vote. We must not take that right for granted. We have a mandate from these three young men who gave their lives for our freedom in the red clay of Mississippi. We must continue the struggle for justice in America and around the world.

INTRODUCTION OF THE MEDIKIDS HEALTH INSURANCE ACT OF 2005

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. STARK. Mr. Speaker, it is with great pride that I join my colleagues in the House today to introduce the MediKids Health Insurance Act of 2005. This bill is also being introduced in the Senate by my good friend, Jay Rockefeller.

Mr. Speaker, this year we are honoring the 40th anniversary of Medicare, our nation's health insurance program for the elderly and people with disabilities. At the time we created Medicare, our nation's seniors were more likely to be living in poverty than any other age group. Most were unable to afford needed medical services and unable to find health insurance in the market even if they could afford it. Today, as a result of Medicare's success, seniors are much less likely to be shackled by the bonds of poverty.

Now it is our nation's children who are most likely to be poor. Kids in America are nearly twice as vulnerable to poverty as adults. This travesty is not only morally reprehensible, it also denotes grave consequences for the future of our country. Poor children are often malnourished and have difficulty succeeding in school. Untreated illnesses only worsen the chance for success. The future of our country rests in our ability to provide our children with the basic conditions to thrive and become healthy, educated, and productive adults. Guaranteeing continuous health coverage is a critical component of realizing this potential.

The MediKids Health Insurance Act of 2005 assures that every child in the United States has health insurance by 2012. Modeled after Medicare—with benefits appropriate to children, simplified cost sharing, and comprehensive prescription drug coverage—MediKids covers America's kids from birth until age 23.

MediKids assures that families will always have access to affordable health insurance for their children. Parents retain the choice to enroll their kids in private plans or government programs such as Medicaid or S–CHIP. However, if a lapse in other insurance coverage occurs, MediKids automatically fills in the gap. MediKids is the ultimate safety net, available nationwide, with maximum simplicity, stability, and flexibility.

Many children's advocates and health care professionals who care for children are united in their support for MediKids, including: the American Academy of Pediatrics, the Children's Defense Fund, the American Academy of Family Physicians, the American Academy of Child and Adolescent Psychiatry, the American Nurses Association, Consumers' Union, FamiliesUSA, the March of Dimes, the National Association of Children's Hospitals, the National Association of Community Health Centers, National Association of Public Hospitals and Health Systems, and the National Health Law Program. I am submitting a sampling of letters from these groups along with my statement.

I can think of no better use of Congress' time than to provide health insurance to every child. While some are fixated on flag burning, Terri Schiavo and banning gay marriages, my colleagues and I are offering solutions to real problems facing American families. Providing a simple, stable, and flexible health insurance option will afford millions of parents the peace of mind of knowing that their children will be cared for when they are sick. Our nation's priorities should be centered on creating a bright future for our children, and MediKids helps to achieve this goal.

I look forward to working with my colleagues and the many endorsing organizations to enact the MediKids Health Insurance Act of 2005.

MEDIKIDS HEALTH INSURANCE ACT OF 2005—BILL SUMMARY

The MediKids Health Insurance Act provides health insurance for all children in the United States regardless of family income level by 2012. The program is modeled after Medicare, but the benefits are improved and targeted toward children.

MediKids is the ultimate safety net, with maximum simplicity, stability, and flexibility for families. Parents may choose to enroll their children in private plans or government programs such as Medicaid or S–CHIP. However, if a lapse in other insurance coverage occurs, MediKids automatically picks up the children's health insurance. MediKids follows children across state lines when families move, and fills the gaps when families climbing out of poverty become ineligible for means-tested programs.

ENROLLMENT AND ELIGIBILITY

Every child born after 2007 is automatically enrolled in MediKids. Older children are enrolled over a 5–year phase-in as described below. Children who immigrate to the U.S. are enrolled when they receive their immigration cards. Materials describing the program's benefits, along with a MediKids insurance care, are issued to the parent(s) or legal guardian(s) of each child. Once enrolled, children remain enrolled in MediKids until they reach the age of 23. There are no re-determination hoops to jump through because MediKids is not means tested.

PHASE-IN

Year 1 = the child has not attained age 6;
Year 2 = the child has not attained age 11;
Year 3 = the child has not attained age 16;
Year 4 = the child has not attained age 21;
Year 5 = the child has not attained age 23.

BENEFITS

The benefit package is based on the Medicare and the Medicaid Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefits for children, with simplified cost sharing mechanisms and comprehensive prescription drug coverage. The benefits will be reviewed annually and updated by the Secretary of Health and Human Services to reflect age-appropriate benefits as needed with input from the pediatric community.

PREMIUMS, DEDUCTIBLES, AND COPAYS

MediKids assures that families will always have access to affordable health insurance for their children. Families below 150 percent of poverty pay no premiums or cost sharing. Families between 150 percent and 300 percent of poverty pay reduced premiums and cost sharing. Parents above 300 percent of poverty are responsible for a small premium equal to one fourth of the average annual cost per child. Premiums are collected at the time of income tax filing. Premiums are not assessed during periods of equivalent alternative coverage. Families will never pay more than 5% of their adjusted gross income (AGI) for premiums.

Cost sharing is similar to the largest plans available to Members of Congress. There is no cost sharing for preventive and well childcare for any children. A refundable tax credit is provided for cost sharing above 5% of AGI.

FINANCING

Initial funding to be determined by Congress. In future years, the Secretary of Treasury would develop a package of progressive, gradual tax changes to fund the program, as the numbers of enrollees grows.

STATES

Medicaid and S–CHIP are not altered by MediKids. States can choose to maintain these programs. To the extent that the states save money from the enrollment of children into MediKids, states are required to maintain current funding levels in other programs and services directed toward the Medicaid population. This can include expanding eligibility or offering additional services. For example, states could expand eligibility for parents and single individuals, increase payment rates to providers, or enhance quality initiatives in nursing homes.

SUPPORTING ORGANIZATIONS

American Academy of Child and Adolescent Psychiatry (AACAP); American Academy of Family Physicians; American Academy of Pediatrics; Children's Defense Fund; Consumers' Union; Families USA; March of Dimes; National Association of Children's Hospitals; National Association of Community Health Centers; National Association of Public Hospitals and Health Systems; National Health Law Program.

Contact Deborah Veres at 225–4021 or deb.veres@mai1.house.gov if you have any questions.

HONORING THE TEN TOWNS GREAT SWAMP WATERSHED MANAGEMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Ten Towns Great Swamp Watershed Management Committee of Morris County, New Jersey, a vibrant organization I am proud to represent! On June 24, 2005 the Trustees and Friends of the Committee are celebrating its Tenth Anniversary.

The Great Swamp Watershed is a 55 square mile region in Morris and Somerset Counties and includes portions of Bernardsville Borough, Bernards Township, Chatham Township, Harding Township, Long Hill Township, Borough of Madison, Mendham Borough, Mendham Township, the Town of Morristown, and Morris Township.

The Ten Towns Great Swamp Watershed Management Committee was formed in 1995 through an Inter-municipal Cooperative Agreement among the ten municipalities that have lands within the Great Swamp Watershed. Developed under the auspices of the Morris County leadership group, Morris 2000 (now Morris Tomorrow), the Ten Towns Committee was formed for the specific purpose of developing and implementing a watershed management plan for the watershed in the Upper Passaic River basin of northern New Jersey.

Since its formation, the Ten Towns Committee has developed a full range of programs to protect water quality and water resources in the Great Swamp, including: a water quality monitoring program, development of environmental ordinances, and construction of ''Best Management Practices'' improvements to correct existing non-point source pollution conditions.

The Ten Towns Committee has been recognized as a model in the State of New Jersey and has received awards for its work from the U.S. Environmental Protection Agency and from the New Jersey Department of Environmental Protection.

Mr. Speaker, I urge you and my Colleagues to join me in congratulating the members of the Ten Towns Great Swamp Watershed Management Committee on the celebration of the Committee's ten years of service to the Great Swamp Watershed area. Special praise is due to their dedicated staff and active volunteers who work tirelessly to protect and enhance the Great Swamp National Wildlife Refuge and Wilderness Area.

INTRODUCTION OF THE ''SOUTHERN NEW JERSEY VETERANS COMPREHENSIVE HEALTH CARE ACT''

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. LoBIONDO. Mr. Speaker, I rise today to introduce the ''Southern New Jersey Veterans Comprehensive Health Care Act''. I am proud to have Representatives JIM SAXTON, CHRIS SMITH, and ROB ANDREWS join me as original cosponsors of this legislation. My colleagues and I all share a serious concern that South Jersey veterans are not currently having their health care needs adequately served by the Veterans' Administration. In order to increase health care accessibility in our area, this bill directs the Secretary of the Department of Veterans' Affairs to expand the capability of the VA to provide for the medical care needs of vets in Southern New Jersey.

The issue of improved access to health services from the Department of Veterans' Affairs, is especially important with the growing number of veterans in Southern New Jersey. Many of our older veterans from World War II and other conflicts are in need of more frequent health care services and inpatient care. As a result of the continued fight in the Global War on Terror, there will be many new veterans in our area who need care in the coming years, as over 62 percent of the New Jersey National Guard is currently deployed, deploying, or has been deployed in support of the Global War on Terror. This percentage of Reserve Component forces from our State who will be eligible for veterans' status is growing rapidly.

As it relates to Southern New Jersey, I have serious reservations about the VA's access model for health care access, which currently says that adequate access is being provided if a veteran lives within 60 to 90 mile radius of a VA Medical Center. Today, despite falling within the VA's access model, veterans residing in Southern New Jersey must often travel several hours away, either to the neighboring states of Pennsylvania or Delaware, or to Northern New Jersey, in order to receive inpatient medical care and some outpatient services.

Although transportation is provided to the Wilmington, DE facility via a new handicapped-accessible van, these veterans often face a ten-hour round trip. Veterans riding a van from Southern New Jersey must board the van early in the morning, making several stops before reaching the VA facility, stay all day until each veteran has completed their appointment and then return home. This means that a veteran with a 4 p.m. appointment boards the bus at 8 a.m. and waits at the facility until 4 or 5 p.m. And, the veteran whose appointment is at 9 a.m. must wait to return home until the last appointment is completed, resulting in a 10 hour day of travel.

Of equal concern is that veterans have told me they simply do not use the services at these three facilities because of the transportation hardship. Southern New Jersey is a prime example of suppressed demand for VA health care.

The Southern New Jersey Veterans Comprehensive Health Care Act gives an overview of the VA health care access situation veterans are facing Southern New Jersey and proposes a choice of two workable solutions to this growing problem. The bill cites that the current and future health care needs of South Jersey veterans are not being met by the VA, travel times to existing VA facilities in Philadelphia and Wilmington may fall within VA's access parameters, but that these parameters fail to take into account that the area is rural, and that routes to the two VAMCs are congested, leading to a ''suppressed demand'' for care. It also outlines that the number of vets in the area is increasing as more retire in the area and new vets come back from being deployed in support of the War on Terrorism. States that 62 percent of the NJ Guard will have been deployed on active duty by the end of 2004.

This bill defines ''Southern New Jersey'' as the counties of: Atlantic, Cape May, Cumberland, Salem, Gloucester, Camden, Burlington, and Ocean and requires the VA Secretary to determine and notify Congress no later than March 15, 2006 as to how he will provide for the full service health care needs of South Jersey vets.

The Secretary of the Department of Veterans' Affairs is given two options for providing this improved access to health care for veterans in Southern New Jersey. The Secretary is given the choice of establishing a public-private partnership between the VA and an existing hospital (private-sector entity) in South Jersey—a ''VA Wing'', or construction of a full-service, 100 bed VA Medical Center (VAMC). If the VAMC option is chosen, the bill authorizes $120 M for the construction of the facility.

I am proud to introduce the Southern New Jersey Comprehensive Health Care Act with my New Jersey colleagues Congressman

SAXTON, Congressman ANDREWS, and Congressman SMITH. Our nation's veterans answered the call without question when our country needed them, and it is our duty to provide quality, convenient health care for them when they need it. This issue is a top priority for me and I will continue to fight to ensure that all veterans have adequate access to the health care they have earned and deserve.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

SPEECH OF

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. MURTHA. Madam Speaker, the Intelligence Authorization Bill provides resources vital to the continuing effort to improve our nation's intelligence capabilities and to transform the intelligence community to ensure that we do everything possible to prevent another event like September 11, 2001. As such, I support this legislation.

In particular, I am gratified that this bill provides resources above the President's request to increase our human intelligence capabilities. This is an issue that has concerned me for many years and one that I have worked to correct. The House-passed FY 2006 Defense Appropriations bill includes substantial, new HUMINT resources, which I will make every effort to protect as we go into conference with the Senate later this year.

Additionally, the authorization bill includes provisions to strengthen Ambassador Negroponte's hand as he undertakes the tremendous responsibility of defining the role of the Office of the Director of National Intelligence and transforming the intelligence community. I am hopeful that the authorizers and the appropriators can work together to support the DNI in this critical first year.

Certainly, there are areas of the bill, particularly some of the technical programs, where I am a little disappointed in the resource levels recommended by the Intelligence Committee. I look forward to working with my colleagues on the committee to find a mutually acceptable approach to meet the nation's space platform requirements. However, overall, I believe that this is a good bill that goes a long way to meeting the needs of the intelligence community.

HONORING THE NATIVE AMERICAN TRIBES OF THE PACIFIC NORTHWEST AND THE TREATIES OF 1855 BETWEEN THESE TRIBES AND THE UNITED STATES OF AMERICA

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. BLUMENAUER. Mr. Speaker, today, I am introducing a resolution to honor the 150th anniversary of the 1855 treaties signed between the Native American Tribes of the Pacific Northwest and the United States of America.

This weekend marks the 150th anniversary of the treaty with the Tribes of Middle Oregon, one of the many important treaties signed in 1855. The treaty emerged as a solution to tensions growing between the thousands of settlers flooding through the Columbia River region in the mid-19th century and the tribes that had inhabited the area for countless generations. By 1852, more than 12,000 white immigrants were journeying through the territory each year. Although most continued westward, the portion of settlers who chose to remain in the region eventually claimed Indian lands as their own. To settle the dispute, the Department of Indian Affairs for the Oregon Territory began work on the 1855 treaty.

The Treaty with the Tribes of Middle Oregon ceded 10 million acres of Indian land to the United States government, including what have since become Wasco, Sherman, Hood River, Gilliam, Jefferson, Crook, Wheeler, Deshutes, Clackamas, Grant, Marion, and Morrow counties. The Tribes of Middle Oregon Treaties, were signed by the Confederated Tribes of Warm Springs, Confederated Tribes of Umatilla, Deschutes, Walla Walla, Tenino, and Wasco.

These treaties helped guide and shape the management of land, water, wildlife, and fisheries of the Pacific Northwest now and into the future. These treaties were understood by their signers to ensure the unique quality of life of the native people in Middle Oregon. Unfortunately, the United States' history of honoring its commitments to Native Americans leaves much to be desired.

In honor of the anniversary of these treaties, we should reaffirm and support the promises made 150 years ago between the Pacific Northwest tribes and the United States of America. Together we have a rich legacy and a bright future to protect, and I urge my colleagues in joining me in supporting this resolution.

A TRIBUTE TO ELLA ADENE KEMP BAMPFIELD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. TOWNS. Mr. Speaker, I rise to honor Ella Adene Kemp Bampfield.

Mrs. Kemp Bampfield was born on June 29, 1905 in the Blue Ridge Mountains of Waynesville, North Carolina. She is the fourth of nine children born to Elijah and Lelia Kemp. However, she is currently the sole survivor.

Mrs. Kemp Bampfield attended elementary school in Waynesville. Then she enrolled in the high school division of Livingstone College in Salisbury, N.C., and graduated as the valedictorian of her senior class. Following high school, she attended Fayetteville State Normal College, Howard University and Cortez Peters Business College.

Mrs. Kemp Bampfield's first marriage was blessed with one child, Admiral Dewey Dunn. Admiral Dewey Dunn, now deceased, had two sons: Anthony Dewey Dunn and Amiel Dunn. She later married Robert Smalls Bampfield of Beaufort, South Carolina, now deceased.

Mrs. Kemp Bampfield's career included teaching for 7 years in North Carolina. Upon moving to D.C., she was employed with the U.S. Treasury Department Division of the Bureau of Engraving and Printing. She retired on October 31, 1969 after nearly 29 years of service.

Since retirement, Mrs. Kemp Bampfield and her grandson, Anthony, have enjoyed traveling. They have visited most of the contiguous United States, Hawaii, Alaska, Canada, the Caribbean, Thailand, Hong Kong, China, Mexico, Spain, Germany, France, Italy, Jerusalem, and England.

Mrs. Kemp Bampfield has been a faithful member of John Wesley AME Zion Church of Washington, D.C. since 1934. In addition, she and her grandson, Anthony, have resided in Washington, D.C. for the past 55 years. Mr. Speaker, it is my pleasure to recognize Mrs. Kemp Bampfield's lifelong accomplishments and her upcoming milestone 100th birthday.

RECOGNITION OF STEVEN H. STEINGLASS FOR HIS YEARS OF SERVICE AS DEAN OF CLEVELAND MARSHALL COLLEGE OF LAW, CLEVELAND STATE UNIVERSITY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Steven H. Steinglass for his years of service to the students of Cleveland Marshall College of Law at Cleveland State University, to the legal community for his scholarship and service, and to the Greater Cleveland community at large. After 9 years as dean of the law school, Dean Steinglass is stepping down from that position and returning to the law school faculty to continue his illustrious career as professor and legal scholar.

Since joining the faculty at Cleveland Marshall in 1980, Dean Steinglass has made presentations at continuing judicial and legal education programs in more than 20 states for such organizations as the American Bar Association, the Federal Bar Association, the Federal Judicial Center, the National Judicial College, the Ohio Judicial Conference, and the Practicing Law Institute. Dean Steinglass has also twice argued before the United States Supreme Court.

Equally important to the people of Ohio's 10th Congressional District and its surrounding communities is his commitment to the local community. Currently, Dean Steinglass is serving as a Trustee for the Cleveland Bar Association, as a member of the Ohio State Bar Association Council of Delegates, on the Board of the Ohio Legal Assistance Foundation, as a member of the Advisory Board of the Greater Cleveland Drug Court, and on the Program Committee of the City Club, the nation's oldest continuing free speech organization. Dean Steinglass is one of those rare academics who is equally comfortable as a teacher, a scholar, and a practicing attorney. Although he leaves the deanship, I am pleased that he will remain on faculty.

Mr. Speaker and colleagues, please join me in recognizing the invaluable service Dean Steinglass has provided to the Greater Cleveland community as dean, and to wish him the best in his continued service to Cleveland

Marshall School of Law and the people of Northeast Ohio.

HONORING THE 2005 GOLDMAN ENVIRONMENTAL PRIZE RECIPIENTS

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. GRIJALVA. Mr. Speaker, I rise today to commend the winners of the 2005 Goldman Environmental Prize, the world's most prestigious prize honoring grassroots environmentalists.

Now in its 16th year, the Goldman Prize is annually awarded to environmental leaders from six geographic regions: Africa, Asia, Europe, Islands & Island Nations, North America, and South & Central America. The recipients are engaged in important efforts to preserve the natural environment, including protecting endangered ecosystems and species, combating destructive development projects, promoting sustainability, influencing environmental policies and striving for environmental justice. Goldman Prize winners often are figurative men and women from isolated villages and inner cities who are willing to endure great personal risks to safeguard the environment.

To be given the award is a great honor. It is a recognition of the outstanding work that the activists do to ensure social and environmental justice in their communities and around the world.

This year the recipient from Mexico is Isidro Baldenegro López. Mr. Baldenegro is a subsistence farmer and community leader of Mexico's indigenous Tarahumara people in the country's Sierra Madre mountain region. He has spent much of his life defending old growth forests from devastating logging in a region torn by violence, corruption and drug-trafficking. Tragically, Baldenegro is acutely aware of the grave risks involved in defending the forest. As a boy, he witnessed firsthand the assassination of his father who was killed for his opposition to logging. In the face of these serious risks and repeated threats against his life, Baldenegro has chosen to remain and defend the forest and ancestral lands his community has inhabited for hundreds of years. In 1993, Baldenegro developed a non-violent grassroots movement to fight the logging industry in the Sierra Madres. He later mobilized a massive human blockade which resulted in a special court order outlawing logging in the area. Following the blockade, Baldenegro was suddenly jailed on what later proved to be false charges of arms and drug possession. After 15 months of imprisonment, he emerged to establish an environmental justice organization, which currently has cases pending in the federal courts in Mexico. He has brought world attention to the beautiful, ecologically crucial old-growth forests of the Sierra Madre as well as the survival of the Tarahumara people.

Father José Andrés Tamayo Cortez, another Goldman Prize recipient, is a Catholic priest leading the struggle for environmental justice in the Olancho region of Honduras. He directs the Environmental Movement of Olancho, MAO, a coalition of subsistence farmers and community and religious leaders who are defending their lands against uncontrolled logging in the region. Logging has already taken more than half of the region's 12 million acres of forest in one of the most biologically diverse forest ecosystems. Father Tamayo has worked to exert pressure on the Honduran government to reform its national forest policy. He has been harassed and violently assaulted, and has had a bounty put on his life for his work in his community. Father Tamayo is selflessly committed to the peaceful protection of the forests and the people of Honduras. He has said, "Natural resources and life itself are human rights; therefore, to destroy God's creation is to attack human life; our last remaining option is to defend life with our own life."

These are just two of the six leaders awarded the Goldman Prize this year, but I would like to commend all the winners for their incredible commitment to a better world for their communities. I urge my colleagues to join me in honoring them today.

THE NEW G.I. BILL: PAYING A DEBT TO TODAY'S VETERANS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. RANGEL. Mr. Speaker, I rise today in support of the G.I. Bill of Rights for the 21st Century.

This week, we commemorate the 61st anniversary of the G.I. Bill. The bill was enacted in 1944 to support our troops returning from World War II with educational benefits, home loans and medical assistance. This legislation greatly impacted my life.

I was a high school dropout when I first enlisted in the U.S. Army in 1948. After serving in Korea, where I was awarded a Purple Heart and a Bronze Star, I came back home in 1952 with no idea of what to do next. I had achieved the rank of Sergeant, but now I found myself frustrated, pushing hand trucks in New York's garment district, just as I had before I was deployed to Korea. Desperate for help, I went to the Veterans Administration where I learned the government would pay for my education under the G.I. Bill. I decided to finish high school and to pursue a higher education and a law degree. The rest is history.

Almost 8 million veterans went to college as a result of the original G.I. Bill and we owe today's veterans that same opportunity tailored to today's needs. Today, there are CHARLIE RANGELS from all over the country who don't know what they will be doing when they return from serving. They enlisted with the hope of a better way of life by getting an education through the G.I. Bill. More than one million men and women have served so far in Iraq and Afghanistan. These troops have put their lives on the line for our country, and we owe them nothing less than a new and improved G.I. Bill.

The new G.I. Bill recently introduced by Democrats in Congress, if passed, would improve benefits for our men and women serving today and meets the needs of veterans and military retirees.

To help our soldiers take part in our economy and help recruit new service members, the new G.I. Bill would provide the full cost for college or job training for those who serve four or more years of active duty. It would also provide $1,000 bonuses to the nearly 1 million troops who have been placed in harm's way in Iraq and Afghanistan. The new G.I. Bill also honors our National Guard and Reserve by expanding military health care to cover all reservists, making sure they do not suffer a pay cut while deployed and improving incentives for recruitment and retention.

For military retirees and the families of those who died in the line of duty, the package would eliminate the Disabled Veterans Tax, allowing disabled veterans to receive disability compensation along with their retirement pension. It would also do away with the Military Families Tax which penalizes survivors, mostly widows, of those killed as a result of combat from injuries sustained in service. These widows lose their survivor benefits if they receive compensation because their spouse has died of a service-connected injury. If passed, the bill would also improve veterans' health care.

Like me, most of today's volunteers are from economically depressed urban and rural areas with high rates of unemployment. Enticed by enlistment bonuses up to $20,000, they look at the military as an economic opportunity. In effect, they are subject to an economic draft. This is why I appealed to President Bush to call on all Americans to share the burden of war.

I oppose the war in Iraq, whose justifications have all been proven false. I strongly support the troops, whose job is not to question the legitimacy of the war, but to follow the orders they are given. We must see to it that we show them how much we appreciate their sacrifice.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. COLE of Oklahoma. Mr. Chairman, on June 22, 2005 I was unavoidably detained during votes on H.R. 2985. Had I been present, I would have voted in the following manner: on Rollcall vote No. 299, I would have voted "nay"; on Rollcall vote No. 300, I would have voted "nay"; on Rollcall vote No. 301, I would have voted "nay"; on Rollcall vote No. 302, I would have voted "nay"; on Rollcall vote No. 303, I would have voted "aye".

150TH ANNIVERSARY OF THE TREATY SIGNING BETWEEN THE TRIBES OF MIDDLE OREGON AND THE UNITED STATES

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to acknowledge the 150th anniversary of the treaty signing between the Tribes of middle Oregon and the United States on June 25th, 1855. I will have the honor this weekend

of celebrating this historic agreement with the Tribes at the Warm Springs Reservation. This historic agreement has been the guiding document between the Tribes of the Warm Springs Reservation and the United States government for 150 years. The Wasco, Taih, Wyam, Tenino, Dock-Spus Bands of the Walla Walla and The Dalles Ki-Gal-Twal-La and the Dog River Bands of Wasco have called the Middle Columbia River home since time immemorial.

As we near the anniversary of this Treaty, I would like to share with my colleagues some of the rich history of the Treaty. On June 25th, 1855 near what is now The Dalles, Oregon, these bands and tribes finalized negotiations with Superintendent for Indian Affairs of Oregon Territory Joel Palmer and agreed to cede over 10 million acres of land that became most of Central Oregon from the east side of the Cascade Mountains up to the middle of the Columbia River and over to the Blue Mountains.

For the past 150 years, the Tribes of Warm Springs have had a strong government that has been successful in preserving their traditional cultural ways and providing for the well being of their members, homelands, and future generations. Today, The Confederated Tribes of Warm Springs have over 4,000 enrolled members and the Tribes operate almost all their own programs and services including their own tribal public safety department which includes tribal police, courts, and justice, as well as medical and fire response, utilities, infrastructure, social services, housing and education among other programs.

In addition, the Tribes lead the way nationally and within Indian Country for managing their vast reservation lands and resources. The Tribes co-operate a large hydroelectric project, manage their large timber resources, operate their own sawmill, and is pursuing innovative endeavors in creating energy from biomass production of wood products. In addition, they help manage their Treaty-entrusted fishing resources.

Mr. Speaker, I am proud to represent The Confederated Tribes of the Warm Springs in the United States Congress and have enjoyed working on many projects important to the Tribes and the people of eastern Oregon. Whether it has been working with the Tribes on legislation authorizing the 408–megawatt Pelton Round Butte hydroelectric project near Madras or partnering with them to help site their future casino in Cascade Locks, I have had the pleasure to work with the honorable people of The Confederated Tribes of the Warm Springs.

As Chairman of the House Resources Subcommittee on Forests and Forest Health, and co-author of the Healthy Forests Restoration Act, I have also had the good fortune to work on issues that will assist the Tribes in managing their own lands. In June of this year I was pleased to announce that Warm Springs Forest Products Industries received a $250,000 grant through the U.S. Forest Service's Woody Biomass Utilization Grant Program which was authorized in the Healthy Forests legislation. This grant program creates markets for small-diameter material and low-value trees removed from hazardous fuel reduction activities and helps organizations and businesses turn hazardous fuel reduction material into marketable forest products and energy resources.

Mr. Speaker, I am proud to share with you and my colleagues the rich history of The Confederated Tribes of the Warm Springs and look forward to continuing our productive working relationship in the years ahead.

TRIBUTE TO COMPUTER CORE OF ALEXANDRIA, VIRGINIA

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. MORAN of Virginia. Mr. Speaker, today, I rise to congratulate the Computer Community Outreach and Education program, or Computer CORE, of Alexandria, Virginia, for celebrating its fifth anniversary. This wonderful non-profit program promotes the realization of better job opportunities through basic computer skills training. It is offered to unemployed and under-employed adults in Northern Virginia, who may have little or no experience with computers, but have something much more important to each of them: an insatiable desire to learn, achieve, and contribute to our society.

These students come from a wide array of families and backgrounds, but all of them leave with the proficiency necessary to enter the workforce and contribute to the economic development of our nation. They leave Computer CORE not only with competence in keyboarding, word processing, and spreadsheets, but also with the ability to identify their own strengths and interests, set goals, develop resumes and cover letters, and pursue their goals and the American dream. In addition, they leave with a free refurbished computer of their own, allowing them to continue to develop their skills at home, as well as teach their families the valuable skills they have learned.

None of this would be possible without the hard work of Debra Roepke, the executive director and founder of the program, as well as the staff of instructors who generously volunteer their time and energy to help these students acquire the skills they need to achieve the American Dream. Through hard work and education, the students of the Computer CORE classes are grasping their future and entering a new stage of life. After graduation, these students will find new job opportunities they never had before. Some will continue at institutions of higher education. Some will teach their families they skills they have learned. But all of them will have truly experienced the American dream.

BRAC REGIONAL FIELD HEARING IN RAPID CITY, SOUTH DAKOTA

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Ms. HERSETH. Mr. Speaker, on June 20–23, 2005, I attended the Base Realignment and Closure (BRAC) Regional Field Hearing in Rapid City, South Dakota in an effort to convince BRAC commissioners to remove Ellsworth Air Force Base—South Dakota's second largest employer—from the Department of Defense's list of military bases recommended for closure. Therefore, I was unavoidably absent from the House of Representatives on these days and was unable to support important legislation brought before the full House.

I would like the record to show that had I been present I would have voted in support of H.R. 2863, the Fiscal Year 2006 Department of Defense Appropriations Act; H.R. 2475, the Fiscal 2006 Intelligence Authorization Act; and H.J. Res. 110, the Flag Desecration Amendment to the United States Constitution.

The Fiscal Year 2006 Defense Appropriations bill funds the activities of the Department of Defense including the funds needed to outfit and train our servicemen and women and important benefits and services for members of our military and their families. The bill also includes funding for three partnership programs between the Department of Defense and the South Dakota School of Mines and Technology. These important programs will help bring together a unique array of capabilities offered by the South Dakota School of Mines and Technology to help our Nation's military meet the challenge of transformation and modernization.

I will continue to work with my colleagues in the House of Representatives to improve our Nation's commitment to the men and women who serve in the military. There is no question that all Americans owe their freedom to those brave enough to serve in our Nation's military.

I also would like to express my support for the Fiscal Year 2006 Intelligence Authorization Act. This bill provides funding for 15 U.S. intelligence agencies and intelligence-related activities of the U.S. government—including the CIA and the National Security Agency, as well as foreign intelligence activities of the Defense Department, FBI, State Department, Homeland Security Department, and other agencies. I will continue working to ensure our Federal intelligence and security agencies receive the resources and funding needed to protect the United States from external and internal threats.

Finally, I would like to express my support for the flag desecration amendment to the United States Constitution. This resolution authorizes Congress to prohibit the physical desecration of the flag of the United States. Our Nation's flag is a symbol of freedom and a source of pride for all of us fortunate enough to call ourselves Americans. Our Nation has always encouraged free discussion and reasonable disagreement, but the physical desecration of an American flag goes beyond the pale. Such actions are insulting to those who have fought, and died, under the American flag, and I am proud to support efforts to ban flag desecration.

In 1989, the Supreme Court held that no laws could prohibit political protesters from burning the American flag and declared unconstitutional the flag desecration laws of 48 states and of the United States. In that case, Texas v. Johnson, Justice Stevens wrote a powerful dissenting opinion that has guided my reasoning on the Amendment for some time.

Justice Stevens pointed out the importance of distinguishing between disagreeable ideas and disagreeable conduct. In a particularly apt analogy, Justice Stevens noted that if Johnson had spray painted his message on the Lincoln Memorial, the government could prohibit his "expression." I have always found myself in agreement with the idea that there should be a legitimate interest in preserving the quality of an important national asset.

I look forward to continuing to work on these and other important issues in the 109th Congress.

HONORING THE LIFE OF THE HONORABLE JAMES JARRELL PICKLE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Mr. CARDIN. Mr. Speaker, I rise today to pay tribute to the life of a true patriot. Known simply as ''Jake,'' James Jarrell Pickle served in the House of Representatives for 32 years where he became a senior Democrat on the Ways and Means Committee—where I had the pleasure of serving with him.

While in Congress, his dedication to the concerns of his constituents as well as putting their interests first made Jake a well respected figure on Capitol Hill. Publicly listing his home phone number and personally taking calls from his constituents well into the night, Jake embodied accountability in governance. His political drive was so focused that it is said that he lost 25 pounds during his first Congressional campaign.

The strength of Jake's political convictions can best be seen in his vote in favor of the Civil Rights Act of 1964—one year after his first election. Jake was convinced that this vote would guarantee him a ticket out of Washington in his next election. Regardless of this potential outcome, he became one of only seven southern Representatives to vote for this important piece of legislation, and the good voters of Texas' 10th District sent him back to Congress for the next 31 years.

As the Chairman of the Ways and Means Subcommittee on Social Security, Jake played a major role in writing legislation that saved Social Security in 1983, when, much like today, it faced financial challenges. His words then calling for bipartisanship ring true today—Jake said, ''We should hold our fire. We can't inflame this subject. If we inflame it too much, nothing will get done, and if nothing gets done, the American people will have the right to throw us all out.'' One year later, Jake was influential in preserving Social Security benefits for the disabled.

Before he entered Congress, Jake served in World War II as a Gunnery Officer on the USS *St. Louis* and the USS *Miami.* During his three year stint, starting in 1942, Jake survived three torpedo attacks. Clearly he was meant to make it back. When he returned home, he established Austin, Texas's third radio station, KVET.

When I was first elected to the Ways and Means Committee, Jake helped me understand the great tradition of that Committee. Once, our Committee held a retreat in Austin, Texas, and Jake entertained us for hours with Lady Bird Johnson, telling us story after story. Jake served his District and Nation well, and he will be missed by all of us.

IN TRIBUTE TO THE LATE GENERAL LOUIS H. WILSON

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to honor the memory of the late General Louis H. Wilson, a World War II veteran, a recipient of the Medal of Honor, and 26th Commandant of the United States Marine Corps. General Wilson was also a recipient of the Defense Distinguished Service Medal (First Oak Leaf Cluster) for ''exceptionally distinguished service'' during his four-year tenure as Commandant and his contributions as a member of the Joint Chiefs of Staff. He leaves his wife, the former Jane Clark of Pearson, Mississippi and one daughter, Janet. Our country lost a strong leader, courageous Marine, and dedicated patriot upon the passing of General Wilson.

Born February 11, 1920, in Brandon, Mississippi, General Wilson earned his Bachelor of Arts degree from Millsaps College, Jackson, Mississippi. In May 1941, he embarked upon his path of commendable service in the Marine Corps Reserve, as he enlisted and was commissioned a second lieutenant. As a young Marine, Wilson participated in the ferocious battle to liberate Guam. His actions during fierce combat on Guam, which was heavily occupied by the enemy for 32 months, earned him the Medal of Honor, the Nation's highest award for heroism and leadership. Wilson was promoted to the rank of Captain while serving overseas with the 9th Marines in 1943. His tour in the Pacific Theater took him to Guadalcanal, Efate, and Bougainville. In December 1944, he was transferred to Washington, D.C., where he served as Detachment Commander at the Marine Barracks and was presented the Medal of Honor by President Truman.

The Medal of Honor was but the first accolade bestowed upon General Wilson during his service in the Marine Corps. In March 1970, Wilson was promoted to Major General. General Wilson was also awarded two additional Legion of Merit medals and the Korean Order of National Security Merit, GUK-SEON Medal, 2d Class and the Philippine Legion of Honor (Degree of Commander) for his service in those countries. On July 1, 1975, General Wilson received his final promotion to General when he assumed the office of Commandant of the Marine Corps.

As Commandant, General Wilson advocated modernization of the post-Vietnam Marine Corps for the protection of his corps. His indomitable leadership and relentless dedication enhances the highest traditions of our country. I join the millions of Marines and their families in mourning the passing of this honorable man. General Wilson will always have a special place in the hearts of the people of Guam.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. BASS. Mr. Speaker, on Thursday, June 23, 2005, owing to an important family matter, I regrettably missed recorded vote numbered 306.

Had I been present, I would have voted ''no'' on this measure.

HONORING SPECIALIST BRANDON SABETTI

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to recognize the heroic action of one of our brave soldiers serving in Operation Iraqi Freedom.

Specialist Brandon Sabetti of Mosier is a member of the National Guard from my home state of Oregon. He was called to active duty with Alpha Company of the Third Battalion of the 116th Cavalry and conducted training exercises at Ft. Polk, Louisiana and Ft. Bliss, Texas before transferring to Iraq at the end of last year. I had the honor of meeting with many of the citizen soldiers who comprise Alpha Company when I visited both forts during their training.

Since that time he conducted regular mobile infantry missions to secure dangerous areas of Iraq and to help Iraqis rebuild their country after decades under Saddam Hussein's ruthless regime. On the morning of June 3rd, he was traveling in a convoy toward Forward Operating Base Warrior near Kirkuk as part of a road-clearing mission when the vehicle in which he was riding was struck by a roadside bomb.

Spc. Sabetti, the gunner and designated combat lifesaver in his vehicle, was sitting in the open turret at the top of the Humvee and was ejected upon impact. He immediately got back on his feet and began triaging his wounded companions—dressing their wounds and administering intravenous fluids. He quickly ran to the second vehicle in the convoy to report the injuries and share the need for a quick medical evacuation.

He jumped into the third Humvee, which was pulling into position to provide security to the injured when a second bomb detonated, destroying that vehicle as well. Undaunted, Sabetti again went to work administering medical care to those wounded in the second attack and assisting in their evacuation after additional support arrived.

Sabetti's heroic courage under fire and willingness to attend to the needs of his comrades despite risk to himself was central to ensuring that none of the ten Oregon Guardsmen injured in the attack lost their lives.

Mr. Speaker, this young man exemplifies the honorable character of the men and women who have answered duty's call throughout our Nation's history. His willingness to serve and sacrifice for our country and his fellow soldiers is a clear demonstration of the courage and professionalism that distinguish our armed forces. This grateful Nation owes Spc. Sabetti and his compatriots in arms serving around the world every day a profound debt of gratitude. I am proud to call him a fellow Oregonian and I thank him deeply for his service.

God bless America.

PERSONAL EXPLANATION

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, due to my questioning of witnesses at a hearing of the Financial Institutions Subcommittee of the House Financial Services Committee yesterday morning, June 23, I just missed the vote on rollcall no. 304. Had I been present, I would have voted "no."

TRIBUTE TO COLONEL RICHARD C. CROTTY, U.S. ARMY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor Colonel Richard C. Crotty, United States Army, for his service and leadership while commanding the United States Army's 653rd Area Support Group. On June 25, 2005, Colonel Crotty will relinquish his command of the 653rd and report for assignment to the Joint Chiefs of Staff, J–3 Operations Directorate at the Pentagon.

After graduating from North Georgia College with a Bachelor of Science degree in 1980, Colonel Crotty began his military career at the Infantry Officer Basic Course at Fort Benning, Georgia. As a trained parachutist, he served with a number of airborne units, including the much heralded 82nd Airborne Division at Fort Bragg, North Carolina.

While with the 82nd Airborne Division he fought in Grenada during the 1983 U.S. invasion. Colonel Crotty spent 12 years in the Rangers and Special Forces and was a student at the Army War College in Carlisle, Pennsylvania when receiving orders to take over the 653rd.

On August 9, 2003, Colonel Crotty assumed Command of the 653rd, headquartered at March Air Reserve Base in Riverside, California. This unit is based in my congressional district and a number of the reservists under Colonel Crotty's command are my constituents. I have come to know Colonel Crotty as a dedicated and selfless leader with a "can do" attitude. He has demonstrated his leadership and innovation in developing and coordinating the joint training center at March Air Reserve Base. When complete, this jointly funded and shared training center will be used by 1,800 service-members.

Colonel Crotty has seen the 653rd deploy 1,367 troops in support of Operation Iraqi Freedom and Operation Enduring Freedom. These troops include military police officers, chemical and biological warfare specialists, Humvee mechanics, communications experts and oil-pipeline builders. Knowing the sacrifice and challenges all reservists experience, Colonel Crotty has demonstrated a sincere dedication to preparing these service-members for the serious mission that lies before them. I know his troops share my admiration of his compassion, strength, and service to our country.

He has earned my many thanks. I wish him well in his new assignment at the Pentagon and in all of his future endeavors.

TO HONOR 125 YEARS OF SERVICE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend the exemplary service of the Hotel Lenhart of Chautauqua County, town of Bemus Point, upon the occasion of reaching their 125th year of business.

The Hotel Lenhart is dedicated to providing Bemus Point's tourists the get away that is truly a historical education. Originally the hotel was used by Dr. J.J. Lenhart as a way to use the excess goods bartered by his patients in exchange for his medical services.

Today the Hotel Lenhart is managed by Dr. J.J. Lenhart's great grandson, John Lenhart Johnston, sister Bebe and wife Deborah. Their intent is not to change the hotel but to improve it and keep it up without adding any modernizing features.

Guests of The Hotel Lenhart should not expect a hotel room full of modem day amenities. The 53 rooms do not have televisions, telephones, air conditioning or heat. Only 37 of the rooms have private bathrooms. All of this adds to the historical feel of a bygone era.

In an effort to bring guests back to a simpler time, the hotel staff will be adorned in Victorian costumes. The hotel is also offering afternoon teas and guided tours. I am honored Mr. Speaker, to have an opportunity to honor the rich heritage of this lakeside jewel.

IN HONOR AND REMEMBRANCE OF U.S. MARINE CORPORAL BRAD D. SQUIRES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Marine Corporal Brad D. Squires, who bravely and selflessly heeded the call to duty and made the ultimate sacrifice on behalf of our country.

Corporal Squires' life was framed by his family, friends and his community. He gained personal strength and faith from those who knew him best and loved him most, especially from his wife, Julie Squires. A kind and understanding soul, Corporal Squires was always willing to go the extra mile for an individual in need. His commitment to helping others was reflected in his studies to become a firefighter.

Corporal Squires was blessed with physical strength, a high level of intelligence and a courageous heart. His humble nature prevented him from reveling in the many honors and commendations that he received throughout his years in the service.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Corporal Brad D. Squires. I extend my deepest condolences to his wife, Julie; his parents, Donna Squires and Bruce Squires; his brother Chad and sister Jodie; his grandmother, Jackie Squires; his sister-in-law, Sharon Squires; his brothers-in-law, Mike Bogdan and Mike Brandyberry; his mother-in-law and father-in-law, Dorothy and Rev. Simeon Brandyberry; his nephew Chad; his nieces, Cassidy and Alexis; and his extended family and many friends.

The significant sacrifice, service, and bravery that characterized the life of Corporal Brad D. Squires will be a legacy and testament to all that is good in humanity, and his life will be forever honored and remembered by the Cleveland community, and the entire nation.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. BASS. Mr. Speaker, on Thursday, June 23, 2005, owing to an important family matter, I regrettably missed recorded vote numbered 307, on the Bradley amendment to H.R. 3010. This amendment would add critical Federal support for grants to States to carry out the Individuals with Disabilities Education Act.

As a constant and long time supporter of meeting the Federal Government's share of IDEA funding, had I been present, I would have voted "yea" on this measure.

HONORING SERGEANT JOHAN CHRISTIAN BAGGE AND SECOND LIEUTENANT TIMOTHY BOMKE

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I rise today in honor of two patriots who have made tremendous sacrifices as part of Operation Iraqi Freedom to help preserve and expand the liberty that we all hold dear.

Sergeant Johan Christian Bagge of Eugene and Second Lieutenant Timothy Bomke of Portland are members of the National Guard from my home State of Oregon. They were called to active duty with Alpha Company of the Third Battalion of the 116th Cavalry and conducted training exercises at Ft. Polk, Louisiana and Ft. Bliss, Texas before transferring to Iraq at the end of last year. I had the honor of meeting with many of the citizen soldiers who comprise Alpha Company when I visited both forts during their training.

Since that time they conducted regular mobile infantry missions to secure dangerous areas of Iraq and to help Iraqis rebuild their country after decades under Saddam Hussein's ruthless regime. On the morning of June 3rd they were traveling in a convoy toward Forward Operating Base Warrior near Kirkuk as part of a road clearing mission when, without warning, two separate roadside bombs detonated, damaging two of the three vehicles in the convoy and injuring ten of the soldiers.

Both Sgt. Bagge and Lt. Bomke sustained severe wounds in the attack and were transferred back to the United States for further treatment. They were brought to Walter Reed Hospital in Washington, DC briefly to begin their recoveries and have since been relocated to Brooke Army Medical Center and Ft. Lewis. From conversations with family and friends, I understand that these soldiers have maintained extremely positive attitudes

throughout their ordeals even as they've undergone a series of significant medical procedures.

Mr. Speaker, these two men exemplify the honorable character of the men and women who have answered duty's call throughout our Nation's history. Their willingness to serve and sacrifice for our country is a clear demonstration of the courage and professionalism that distinguish our armed forces. This grateful Nation owes these men and their compatriots in arms who serve around the world every day a profound debt of gratitude. I am proud to call Sgt. Bagge and Lt. Bomke fellow Oregonians, I thank them for their service and I wish them both a healthy recovery.

God bless America.

PERSONAL EXPLANATION

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, on Monday, June 20, I was unavoidably detained at the Base Realignment and Closure Commission's Regional Hearing in St. Louis, Missouri and therefore absent for votes on rollcall nos. 283, 284, 285, 286, and 287. Had I been present, I would have voted "yes" on rollcall nos. 283, 284, 285, 286, and 287.

TRIBUTE TO DONALD "DALE" HINES II

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. The City of Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Donald "Dale" Hines is one of these individuals. On June 22, 2005, Dale was the proud recipient of the Congressional Award Gold Medal.

The Congressional Award is the U.S. Congress' award for young Americans that demonstrate a commitment to community service and physical fitness. This non-partisan, voluntary, and noncompetitive program is open to all 14 to 23-year olds. The Congressional Award challenges young adults to meet goals in four program areas: Volunteer Public Service, Personal Development, Physical Fitness, and Expedition/Exploration. The Congressional Award Gold Medal is the highest honor.one can achieve through this program.

To meet this challenge, Dale enrolled himself in an emergency medical technician (EMT) training school and subsequently graduated at the top of his class. In order to meet the physical demands of his work as an EMT, Dale began to regularly go to the gym and lift weights. Additionally, Dale found a way to match his work with his physical activities by serving on a bike-medic team that provides emergency medical care at special events in the community.

As an active participant in the Boy Scouts of America, Dale serves as an Assistant Council Commissioner for the California Inland Empire Council. He is a past recipient of the Venturing Silver Award and an Eagle Scout. Furthermore, Dale is dedicated to sharing his passion for community service with others and became active in the Buckskin Junior Leader Training program. While at Buckskin, he served as a Camp EMT and Associate Course Director for Physical Arrangements.

Dale's sincere commitment to community service has contributed immensely to the betterment of our community and I am proud to call him a fellow community member and a great American. I know that many community members are grateful for his service and I salute him as he receives the Congressional Award Gold Medal.

HONORING THE EXEMPLARY EDUCATIONAL ACHIEVEMENT OF CATHERINE E. DIAMOND CREELEY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the exemplary educational achievement of Catherine E. Diamond Creeley, a former resident of the Chautauqua County town of Jamestown, upon the occasion of her receiving her Doctoral Degree in Behavioral Neuroscience from the University of Missouri, St. Louis.

Catherine Creeley is both a graduate of Jamestown High School and Jamestown Community College. Upon graduation she proceeded to obtain her Bachelor's degree in psychology, with biology minor, from the State University of New York at Cortland.

Mrs. Creeley is an extremely dedicated student, whose goal of her dissertation was to find new treatment options for Alzheimer's disease. Catherine will continue her research on the neurobiology of the brain, as well as teach as an adjunct professor at the University of Missouri, St. Louis.

Mrs. Creeley is the granddaughter of Eugene Diamond and the daughter of Suzanne Diamond, both residents of Jamestown, New York. Catherine lives with her husband Scott, and son, Nicholas in St. Louis, Missouri.

Catherine Creeley also was awarded a Postdoctoral Fellowship at the Washington University School of Medicine.

IN HONOR OF ACCLAIMED FILMMAKER BRENDA BRKUSIC

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of filmmaker Brenda Brkusic. Brenda is a courageous and hard working young woman who has been identified as a visionary in the Croatian community. At the age of twenty-one, Brenda started working on the film Freedom From Despair as her student thesis at Chapman University in Los Angeles, California.

Freedom From Despair explores one man's arduous journey from his homeland of Yugoslavia to the United States, and his fight for human rights and Croatian independence. It also scrutinizes the relationship between ruthless dictators, the slaughter of 250,000 people, and the silence of the mainstream media. It creatively portrays the power of the human spirit and the tenets of democracy, without preaching or the use of propaganda.

Her film has been met with critical acclaim, and has garnered countless awards, including the CINE Golden Eagle award, which has previously been awarded to Steven Spielberg and George Lucas. Her peers have recognized her as an emerging talent in the film industry, and a remarkable human being.

Mr. Speaker and Colleagues, please join me in honor and recognition of Ms. Brenda Brkusic, the writer, producer and editor of Freedom From Despair for her hard work encouraging human rights and personal triumph over evil.

PERSONAL EXPLANATION

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. BASS. Mr. Speaker, on Thursday, June 23, 2005, owing to an important family matter, I regrettably missed recorded vote numbered 305, on the Obey amendment to H.R. 3010. This amendment would restore critical Federal support for the Corporation for Public Broadcasting.

As a constant and long time supporter of public broadcasting, had I been present, I would have voted "yea" on this measure.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote 282. Had I been present, I would have voted "no." Mr. Speaker, I ask unanimous consent that my statement appear in the permanent RECORD immediately following this vote.

INTRODUCTION OF RESOLUTION COMMEMORATING THE 60TH ANNIVERSARY OF THE UNITED NATIONS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mrs. MALONEY. Mr. Speaker, today, Representative SHAYS and I introduce legislation to commemorate the 60th Anniversary of the founding of the United Nations and to commend the organization on its history of diplomatic achievement throughout the world.

Since its founding, the United Nations has made many contributions to the global community in the fields of health, medicine, education, peacekeeping and humanitarian aid.

One of the organization's most noteworthy actions is its recent outpouring of aid and support to the people of the nations affected by the devastating earthquake and tsunami in Southeast Asia in December 2004. The United Nations is critical to the balance and well-being of all nations, and makes significant advances in the world every day; however, structural reforms are necessary to ensure that the organization can continue its noble efforts to effect positive change. As the United Nations seeks to reform itself, this resolution sends the message that Members of Congress are willing to work with them to ensure a future humanitarian successes.

I look forward to working with Representative SHAYS and my other colleagues to honor the United Nations for 60 years of good work and to pledge the support of Congress as the organization moves forward.

TRIBUTE TO REAR ADMIRAL JOHN D. BUTLER

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. PAUL. Mr. Speaker, I rise today to recognize and honor Rear Admiral (Lower Half) John D. Butler, a Texas City, Texas, native who retires after 31 years of faithful service from the United States Navy on July 1, 2005.

Many of us have come to know and recognize Rear Admiral Butler over the past two years as he has served as the Program Executive Officer (Submarines) since February 2003. During his tenure as the Navy's top submarine acquisition officer, Rear Admiral Butler delivered USS *Virginia* (SSN 774) and USS *Jimmy Carter* (USS 23). *Virginia*'s commissioning in October 2004 ended the longest drought of submarine commissioning in that service's 105-year history. Whereas *Virginia* is the first of her class, *Jimmy Carter* is the last of the *Sea Wolf* Class. *Jimmy Carter* brings a host of new and revolutionary capabilities to the fleet that will help the United States to win the Global War on Terror.

Under Rear Admiral Butler's watch, the submarine construction industry has been, virtually, reborn. He was a driving force in transitioning the *Virginia* Class' second Block Buy contract into a Multi-Year agreement that will save an estimated $80 million per submarine over the five-hull agreement. Currently, there are six *Virginia* Class submarines under construction and an additional three ships under contract.

Admiral Butler has also made great efforts in converting four *Ohio* Class Trident Ballistic Missile Submarines into the transformation SSGNs. Each of these 560-feet long, 18,000-ton submarines will be able to carry up to 154 precision-guided Tomahawk Land-Attack cruise missiles, 66 Navy S and to support covert Special Operations, each SSGN will be able to carry two Dry-Deck Shelters, two Advanced SEAL Delivery Systems, or one of each top the ships' integrated lock-in/lock-out trunks. With the *Ohio* Class' inherent stealth, these SSGNs, the first of which delivers in November 2005, will be a potent warfighter in the Global War on Terror.

Admiral Butler has also acted as an emissary with allied nation's undersea forces, especially with both the Royal Australian Navy and with Great Britain's Royal Navy. In doing so, he has not only strengthened our bonds with these most trusted allies, but has also enhanced national security.

Admiral Butler joined the Navy via the Nuclear Power Officer Candidate Program in 1975 after graduating from the University of Texas at Austin with a Bachelor's of Science in Chemistry. His sea duty assignments have included: Division Officer on board USS *Will Rogers* (SSBN 659); Navigator/Operations Officer on board USS *James K. Polk* (SSBN 645); Navigator/Operations Officer on board USS *James Madison* (SSBN 627); and Repair Officer on board USS *Proteus* (AS 19).

Admiral Butler's shore assignments have included: Attack Submarine Training Head for the Deputy Chief of Naval Operations (Submarine Warfare); AN/BSY–1 Submarine Combat and Acoustic System (PMS417) Chief Engineer for Program Executive Officer, Submarine Combat and Weapons Systems; *Sea Wolf* Class Submarine (PMS350) Assistant Program Manager (Design and Construction) for Program Executive Officer, Submarines; Strategic and Attack Submarines (PMS392) Major Program Manager for Naval Sea Systems Command; and Executive Assistant and Naval Aide to the Assistant Secretary of the Navy (Research, Development and Acquisition). He has also served in temporary assignments attached to the Applied Physics Laboratory Ice Station, Arctic Ocean; Supervisor of Shipbuilding, Groton, CT, and Newport News, VA; and attached in support of U.S. Embassies at Cairo, Egypt; Moscow, Russia; and Panama City, Panama. Over the course of his career, Admiral Butler has helped to design, build, and deliver a total of 23 submarines—nearly one-third of today's total force.

Admiral Butler's personal awards include the Legion of Merit (3 awards), Meritorious Service Medal (3 awards), Navy Commendation Medal, Navy Achievement Medal, in addition to other service and unit awards.

Mr. Speaker, Admiral Butler has given 30 years of service to the Navy, to Congress, and to the people of the United States of America. He has served our Nation well and has helped to ensure that our undersea fleet remains the best in the world. He has left a large and meaningful legacy and I am honored to rise today to express my appreciation for Admiral Butler and for his wife Eileen who has served her Nation right along side her husband. Being a Navy wife is not an easy task, and she has been nothing less than a model of courage, patience, and devotion.

Mr. Speaker, colleagues, please join me in wishing Admiral and Eileen Butler: "Fair winds and following seas and long may your big jib draw!"

HONORING VEDA GREEN WINNER OF THE SPIRIT OF JPS VOLUNTEER OF THE YEAR

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor the service and commitment of Mrs. Veda Green. Mrs. Green was named the Spirit of JPS Volunteer of the Year by JPS Health Network for her years of outstanding and dedicated community service in multiple capacities for the JPS Health Network.

Mrs. Green received the award at the annual JPS Health Network Volunteer Appreciation Luncheon in recognition of the over 4000 hours of community service she has worked during the last 8 years. Veda earned a reputation as someone who truly cares about others through her work as a volunteer at the information desk and in pastoral care.

JPS Health Network is an organization committed to improving the health of families throughout my district. The Network includes John Peter Smith Hospital, the JPS Institute for Health Career Development, and a network of community-based health centers, home care and psychiatric services at Trinity Springs Pavilion. That such a large organization with so many different great people associated with it would choose Mrs. Green speaks quite highly of her.

It is with great honor I stand here today to recognize a woman who has touched so many people on a personal level and asked nothing in return.

TRIBUTE TO HOWARD ELINSON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. BERMAN. Mr. Speaker. Mr. WAXMAN and I ask our colleagues to join us today in honoring Dr. Howard Elinson, who was born on the 11th of January, 1940 in New York City and who passed away on Friday June 17th, 2005 in Los Angeles at Midway Hospital.

Howard earned his B.A. and his Ph.D. in Sociology at UCLA. He taught for 1 year at Yale and for 7 years at UCLA. He worked as Administrative Assistant and Consultant for 27 years for Congressman HENRY WAXMAN. Six of those years were when WAXMAN was a State Assemblyman.

Howard is survived by his beloved and devoted brother Mark who is an admired and respected high school teacher of Social Studies in the Los Angeles City School system. He also serves as an Adviser to the L.A. Unified School District, instructing Social Studies teachers on the best techniques for teaching Social Studies.

Howard Elinson was and is unforgettable to any or all who knew or met him (no matter how casually or for how short a time). He changed the life of everyone in his personal orbit by his magnetic personality his unique insight into the human condition, his sharp wit his gigantic intellect his mastery of any human behavior subject, and his generosity and kindness.

But, unknown to most Californians and "Angelenos" (and unmentioned in media accounts) Howard Elinson changed the face of California and Los Angeles politics.

It was Howard Elinson who conceived and invented individually targeted computerized mail—the campaign technique that was instrumental in the 1968 primary election victory of HENRY WAXMAN for State Assembly (by, still to this date, the largest margin against an incumbent—this one a 26 year incumbent—of his own party), and the 1972 primary and general election victory of HOWARD BERMAN for State

Assembly (the general against, ironically, a 26 year Republican incumbent).

It was Howard Elinson's ideas that were instrumental in electing Congressman HENRY WAXMAN Congressman HOWARD BERMAN, Congressman Mel Levine Congressman Julian Dixon State Senator Herschel Rosenthal, State Assemblyman Burt Margolin, State Assemblyman Terry Friedman and countless others.

And it was Howard Elinson who inspired the strategy and direct mail efforts that led to the election of Mayor Tom Bradley in 1973.

But Howard Elinson's life was much more than about politics. As a devout and Orthodox Jew his faith came first. And imagine this dark suited, yarmulke wearing, fast-talking man writing the ''early 60's seminal study'' of voting behavior for his Ph.D. thesis. He conducted lengthy and open-ended interviews, drawing out in their homes 50 white working class voters in Bell, California—the then-place-of-entry of the vast immigration from Oklahoma, the mid-west and the South to Southern California.

These Christian and working class people had perhaps never before met a Jew—and certainly not a readily recognizable Orthodox Jew. Yet they opened their hearts to this amazing man. They trusted him—no matter how ''New York'' he spoke, no matter how foreign he might have looked. That was the uniqueness, the special nature of Howard Elinson.

Perhaps inspired by his faith, or by his innate decency, Howard Elinson affected the lives of everyone who knew him. Many dozens of interns, staff, and budding politicians that came through HENRY WAXMAN'S office sought Howard Elinson's advice and counsel—both personal and career. Hundreds of young people confused by the conflicts between a traditional religious life and modernity sought Howard Elinson's advice on how to cope—''who better to ask?'' Children flocked to him—no child was unworthy of his attention, his sense of playfulness, his devotion to the child's value as a human being. No one in need (whether for a religious cause or in personal need) was turned down for a contribution. Howard Elinson's generosity was open ended and well known.

The untimely death of Howard Elinson was not just a loss to his family and friends, but to the people who have had in him a champion of a tolerant, liberal, and more humane America.

IN HONOR OF SOUTH CAROLINA'S DELEGATION TO THE 2005 YMCA YOUTH CONFERENCE ON NATIONAL AFFAIRS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. WILSON of South Carolina. Mr. Speaker, I rise to honor the South Carolina delegation to the 2005 YMCA Youth Conference on National Affairs. The Youth Conference on National Affairs brings together some of the best and brightest students from across the country. YMCA Youth and Government seeks to teach teenagers the process of learning about government through hands-on experiences and in-depth learning at state conferences throughout the country.

The YMCA Youth Conference on National Affairs will be held the first week of July in Black Mountain, NC, and I am proud of each and everyone of the delegates that will be representing the Palmetto State.

Viki Alvarez—Riverside High School, Greer.

Dustin Atkins—Liberty High School, Liberty.

Morgan Bauserman—Riverside High School, Greer.

Martha Bordogna—Spartanburg High School, Spartanburg.

Lucy Bullock—AC Flora High School, Columbia.

Stephanie Dunaway—Riverside High School, Greer.

Jason Hill—Riverside High School, Greer.

Stephanie Hoo—Southside High School, Greenville.

Samantha Jaeger—Riverside High School, Greer.

Quentin James—Mauldin High School, Mauldin.

Hart Moede—Wren High School, Powdersville.

Leah Nakom—Spartanburg Day School, Spartanburg.

Eric Novak—Porter-Gaud School, Charleston.

Megan Novak—Mauldin High School, Mauldin.

Niti Parthasarathy—Governor's School for the Arts, Greenville.

Asha Purohit—Porter-Gaud School, Charleston.

Dave Raheja—Riverside High School, Greer.

Paul Richardson—Spartanburg High School, Spartanburg.

Monica Ryskamp—Riverside High School, Greer.

Rebecca Street—DW Daniel High School, Clemson.

Meg Turlington—Southside High School, Greenville.

Kyle Warren—Greenville High School, Greenville.

Kyle Williams—AC Flora High School, Columbia

I wish the delegates all the best for a great conference, and continue to thank them for their keen interest in improving our government and public service.

HONORING LENORE CROUDY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. KILDEE. Mr. Speaker, I am truly happy to rise before you today to recognize the accomplishments of a woman who has selflessly devoted her life to education and public service. On June 24, civic and community leaders will join the ''Lifetime Friends of Lenore Croudy,'' and honor Ms. Croudy as she celebrates her retirement from Flint Community Schools after 39 years.

It is difficult to imagine what the Flint area would be like had it not been for the influence of Lenore Croudy, an influence which began in August 1960, when she moved here from Atlantic City, NJ. A graduate of West Virginia State College and later Eastern Michigan University, Lenore started her relationship with Flint Community Schools as a teacher, and continued that relationship with roles such as Instructional Specialist, Assistant Principal, Assistant Dean, and Coordinator for Learning Improvement Services, among others.

Lenore's long and distinguished educational career includes the coordination of several local and county-wide multicultural education conferences for middle school and high school students, as well as the first state-wide conference for educators. She has been at the forefront of numerous presentations and conferences on behalf of Flint Schools, the Urban League, the YWCA, the NAACP, Delta Sigma Theta Sorority, and many others. On July 1, Lenore will begin her fourth term as a member of the C.S. Mott Community College Board of Trustees, where she has served as Chair since 1995.

Lenore's dedicated work on behalf of others has been acknowledged on countless occasions. Examples of this include 2005 Administrator of the Year from the United Teachers of Flint, Exemplary Role Model for Youth by the Flint Professional Black Nursing Association, Mother of the Village Award by Alpha Kappa Alpha Sorority, and an Outstanding Citizenship Award given by the Michigan House of Representatives.

Mr. Speaker, I, along with many others in Genesee County and the State of Michigan, have benefited from Lenore Croudy's intelligence, insight, and vision. She has always been more than an advocate for education; she has been a fighter, for she believes that a strong educational background is the basis toward improving the quality of life. As a former teacher, I applaud her efforts, and I am proud to call her my colleague, my constituent, and my friend. I ask the House of Representatives to please join me in congratulating Lenore on her retirement, and wishing her the very best in all her future endeavors.

HONORING CHARLIE RANGERS, COMPANY C, 75TH INFANTRY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. HUNTER. Mr. Speaker, I rise today to honor members of the Charlie Rangers, Company C of the 75th Infantry. The Charlie Rangers are celebrating a reunion in D.C. and will gather later today at the Vietnam Memorial. As a member of the Charlie Rangers 75th Infantry who served with these fine and extraordinary men, and as a guy who did nothing special myself in Vietnam, I can attest that the men of Charlie Rangers are very special Americans.

Company C came into being after the Army realized the need for special capability elite forces. Rather than create an entirely new unit designation, the Department of the Army designated the 75th Infantry as the successor of the legendary 5307 Composite Unit which served with distinction during WWII. The Charlie Rangers built on the formidable legacy of Merrill's Marauders by providing reconnaissance, surveillance, target acquisition and special type combat missions.

True to its motto of Sua Sponte, or Of Their Own Accord, Company C Rangers during their service in the Vietnam War, penetrated behind enemy lines without cover. Acting by themselves, Charlie Rangers slogged through

enemy positions gathering critical and valuable information on major infiltration routes.

The Rangers operated in vast, inhospitable terrains throughout Vietnam. Their prowess, coupled with boat patrols, night ambushes, and stay-behind infiltration techniques were instrumental in thwarting members of the Viet Cong and NVA. According to historical accounts, This company, comprised of merely several hundred men, was able to keep vast numbers of North Vietnamese Army troops occupied, thereby potentially saving numerous American troops.

Mr. Speaker, I am proud of this incredible company, the Charlie Rangers, and I am honored to have been able to serve in a small way alongside such professional and selfless soldiers. I know my colleagues join me in applauding them for a job well done and share my wishes for a memorable reunion.

THE SESQUICENTENNIAL OF CLINTON, IOWA

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. NUSSLE. Mr. Speaker, I rise to honor the sesquicentennial celebration of Clinton, Iowa—a community I am very proud to represent in Congress.

One hundred and fifty summers ago, the Iowa Land Company purchased the site of the town and named it in honor of DeWitt Clinton, a former New York governor.

A number of energetic entrepreneurs worked hard to help fuel Clinton's early growth. They rooted the city along the banks of the beautiful Mississippi River; and when a railroad bridge crossing the river was completed a few years after the town was established, the lumber industry boomed.

Logs were floated down the river from Minnesota and Wisconsin to Clinton's sawmills and distributed along the river to other flourishing communities. Clinton was known as the sawmill capital of the country from the late 1850s to around 1900.

The huge log flotillas on the river of Clinton's early days must have been an impressive sight. If you visit Clinton's Eagle Point Park today in the same area, you might see families enjoying a picnic or barges carrying Iowa's bounty down the mighty Mississippi.

Today, Clinton remains full of industrious people determined to make the most of their community's strengths. Clinton's leaders are looking forward to creating even more opportunities for local workers. And every time I meet with a group of Clinton residents, I am always impressed with their incredible enthusiasm and pride in their community.

In another 150 years from now, I am sure Clinton will still be home to the same brand of wonderful people, living in a vibrant, active city by the river.

Happy birthday, Clinton!

DOWNING STREET MEMO HEARING

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. HOLT. Mr. Speaker, last week, House Democrats, led by Judiciary Committee Ranking Member JOHN CONYERS, convened a hearing to investigate the so-called ''Downing Street Memo.'' Because I am disappointed with the continued unwillingness of Congress to exercise an adequate level of oversight over the intelligence operations of the Executive Branch, I was therefore pleased to learn that someone was willing to pose questions that have for too long gone un-asked.

As you may know, Mr. Speaker, I serve on the House Permanent Select Committee on Intelligence. I believe that the Downing Street Memo, which is essentially minutes of a July 2002 meeting of the British Prime Minister and his cabinet, justifies exploring the underlying rationales for the Iraq War. It documents a loyal ally's assertion that the architects of the Iraq war used suspect evidence to support a pre-determined policy. Its authenticity has not been questioned. Such documentation deserves to be probed.

Because of prior commitments, I attended this meeting for about 20 minutes. I later learned through news reports that, after I left, one of the witnesses at the hearing, former Central Intelligence Agency (CIA) Analyst Ray McGovern, offered repugnant personal viewpoints. Alleging that the war was the product of a U.S.—Israeli partnership to ''dominate'' the Middle East, Mr. McGovern's statements were insulting, unsubstantiated, and defamatory. There is no justification or excuse for implying that the war in Iraq was the result of any action on the part of the state of Israel, its people, or the American Jewish community. The decision to invade Iraq was the decision of President Bush and a majority of Congress. Ascribing such motives to the pro-Israel community is not simply defamatory—it is anti-Semitic. Mr. McGovern should apologize.

Mr. Speaker, I have been one of the more outspoken members of this body regarding the intelligence that this president used to justify using force against Iraq, how the war has been carried out, and the post-war occupation. I reject Mr. McGovern's statements. His remarks only encourage those who seek to blame Israel and Jews in general for all that ails them. His remarks shed no light on the issue. In fact, they undermined the values of community and equality, which all Americans hold dear.

Sixty years after the end of the Second World War, it is a shame that one of its most notorious sentiments—anti-Semitism—has yet to be eradicated. Each of us has a role to play in combating anti-Semitism whenever and wherever we see it. As a member of the Congressional Task Force Against Anti-Semitism, I ask each of my colleagues, Democrats and Republicans, to confront anti-Semitism whenever it arises.

I hope that Mr. McGovern's offensive and misguided rhetoric does not obscure the purpose of the hearing on the Downing Street Memo. Congress should investigate the extent to which the Bush Administration used questionable evidence to justify a predetermined war. Failure to do so would be an abandonment of our oversight responsibility.

THE INTRODUCTION OF A BILL TO EXTEND AIRLINE WAR RISK INSURANCE POLICIES

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. MENENDEZ. Mr. Speaker, today I am pleased to introduce legislation that will extend war-risk insurance coverage for our Nation's airlines for 3 years, through August 31, 2008.

In the aftermath of the September 11th attacks, commercial insurance providers invoked their 7-day cancellation clauses on war-risk insurance policies held by U.S. airlines. With the absence of a commercial war-risk insurance market, the Federal Government was forced to step in. Less than 2 weeks after the attacks, Congress authorized the Federal Aviation Administration to begin offering war-risk insurance to airlines, and that authority has been extended a number of times, but is now set to expire on August 31 of this year.

We need to extend the FAA's ability to issue war-risk insurance policies for the financial sake of the U.S. airline industry, which lost approximately $9 billion in 2004. This program is not a bailout. First of all, it is actually a revenue raiser for the Federal Government. Second, it is considerably more expensive than the war-risk insurance policies held by the airlines prior to September 11th. Four years ago, the airline industry paid a total of approximately $20 million in premiums per year. Last year, they paid over $140 million. However, this is much more reasonable than the over $600 million the Air Transport Association estimates they would have to pay on the open market. This massive jump in premiums could mean the difference between solvency and bankruptcy for many of our struggling airlines. In addition, the commercial insurance policies that exist still contain the 7-day cancellation clause that would allow the insurers to cancel policies in the face of an enhanced threat.

Should the airlines be unable to obtain war-risk insurance policies, they would be forced to stop operating. This would be a crippling blow to not only the aviation industry itself, which employs over 15,000 people in New Jersey alone, but also to the entire United States economy.

Airlines are still a prime target for terrorist attack, which makes war-risk insurance both an absolute necessity and something that can not be offered by the commercial market at a reasonable price. This bill would help our struggling airline industry without costing the Federal Government one cent, and I urge my colleagues to support this small but crucial piece of legislation.

HONORING DR. CLAUDE H. ORGAN, JR.

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and achievements of Dr. Claude H. Organ, Jr., M.D. of Oakland, California. An internationally renowned surgeon and medical educator, Dr. Organ was the second African American to serve as president of

the American College of Surgeons. Throughout his career, he was known for his tireless efforts to ensure the inclusion of African Americans, women and other severely underrepresented minorities in the training and practice of surgery. Dr. Organ passed away in Oakland on June 18, 2005 at the age of 78.

A native Texan, Dr. Organ attended public school in Denison, Texas and received his B.S. degree from Xavier University in New Orleans, Louisiana.

Though he was initially accepted at the University of Texas medical school, he did not attend after school officials discovered that he was black and offered to pay his expenses if he enrolled elsewhere. He instead chose to attend Creighton University School of Medicine in Omaha, Nebraska, where he received his M.D. in 1952, and where he later completed his surgical residency.

After serving as a Lieutenant Commander MC in the U.S. Navy Medical Corps from 1957 until 1959, Dr. Organ joined the faculty of the department of surgery at Creighton University in 1960. There, he rose to the rank of professor and chair of the department, and later became a professor of surgery at the University of Oklahoma Health Sciences Center, where he served from 1982 until 1988.

Dr. Organ came to Oakland in 1989 to establish and lead the University of California, Davis/University of California, San Francisco East Bay Surgery Department. In that role, he became known for his work in building the department into a highly respected training program, and made a concerted effort to recruit and support African American students, particularly African American women, who were studying to become surgeons. Throughout his career he oversaw the training of dozens of surgeons, all of whom looked to him for guidance as a teacher and a mentor, and strived to emulate the professional and personal excellence that marked his career and conduct.

While practicing medicine and educating residents, Dr. Organ also served as a member of a number of professional and academic medical associations. He was the editor of the prestigious Journal of American Medical Association's Archives of Surgery for 15 years, and in 1999 was honored by the American College of Surgeons with its highest honor, the Distinguished Service Award. Over the course of his career, he authored or co-authored more than 250 scientific articles and book chapters as well as five books. In addition, Dr. Organ spent many years serving as president of the Society of Black Academic Surgeons, president of the Board of Trustees of Xavier University, and as president of the Urban League of Omaha.

On Wednesday, June 22, 2005, the family and friends of Dr. Claude H. Organ, Jr. will gather to pay tribute to his extraordinary life. In addition to his myriad scientific and academic contributions to the surgical field, Dr. Organ leaves a legacy of excellence in his commitment to ensuring equality of opportunity for all surgical students and residents. Dr. Organ's work as a healer, a teacher and a mentor changed countless lives, and I salute and thank him for all that he has given to people of the 9th Congressional District, the Bay Area and our country.

IN HONOR OF BART AND CHERRY STARR AND THE RAWHIDE BOYS RANCH

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. GREEN of Wisconsin. Mr. Speaker, it is my honor and pleasure to recognize before this House a wonderful program that has helped hundreds of young men across Wisconsin turn their lives around—the Rawhide Boys Ranch.

Forty years ago an idea was born. The idea was to start a program to help troubled boys get a new start on life—a program that would teach them how to become good citizens, husbands and fathers. It was called the Rawhide Boys Ranch, and since opening its doors so many years ago hundreds of boys have successfully passed through the program, becoming positive, productive young men. Today, Rawhide has grown into one of the most successful faith-based programs in Wisconsin, and it has literally paved the way for scores of other organizations dedicated to helping young folks.

In 1965, the year the Green Bay Packers were crowned football world champions, quarterback Bart Starr was one of the most celebrated figures in professional sports. It was then, while his star was shining brightest, that Bart and his wife Cherry were approached by a local businessman and his wife with the dream for Rawhide Boys Ranch. Well, it didn't take John and Jan Gillespie long to sell the Starrs on their dream, and a short while later Rawhide was born. Since then, these remarkable folks have spent countless hours mentoring young men, raising funds, telling others about their amazing program, and serving as shining examples for us all.

Mr. Speaker, when Rawhide Boys Ranch was founded 40 years ago, no one could have predicted it would become such an overwhelming success. It has changed lives, touched hearts, and given families hope that a brighter future lies ahead. And, it is my distinct privilege to recognize John and Jan Gillespie, Bart and Cherry Starr, and the Rawhide Boys Ranch today.

IN HONOR OF THE NBA CHAMPION SAN ANTONIO SPURS

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. SMITH of Texas. Mr. Speaker, it is with great enthusiasm that I rise today to recognize our 2005 National Basketball Association champions, the San Antonio Spurs.

After going head to head for 6 games, the Spurs and the Detroit Pistons met for their final showdown in San Antonio Thursday night. In front of their hometown crowd, the Spurs demonstrated once again why they are the best team in the Nation.

Following a tight and evenly matched first half, the Spurs pulled away from the Pistons in the final quarter to win 81–74 over Detroit, closing out an incredibly hard fought championship series four games to three.

Congratulations are also due to the Detroit Pistons and their coach, Larry Brown, for putting up a battle worthy of a championship series.

With the NBA's number one and number two defensive teams battling against one another for the title, this was an exciting game not only for the Alamo City, but for fans around the Nation and in more than 200 nations around the world where sports fans watched and cheered.

Under the guidance of Coach Gregg Popovich, the Spurs' Tim Duncan, Manu Ginobili, Tony Parker, Robert Horry, Bruce Bowen, Nazr Mohammed, Brent Barry, Beno Udrih, Rasho Nesterovic, Glenn Robinson, Devin Brown, and Tony Massenburg played valiantly to bring the NBA trophy back home to San Antonio. My congratulations go as well to the Spurs' owners, Peter and Julianna Holt, as well as the many other people in the Spurs organization.

Much credit is due to Tim Duncan, who with 25 points and 11 rebounds, was appropriately named the Most Valuable Player of the Finals series. This marks the third time he has won the award for his outstanding athletic skills, leadership and performance on the court.

This is the Spurs' third championship victory in franchise history. They won their first in 1999, followed by their second in 2003. Three titles in 7 years isn't just a magnificent accomplishment—it's a basketball dynasty.

Mr. Speaker, I want to congratulate and thank Coach Popovich and all the Spurs players for an unforgettable season.

HONORING TASK FORCE PHOENIX IV, THE 53RD BRIGADE COMBAT TEAM

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. YOUNG of Florida. Mr. Speaker, this morning I had the great honor to join in ceremonies at Camp Shelby, Mississippi as we sent Task Force IV, The 53rd Brigade Combat Team headquartered in Pinellas Park, Florida to join Operation Enduring Freedom in Afghanistan.

The backbone of this task force operation is a contingent of 1,200 citizen soldiers from Florida National Guard units. They will be led in this operation by Brigadier General John M. ''Mitch'' Perryman, the first Florida General Officer to deploy and lead a Florida formation in combat overseas since World War II.

These 1,200 patriots from Florida, along with 250 soldiers from units in Tennessee, Kentucky, Iowa, Nebraska, and Vermont, were mobilized in April to begin their training and preparation for this mission to train the Afghan National Army. An advance party from the 53rd Brigade is already in Afghanistan preparing for the arrival of this unit.

The 53rd Infantry Brigade has earned a national reputation for excellence and achievement in service to our Nation and our great State of Florida. It was among the first units in the Nation to be activated following the tragic events of September 11, 2001. Their mission was to guard airports, seaports and nuclear facilities.

Members of the 53rd also proudly served side by side with Special Operations forces,

the 3rd Infantry Division, and the Marine Expeditionary Force during Operation Iraqi Freedom. They fought for nearly a year in the streets of Baghdad and Ramadhi.

Many of those soldiers returned in April 2004 and were quickly deployed last summer to assist Floridians throughout our state who were devastated by four hurricane strikes. They served for up to 70 days helping with our state-wide recovery effort.

A large number of the troops my wife Beverly and I met with today at Camp Shelby are eagerly volunteering for a return to Southwest Asia to serve with Task Force Phoenix after having served earlier tours in Afghanistan and Iraq.

The troops that deploy for this mission join 1,976 Florida Army Guard and 200 Florida Air Guard troops who are currently deployed overseas. Since 9/11, 6,980 of the Florida Guard's 12,000 soldiers and airmen have been activated overseas to join in the international war on terrorism.

Mr. Speaker, it was an honor and a privilege to be with these soldiers today to see the spirit of pride and devotion with which they serve. They are America's Team that seeks to root out terrorists to protect our nation and our allies. Their motto is "From the Front!" which is where Florida's Guardsmen have found themselves over the almost 4 years that we have fought this international campaign against terrorists. Under the outstanding leadership of Florida's Adjutant General Douglas Burnett, the 53rd Brigade Combat Team is ready to carry out this latest mission to serve as ambassadors for freedom and peace overseas. They are a credit to our state, our Nation, and the United States Army.

HONORING FRANK PEPE PIZZERIA NAPOLETANA AS THEY CELEBRATE THEIR 80TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Ms. DELAURO. Mr. Speaker, early in the twentieth century, Frank Pepe, an Italian immigrant living in New Haven, created the first American pizza by putting tomatoes on top of old bake-shop bread. The creation was so popular that he opened America's first pizzeria on Wooster Street—and so the local legend of Pepe's pizza is recounted. Today, I am proud to stand and join the thousands of Pepe's fans across the Nation in extending my sincere congratulations to Frank Pepe Pizzeria Napoletana and the Pepe Family as they celebrate their 80th Anniversary—a remarkable milestone for this New Haven institution!

When Frank and Filomena opened their pizzeria in 1925, pizza was not considered a delicacy or a treat that you found on every street corner—in fact, it was a peasant meal. With hard work, countless hours, and dedication the Pepe's created a successful business that carried themselves and their extended family through the Great Depression and allowed them to raise their two children, Elizabeth and Serafina (Betty and Sarah). Throughout the years, Pepe's popularity grew outside the Italian-American community of Wooster Street and for four generations enthusiastic customers have returned with their own families. The excitement and loyalty of their customers has never wavered—a truth that is reflected in the long lines of anxious patrons that are a constant on Wooster Street.

In fact, Pepe's has even inspired other pizza entrepreneurs, the first of which was Frank's nephew Sal Consiglio who opened his own restaurant, Sally's, just steps from his uncle's restaurant. Years later another former employee opened Randy's Wooster Street Pizza Shop.

When Frank Pepe Pizzeria Napoletana first opened in 1925, it was the dream of Frank and his wife Filomena to have a successful neighborhood business where friends and neighbors could gather. Frank and Filomena could have only dreamed of the success their small business has come to be. Four generations later, the business is still run by family and the walls are still adorned with family photos as well as those of Bill Murray, Meryl Streep, and Matthew Broderick—just a few of the stars who have dined at Pepe's in the past. Their pizza is legendary and the ambiance is unforgettable—enjoyed by neighbors and celebrities alike. However, it is not just the pizza that make Pepe's such a special part of our community. It is the history and community spirit of Frank Pepe and his family that has made it a New Haven landmark.

Today, as they mark their 80th anniversary, it is not just a celebration of a successful family business, but of a thriving community treasure. It is with the greatest pleasure that I rise today to join Frank Pepe's children, Elizabeth and Serafina, grandchildren, Anthony, Francis, Lisa, Bernadette, Genevieve, Jennifer, and Gary, as well as their family, friends, and extended family of customers and fans as they celebrate this very special occasion.

RECOGNIZING THE ACHIEVEMENTS OF THE CONGRESSIONAL AWARD COUNCIL

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize several members of my district who have given their time in support of Congressional Award program.

Since 1979, the Congressional Award program has encouraged young people around the Nation to learn about their community, their government and themselves. Taking part in the program, young men and women ages 14 through 23 challenge themselves to accomplish established goals in voluntary public service, personal development, physical fitness and an expedition. Participants earn bronze, silver and gold medals based on their levels of achievement. This is a non-competitive, highly individualized program allowing all young people, whether fit or disabled, affluent or disadvantaged, to get involved.

Within Florida's First District, I have had the unparalleled support of the Congressional Award Council, most recently led by Martha Krehely. This council is one of only four chartered in the nation and has been a backbone in nurturing the program over the last decade. Mrs. Krehely, along with her husband Don, Ann Ball, Jacqualine Young, Margaret Restucher, James Sheffer, Lamar Smith, Thomas Gilliam, Honor Bell, Henry Giles and Jeff Weeks, have selflessly devoted hundreds of hours over the years to young men and women working to achieve their goals. Through their efforts the program has grown so that over 120 young adults are currently participating.

Their tireless commitment led to dozens of participants earning their bronze, silver and gold medals. As several members move on to other challenges, we can all be grateful for the strength and character they helped foster in the lives of our future leaders.

Mr. Speaker, on behalf of the United States Congress, I am proud to recognize the First Congressional District's Congressional Award Council and wish them continued success in all their endeavors.

AIDS DRUG ASSISTANCE PROGRAM (ADAP) FUNDING

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. HINCHEY. Mr. Speaker, I rise today to call attention to the AIDS Drug Assistance Program, ADAP, and the dire need for increased funding to help meet the needs of Americans living with HIV and AIDS. This necessary program provides medication to under and uninsured HIV/AIDS patients. Without ADAP, these people would not be able to obtain the necessary medication to prolong and improve their lives.

Every year since its inception, the number of people helped by ADAP has increased dramatically. While we are all aware of the limited resources this committee has been given to meet its many pressing needs, the ADAP program is simply and urgently a matter of life and death for over 136,000 Americans each year.

ADAP has been given a $10 million increase in this year's appropriations bill over last year, but the reality is that to keep pace with current and anticipated patient needs, ADAP requires a funding increase of $303 million. Without this funding, some 25,000–35,000 HIV+ Americans who may have relied on ADAP will not be able to this year.

In my home state of New York, where more than 22,000 people are enrolled in ADAP each year, I know first-hand the importance of the ADAP program. New York has been particularly hard-hit by the AIDS epidemic, with more than 160,000 residents diagnosed with AIDS, and 150,000 to 200,000 persons currently living with HIV/AIDS. The state government has been extremely supportive of ADAP, appropriating $60 million for 2005 to supplement the federal program.

Despite New York's statewide commitment, there are dozens of states that find themselves unable to keep up with the demand for coverage under ADAP. As documented in the National ADAP Monitoring Report, some states are being forced to take drastic measures to offset the federal funding shortfall, including establishing waiting lists for AIDS medications, reducing drug coverage, and restricting eligibility.

This has contributed to the pool of several hundred thousand HIV+ Americans who are unable to access available appropriate treatment for their HIV disease. This is dangerous to their personal health and quality of life, as well as to the public health. This ensures that more costly hospital interventions will be forthcoming in federal, state, local, and private funding streams, as HIV progresses without proper treatment.

I urge the conference committee to fully fund ADAP at $303 million. All Americans living with HIV/AIDS must get the help they need to purchase their medications and save and improve their lives.

WORLD REFUGEE DAY

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. HONDA. Mr. Speaker, I rise today to commemorate the courage, spirit and resiliency of refugees around the world and the compassion, generosity and valor of those who have helped them rebuild their lives. The amazing stories of these people are an inspiration to us all.

The lives of refugees are driven by fear of persecution based on race, religion or nationality; or even by membership in a particular social group or political opinion. The United States government plays a unique role in protecting the human rights of current refugees, resolving the conflicts and problems that produce refugees and preventing further refugee crises. Our government must remain a world leader in protecting the human rights of all refugees.

According to statistics from the U.S. Committee for Refugees and Immigrants, as of December 31, 2004 there are approximately 11.5 million refugees and asylum seekers worldwide. The United States has the capacity and the potential to receive many more refugees: in fiscal year 2004, the refugee ceiling was set at 70,000, while admissions into the United States totaled only 52,875.

I challenge the United States government to ensure a fair process for determining refugee status and to provide physical protection for those seeking asylum. Moreover, the United States should not unnecessarily detain refugee seekers in an attempt to deter them or others from seeking asylum in the United States; such a process is fundamentally contrary to the hope of freedom and democracy that our country represents.

I applaud the United States government for granting refugees basic human rights such as access to work, the means to earn a livelihood and the freedom of movement.

As a representative from California, a State with one of the highest number of refugee arrivals each year, I know there is much yet to be done to protect the rights of refugees.

Mr. Speaker, honoring the courage of refugees requires more than mere praise; we need concrete actions and durable solutions. In their battle against despair, let us be an ally to refugees; let us provide a glimmer of hope; let us be the beacon that America has always symbolized.

PAUL KRUGMAN'S ESSAY ENTITLED ''THE WAR PRESIDENT''

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. CONYERS. Mr. Speaker, I recommend to my colleagues Paul Krugman's essay entitled ''The War President'' which was published in today's New York Times. How this country gets involved in a war always matters and since Congress has the Constitutional power to declare war, every Member of Congress must know how we got there, what we're doing there now and how the war shall end.

[From the New York Times, Jun. 24, 2005]

THE WAR PRESIDENT

(By Paul Krugman)

In this former imperial capital, every square seems to contain a giant statue of a Habsburg on horseback, posing as a conquering hero.

America's founders knew all too well how war appeals to the vanity of rulers and their thirst for glory. That's why they took care to deny presidents the kingly privilege of making war at their own discretion.

But after 9/11 President Bush, with obvious relish, declared himself a ''war president.'' And he kept the nation focused on martial matters by morphing the pursuit of Al Qaeda into a war against Saddam Hussein.

In November 2002, Helen Thomas, the veteran White House correspondent, told an audience, ''I have never covered a president who actually wanted to go to war''—but she made it clear that Mr. Bush was the exception. And she was right.

Leading the nation wrongfully into war strikes at the heart of democracy. It would have been an unprecedented abuse of power even if the war hadn't turned into a military and moral quagmire. And we won't be able to get out of that quagmire until we face up to the reality of how we got in.

Let me talk briefly about what we now know about the decision to invade Iraq, then focus on why it matters.

The administration has prevented any official inquiry into whether it hyped the case for war. But there's plenty of circumstantial evidence that it did.

And then there's the Downing Street Memo—actually the minutes of a prime minister's meeting in July 2002—in which the chief of British overseas intelligence briefed his colleagues about his recent trip to Washington.

''Bush wanted to remove Saddam,'' says the memo, ''through military action, justified by the conjunction of terrorism and W.M.D. But the intelligence and facts were being fixed around the policy.'' It doesn't get much clearer than that.

The U.S. news media largely ignored the memo for five weeks after it was released in The Times of London. Then some asserted that it was ''old news'' that Mr. Bush wanted war in the summer of 2002, and that W.M.D. were just an excuse. No, it isn't. Media insiders may have suspected as much, but they didn't inform their readers, viewers and listeners. And they have never held Mr. Bush accountable for his repeated declarations that he viewed war as a last resort.

Still, some of my colleagues insist that we should let bygones be bygones. The question, they say, is what we do now. But they're wrong: it's crucial that those responsible for the war be held to account.

Let me explain. The United States will soon have to start reducing force levels in Iraq, or risk seeing the volunteer Army collapse. Yet the administration and its supporters have effectively prevented any adult discussion of the need to get out.

On one side, the people who sold this war, unable to face up to the fact that their fantasies of a splendid little war have led to disaster, are still peddling illusions: the insurgency is in its ''last throes,'' says Dick Cheney. On the other, they still have moderates and even liberals intimidated: anyone who suggests that the United States will have to settle for something that falls far short of victory is accused of being unpatriotic.

We need to deprive these people of their ability to mislead and intimidate. And the best way to do that is to make it clear that the people who led us to war on false pretenses have no credibility, and no right to lecture the rest of us about patriotism.

The good news is that the public seems ready to hear that message—readier than the media are to deliver it. Major media organizations still act as if only a small, left-wing fringe believes that we were misled into war, but that ''fringe'' now comprises much if not most of the population.

In a Gallup poll taken in early April—that is, before the release of the Downing Street Memo—50 percent of those polled agreed with the proposition that the administration ''deliberately misled the American public'' about Iraq's W.M.D. In a new Rasmussen poll, 49 percent said that Mr. Bush was more responsible for the war than Saddam Hussein, versus 44 percent who blamed Saddam.

Once the media catch up with the public, we'll be able to start talking seriously about how to get out of Iraq.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 21, 2005

Mr. REYES. Madam Speaker, I rise in support of H.R. 2475.

I commend the leadership of the Chairman and Ranking Member, and thank them for supporting the amendment I offered at markup to align the authorization for an important technical program with the level set by the Armed Services Committee.

H.R. 2475 also underscores the importance the Committee places on providing full-funding of intelligence requirements related to the global war on terrorism. For years, Intelligence Committee Democrats have fought hard for this. If fact, some of us voted against the intelligence bill last year because it contained less than one-third of the funding needed for counterterrorism. This year, I'm pleased the Committee has finally brought a bill before the House that provides full intelligence funding for our dedicated men and women on the front lines.

This bill also includes House Resolution 173, a measure which encourages the DNI to establish a uniform, multi-tiered security clearance system. Such a system is needed to ensure all intelligence agencies fully-leverage the cultural knowledge and foreign language skills of people who may not be able to be cleared, in a timely manner, to the highest levels. It will also help increase the workforce diversity and skills-mix, both of which are critical to the future success and viability of the Intelligence Community.

The report accompanying H.R. 2475 also highlights the work of the El Paso Intelligence Center (EPIC). Although EPIC is funded through DEA in other legislation instead of this bill because of its drug-related intelligence mission, its work is critically important to the U.S. national security overall. I look forward to working with my colleagues to ensure EPIC's activities are funded at an appropriate and consistent level.

In addition to highlighting the strengths of this bill, I must also note my serious concerns about the general oversight of systematic failures related to the handling and interrogation of detainees. While it is critical that we collect actionable intelligence from detainees to prevent future threats, it is imperative that we do so in a way that respects U.S. law, and international conventions and treaties.

Although there were some issues some of us would have resolved differently, H.R. 2475 is, on balance, a sound bill.

ROSE GARCIA, RECIPIENT OF THE 2005 NATIONAL HOMEOWNERSHIP MONTH HERO AWARD

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. PEARCE. Mr. Speaker, I rise today to acknowledge the accomplishments of one of New Mexico's most devoted citizens, Rose Garcia. This morning at the Anthony Community Center in Anthony, New Mexico, Rose Garcia is receiving New Mexico's 2005 National Homeownership Month Hero Award. For more than 20 years, she has worked to provide housing for residents of rural and urban communities along the U.S.-Mexico border. In her tireless pursuit of creating opportunities for affordable housing, Rose Garcia has made the American dream of homeownership a reality for thousands of New Mexican families.

With this award, the New Mexico Partners in Homeownership are recognizing Rose especially for her work on behalf of very low income, underserved and colonia populations. Colonias are rural border communities and neighborhoods that lack safe and sanitary housing, along with basic conveniences we take for granted, such as sanitary water and sewer systems, street lighting and roads. Tierra del Sol Housing Corporation, of which Rose is Executive Director, not only provides housing but also builds the infrastructure to support these neighborhoods.

There are many obstacles one faces in the quest to own a home. Rose Garcia helps her clients through every step of the process and provides special assistance in one of the most important aspects—education. Tierra del Sol provides homeownership counseling and training, before and after the home purchase. Residents are given the tools to help themselves and begin a new tradition of ownership—and hope. Through her work for the last 23 years, Rose Garcia has helped countless otherwise neglected persons achieve the social and financial benefits of homeownership, despite economic and cultural challenges.

Mr. Speaker, I would be remiss not to mention the only other recipient of this esteemed award—the Honorable Joe Skeen. Congressman Skeen was an ardent supporter of homeownership programs in New Mexico, and Rose Garcia worked with him in that endeavor. She continues this legacy, not only through her commitment to homeownership, but in her dedication, her creativity and her unfaltering spirit.

Mr. Speaker, I am honored to congratulate Rose Garcia on this well-earned distinction and express my gratitude for the dedication and innovation she has demonstrated. I commend Rose for the hard work she continues to perform, and I am proud to recognize her—a true model of commitment to homeownership—today before my colleagues.

"The American Dream of Homeownership." For thousands of New Mexicans, Rose herself is a dream come true.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. BARRETT of South Carolina. Mr. Speaker, it has come to my attention that one of my votes yesterday, Thursday, June 23, 2005, was not recorded by the electronic device.

I ask that the RECORD reflect that I would have voted "yes" on rollcall vote #307 (On Agreeing to the Bradley Amendment to H.R. 3010).

DR–CAFTA

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. HOLT. Mr. Speaker, I rise today to express my opposition to the proposed US-Dominican Republic-Central American Free Trade Agreement (DR–CAFTA).

Former U.S. Trade Representative Robert Zoellick led the team of U.S. negotiators who concluded what they consider to be a good trade agreement in DR–CAFTA, and President Bush signed it the summer of 2004. This agreement will not take effect, however, until it is formally submitted to the Congress for a straight up-or-down vote, pursuant to the fast-track trade negotiating authority that Congress approved in 2002.

Fast-track trade negotiating authority was first approved by Congress when the Trade Act of 1964 was enacted. As a result the Congress cedes much of its power to amend trade agreements negotiated by the President.

I voted against giving the President a 5-year extension of fast-track trade negotiating authority in 2002. Fundamentally, I believe Congress ought not cede such open-ended, blanket trade negotiating authority to any President. Nevertheless, the DR–CAFTA agreement has been negotiated by the President's representatives and will come before Congress.

International trade is not just inevitable, it is a good thing. But lowering the cost of goods and increasing their availabilitly is not the single goal of trade. Trade done right helps lift the global standard of living and works to protect the irreplaceable environment we inherited. Trade is about values. Trade agreements are not just about goods and commodities; they are also about what constitutes acceptable behavior in environmental matters, worker's rights, intellectual property, and so forth. We should make sure we export the goods we produce and not the workers who produce them.

Each new trade agreement entered into by the U.S. should be very closely scrutinized. Each ought to include the strongest enforceable worker rights and environmental safeguards attainable, like those included in the U.S.-Jordan agreement of 2000. Each should also include enforceable rules to protect intellectual property rights and guarantee access for U.S.-based corporations to foreign markets. This can be achieved in trade agreements if we enter negotiations with clear principles.

I voted against the Chile and Singapore trade agreements, for example, because the inadequate labor and environmental provisions included in them, in my estimation, failed to meet the negotiating objectives that Congress carefully spelled out in the 2002 law extending fast-track negotiating authority to the President. They did not provide, for example, that trade dispute settlement mechanisms within those free trade agreements afford equivalent treatment to trade-related labor and environmental protection as intellectual property rights and capital subsidies, and the impending DR–CAFTA fails in this regard, too. The agreement between the US and Jordan, on the other hand, is a fine example that good agreements are achievable.

I am troubled by the DR–CAFTA that the President has signed. The DR–CAFTA does not contain strong, enforceable provisions to protect internationally-recognized worker rights. Nor does it have any provisions for environmental safeguards. Such provisions are critical because they both preserve existing labor laws and environmental standards in the affected countries, and because they ensure that American companies will be competing on a more level playing field with our Central American neighbors. Without such provisions, U.S. companies and employees are forced to compete with countries that have no labor wage, working conditions, or environmental protections. The people of all countries lose in such a "race to the bottom."

Mr. Speaker, I will vote against the DR–CAFTA when it comes to the floor of the House and I urge my colleagues to do the same.

APPLAUDING ASSISTANCE TO MILITARY FAMILIES

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. BILIRAKIS. Mr. Speaker, earlier this week, "Operation Helping Hand," a program of the Tampa Chapter of the Military Officers Association of America (MOAA), was recognized for its efforts to assist the families of service members wounded in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF).

The James A. Haley VA Medical Center is one of four designated polytrauma centers within the Department of Veterans Affairs.

Since the start of OIF/OEF, these trauma centers have served as regional referral centers for individuals who have sustained serious disabling conditions due to combat. Patients treated at these facilities may have a serious Traumatic Brain Injury (TBI) alone or in combination with amputation, blindness, or other visual impairment, complex orthopedic injuries, auditory and vestibular disorders, and mental health concerns. Because TBI influences all other areas of rehabilitation, it is critical that individuals receive care for their TBI prior to, or in conjunction with, rehabilitation for their additional injuries.

''Operation Helping Hand'' provides assistance to the families of the very seriously wounded and injured service members who were deployed in either Iraq or Afghanistan and are now receiving treatment at the James A. Haley VA Medical Center. The average hospital stay for the injured is approximately 45 days. The families of these injured service members travel from all over the country to be with their loved ones at this critical time.

''Operation Helping Hand'' assistance ranges from providing rental or leased cars, bus or taxi fares, cell phones or phone cards to the families of wounded service members. The program also provides tickets to local amusement parks, movie theaters and restaurants to make these families more comfortable while they are in Tampa waiting for their loved ones to recuperate. The assistance provided allows families to focus on their loved ones' recovery.

This year marks the sixth year that Newman's Own Inc., Fisher House Foundation Inc., and the Military Times Media Group have joined forces to present the ''Newman's Own Awards'' which seek to reward ingenuity and innovation for volunteer organizations working to improve the quality of life for military personnel and their families. These organizations issued a challenge to all private organizations serving our military communities: ''present an innovative plan to improve the quality of life for your military community and receive funding to carry out that plan.''

This year, 177 organizations submitted nominations for the award. I am pleased that ''Operation Helping Hand'' received the top prize of $100,000. Ten other organizations shared $40,000 in grants.

I want to congratulate the Tampa Chapter of the MOAA and all the individuals involved in ''Operation Helping Hand'' for winning the Newman's Own Award. I also want to commend them and all the other award winners for their outstanding work in support of our military personnel and their families.

STATEMENT CONCERNING THE FUTURE OF U.S. RELATIONS WITH VIETNAM

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. AL GREEN of Texas. Mr. Speaker, some prominent members of the Vietnamese community within my Congressional District have asked that I deliver a message to Congress regarding human rights issues in Vietnam. I take this opportunity to express their sentiments on the heels of Vietnamese Prime Minister Phan Van Khai's visit to the United States. I am convinced that while this is a historic and unprecedented visit, I believe that their concerns are equally important.

Mr. Speaker, I ask that this statement be made a part of the official RECORD.

Vietnam is a nation that has a record of violating human rights and suppressing religious freedom. This has been recorded in the U.S. State Department's 2004 Human Rights report on Vietnam. The report declares that the governing party, the Communist Party of Vietnam, has restricted the freedom of speech, the freedom of press, and the freedom of assembly, freedoms that our nation holds so dear. The Vietnamese government also continues to hold political and religious prisoners. It prohibits human rights organizations and political, labor, and social organizations from forming or operating. The 2004 U.S. State Department report also found that government security forces have been known to beat, shoot, and even bear responsibility for the disappearance of its citizens. These are not the government activities of a free nation.

The United States must not ignore the oppressive practices of governments with which we build economic and military ties, for our relationships with other nations reflect our own national values and beliefs. While it is my sincere hope that relations between the United States and Vietnam will become stronger in the future, we must remember that our Nation prides itself upon protecting democracy and supporting human rights all over the world.

Although Vietnam has made steps toward progress, we have seen that it still partakes in practices meant to oppress its citizens. Therefore, it is my expectation that the United States will work with Vietnam to improve its grave human rights and religious freedom records so that we may continue to take steps to strengthen and broaden our ties with that country.

TRIBUTE TO MILDRED SPITZER, VOLUNTEER

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. CLAY. Mr. Speaker, I rise today to honor the ageless energy, optimism and achievements of Mildred Spitzer, who at 100 years young brings a brightness and light to her community.

Mrs. Spitzer's volunteer service at the University City Children's Center, the Washington University School of Medicine, and Temple Israel are part of her lifelong commitment to serving society. Mrs. Spitzer has spent what should be her retirement years performing office work, working as the secretary of her retiree's group, and caring for infants. Mr. Stephen Zwolak, the executive director of the children's center, says that her work is ''wonderful,'' and provides the ''human touch [the babies] need to create attachment,'' a cornerstone of the center's educational philosophy. By all accounts, she inspires others with her youthful exuberance and enthusiasm.

Mrs. Spitzer was born on April 22, 1905, in Philadelphia, Pennsylvania where she also attended Temple University. While living in Summit, New Jersey, she founded a chapter of a Jewish educational charity. She was married to Harold Spitzer for 47 years and she is the proud matriarch of a family of three daughters, six grandchildren, and now six great grandchildren. Mildred Spitzer has resided in the First District of Missouri for the past 12 years. She is committed to regular exercise and played golf well into her eighties. She now enjoys playing cards and reading and takes pride in doing her own shopping and housework.

For her part, Mrs. Spitzer is humble and eager to thank God for her longevity, health, and happiness. Her philosophy of good—good will and good thoughts—is both pragmatic and profound, as she asks us all simply ''What's the use in being cranky?'' Her life stands as a testament to her kind spirit, faith and optimistic outlook.

Mr. Speaker, it is my pleasure to recognize Mrs. Mildred Spitzer before the U.S. House of Representatives for her many lifetime achievements, longevity, and ongoing vigor and energy. She has demonstrated an indefatigable love of life and a commitment to helping others. Mildred Spitzer is a national treasure and a source of national pride.

COMMEMORATING THE 33RD ANNIVERSARY OF TITLE IX

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to commemorate an extremely important anniversary.

Thirty-three years ago today, Title IX, the landmark legislation banning gender discrimination in federally funded education programs, was enacted into law.

I adamantly oppose restrictions to Title IX. Recent ''clarifications'' to the law will only lead to allowing schools to avoid providing equal opportunities to female students.

For women, especially young women, Title IX is one of the most important pieces of legislation in the past half century.

Title IX helps those who need help the most, particularly in low-income areas.

Girls who participate in athletics at the high school and college levels are more likely to graduate with higher grades than their peers who do not play sports. The health benefits of exercise are well documented and girls who play sports often take their appreciation of exercise and activity into their adulthood.

Team sports prepare girls for success in the workplace by teaching the benefits of teamwork and tenacity at a young and receptive age. Athletics imbue girls with self-confidence they may not be able to develop elsewhere.

We must not interfere with Title IX's effectiveness. That is why I oppose the recent clarification and advocate for increased equality in sports for female students.

CONGRATULATING MS. BONNY BEACH ON RECEIVING THE ROBERT WOOD JOHNSON COMMUNITY HEALTH LEADERSHIP PROGRAM AWARD

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. PASTOR. Mr. Speaker, I rise today to congratulate Ms. Bonny Beach, Executive and Clinical Director of NDNS4Wellness at the American Indian Prevention Coalition, Inc., in Phoenix, Arizona.

Ms. Beach was recently named one of ten recipients of the Robert Wood Johnson Community Health Leadership Program Award, considered the nation's highest honor for community health leadership. She will receive $120,000 for her work in preventing substance abuse in Native American youth.

Substance abuse and its associated health problems have had a devastating impact on the Native American population. Phoenix has the second largest Native American population in the U.S., with more than twenty-one tribes represented in the city and surrounding areas. Some 75,000 Native Americans reside in Maricopa County, where Ms. Beach's organization is located.

Ms. Beach is a Native American who has seen firsthand the pain and destruction that substance abuse has exacted on her community. Tired of attending funerals resulting from an epidemic of alcoholism and substance abuse among Native Americans, she became determined to have a positive impact on her community. In 1997, she helped to establish the American Indian Prevention Coalition, an intertribal nonprofit organization that works with Native American youth and their families to improve the quality of life for indigenous people.

In 2000, she developed the NDNS4Wellness Behavioral Health Agency. NDNS4Wellness employs more than fifty Native Americans, providing culturally respectful prevention, educational, and counseling services through school-based programs. It also offers substance abuse treatment to some three hundred young people through its residential and outpatient services.

Mr. Speaker and distinguished colleagues, I am honored to recognize Ms. Beach for receiving this prestigious, national award, and to express my gratitude for her determination and leadership. Her deep commitment to preventing substance abuse among Native American youth and families has undoubtedly inspired many others in Phoenix and elsewhere to take action. It is with great pleasure that I congratulate Ms. Beach today for this award, which duly recognizes her important work for the community.

RECOGNIZING MR. MARINUS ALBERT BOSMA'S RECEIPT OF THE YAD VASHEM AWARD

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. BOEHNER. Mr. Speaker, I rise today to extend my deepest respects and congratulations to Mr. Marinus Albert Bosma, his parents Mr. Albert Bosma and Mrs. Helena Bosma-V.D. Pol, and his sister Mrs. Alberta Bosma-Iseli. Mr. Bosma and his family will be receiving the Yad Vashem Righteous Among the Nations Award on June 29, 2005.

The Yad Vashem Award is the Jewish people's memorial to the six million victims of the Holocaust. Its name derives from the Book of Isaiah, "And to them will I give in my house and within my walls a memorial and a name (a "yad vashem") . . . that shall not be cut off (56:5)." In 1963, Yad Vashem embarked upon a worldwide project to grant the title of Righteous Among the Nations to non-Jews who risked their lives to save Jews during the Holocaust.

Mr. Bosma and his family are natives of Arnhem in the Netherlands. During World War II, the Bosma family helped find shelter for thirty Jews and housed twelve Jews within their own home. Between the ages of twelve and nineteen, Mr. Bosma showed great valor through his assistance in the Dutch resistance.

Yad Vashem honors both the heroism and tragedy of the Holocaust for those generations where World War II is a distant history lesson. It gives a memorial and a name to the millions of men, women, and children who lost their lives for their religion and culture. Yad Vashem provides an opportunity to pay tribute to the men and women who represent the best of the human spirit; living by principles and convictions, acting heroically in the face of adversity, and finding value in all human life.

Marinus, I offer you and your family my respect for your actions during World War II. Congratulations on receiving this prestigious award.

CONGRATULATING BOSTON YACHT CLUB

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. TIERNEY. Mr. Speaker, I rise today to honor the Boston Yacht Club (BYC) of Marblehead, Massachusetts, which this year is celebrating the 100th anniversary of the Marblehead-to-Halifax Ocean Race.

The race began in 1905 as an informal competition among sailors from the Boston, Eastern and New York Yacht Clubs. In 1939, the Boston Yacht Club joined with the Royal Nova Scotia Yacht Squadron to formalize this biennial event.

The race is run on alternate years from the Newport Bermuda Race, as one of the preeminent ocean races of the North Atlantic. The course runs 360 nautical miles from Marblehead through the Gulf of Maine, across the Bay of Fundy and up to Halifax, Nova Scotia, Canada.

There are few sailing sights as thrilling as the Marblehead-to-Halifax Ocean Race, which traditionally begins the second week in July. More than 100 spectator boats look on as over 100 racing yachts maneuver for starting position. The race committee is assisted by dozens of official boats and by both the United States and Canadian Coast Guard.

The Boston Yacht Club was founded in 1866, and at one time operated from five different locations in Massachusetts and one in Maine. Today the club operates from a single station in Marblehead, with 400 yachts flying the BYC burgee.

It is appropriate that the House recognize the Boston Yacht Club for continuing the tradition of the Marblehead-to-Halifax Ocean Race, which is part of the rich seafaring history of Marblehead.

In closing, I would like to acknowledge that many Boston Yacht Club members are running the race in memory of their comrade Paul Simon of Marblehead, who had intended to race this year, but was tragically killed with his wife Sanda in an automobile accident last March.

HONORING DONORS TO TSUNAMI RELIEF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Mr. REYES. Mr. Speaker, I rise today to express our Nation's gratitude for the El Paso community, which provided generous donations and assistance to help rebuild the lives of those hurt by the massive tsunami that crashed ashore in South Asia on December 26, 2004.

Just a few weeks after the Asian tsunami, I traveled to South Asia with colleagues from the House Armed Services Committee and the House International Relations Committee. As part of that trip, we traveled to Indonesia to deliver medical supplies to help contribute to the relief effort and assist those touched by the tragedy.

The most crucial component of this mission in Indonesia—providing medical supplies—would not be a reality without the charitable donations of numerous El Paso hospitals, organizations and individuals. Through their contributions—which amounted to nearly one ton of supplies such as gauze, surgical masks, syringes and antibiotics—the El Paso community has made a direct contribution to the relief efforts.

We owe a great debt of gratitude to the following individuals who, when the call for supplies went out, answered positively and enthusiastically and gave generously: Hank Hernandez, CEO of Las Palmas and Del Sol Healthcare; Doug Matney, CEO of Sierra Providence Health Network; Jim Valenti, CEO of Thomason Hospital; Jerry Wilson, District Manager of the Walgreen Company; Gerald Rubin, President and CEO of Helen of Troy; and Scott Wells of Cardinal Health.

Sadly, our world is plagued by terrorism, the war in Iraq, and now the mounting death toll and devastation caused by the tsunami in South Asia. However, the collective outpouring of compassion and quick action from across the globe to aid those in this time of overwhelming need is cause for hope.

El Paso has also shown that it is committed to assisting the tsunami victims and helping them rebuild their lives. Our entire community should be proud of our contributions to this effort.

MUKHTAR MAI

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

Ms. JACKSON-LEE of Texas. I rise today to address the safety and well-being of Ms. Mukhtar Mai in the nation of Pakistan. As the Co-Chair of the Congressional Pakistan Caucus I have been monitoring this situation closely. As a long-standing and active member of the Women's Caucus and the Human Rights Caucus I am greatly concerned about the well-being of this woman who has undergone tremendous suffering in her life.

For those who do not know the story of Mukhtar Mai she was gang raped in 2002 by the order of a tribal council, allegedly as punishment for her brother's affair with a woman from a powerful rival clan in the remote town of Meerwala. Thirty-three-year-old Ms. Mai defied threats and local customs to testify against these suspects. In August of 2002 six men were sentenced to death. But this March, another court overturned five of these convictions and reduced the death sentence of the sixth to life in prison. Twelve men were then rearrested on the Prime Minister's orders based on community safety laws but were freed on June 10 since the law only allows them to be held for a limited time under these laws. Since that time it has been alleged that the Pakistani government has confiscated her passport and forbidden her from leaving Pakistan.

It has come to my attention that efforts have been made by the Pakistani Government to insure the safety and well-being of Ms. Mai. I understand that since this horrific incident occurred in 2002 she has been provided with a security detail and legal assistance in accordance with their laws. However, the judiciary in Pakistan, as it is here in the United States, is independent of the executive branch of the government. The decision made by the court seems ill-considered and is not supported by the Executive branch. It seems that the government plans to have these accused rapists arrested and tried again, this time before the High Court of Pakistan in accordance with their laws.

Representatives from the Government of Pakistan say that they have not in fact barred Ms. Mai from traveling where she pleases and that she has access to her passport at any time. State Department spokesman Adam Ereli stated on Wednesday that ''senior Pakistani officials, both here and in Islamabad'' had been contacted regarding Mukhtar Mai and that the State Department has ''been informed by the Government of Pakistan that, consistent with Ms. Mukhtar's wishes and at her request, the Government has her passport and that she is satisfied that she can have access to it whenever she wants.'' Moreover, they have ''received renewed assurances from the Pakistani authorities that she is free to travel whenever she so desires.'' Mr. Ereli went on to say that they have confirmed this with sources close to Ms. Mai. I have also been told that Ms. Mai has appeared on certain TV and satellite outlets and declared that she in fact has not been barred from leaving the country; however I have not personally seen such footage so I can not confirm its validity.

The current Government of Pakistan has tried to rule by a vision of ''enlightened moderation,'' which is to say that the people of Pakistan must raise themselves up through individual achievement and socioeconomic emancipation. One issue which the present government has worked hard to improve is that of women's rights. Currently, there are 73 female members of the National Assembly which has 60 seats open only for women to ensure that they are represented on their legislative body. Similarly, 17 percent of seats in each of the four provincial assemblies have also been reserved for women. In addition, I spoke to the Pakistani Minister of Education a few months and he told me that the national plan for education on Pakistan places great emphasis on ensuring that their female population gets educated. In fact they are working to provide incentives to poorer families in Pakistan to send their girls to school instead of keeping them at home. These are all steps the Pakistani Government under President Musharraf says they are taking to advance the cause of women in Pakistan.

However, there is much, much more work to be done in this area to ensure women's rights. The truth about Pakistan is that there is a great divide between more urban and more rural communities. Mukhtar Mai comes from a more remote area of Pakistan in which tribal law and customs are often held above the law of Pakistan. These tribal areas unfortunately often hold harsh views towards the rights of women. One of the great heroes of Pakistani independence was Fatima Jinnah who is considered the mother of Pakistan. She was the outspoken and strong-willed sister of Mohammed Ali Jinnah who is considered the founder of Pakistan. In fact, Pakistan had the first woman to head the government of an Islamic State when Benazir Bhutto was sworn in as Prime Minister of Pakistan in December of 1988. The truth remains that Pakistan must ensure the rights and safety of women throughout their nation regardless of tribal law and customs. However, we must also recognize that such large social change takes time and will not be solved easily.

Regardless of the political or international ramifications of this issue let us not forget the pain that Mukhtar Mai has endured. But, while she was brutally victimized she did not allow herself to be a victim. After testifying against her attackers she took the money from that settlement along with many international donations to open a school in her small village. She understands that education is the way to end brutality and ignorance. She even went so far as to enroll the children of her attackers in the school because she will not allow herself to be a hateful person, she wants to bring goodness into the lives of others around her. The verdicts of her attackers being overturned were a great setback for her personally and the entire women's rights movement in Pakistan, but it certainly is not the end. This woman has gone through so much and done such great things that she will not give in. I applaud her, she is the face and voice of a movement that gains strength everyday, one that will not succumb. In tribute to her efforts I will continue to fight for the cause of women's rights and join with Mukhtar Mai and all the women of Pakistan to move forward towards justice and equality.

Furthermore, I have always supported the message of women's rights whether it is here or abroad, whether I have to deliver it to an ally of our nation or one we consider an enemy. Additionally, I join with the women of the United States House of Representatives to unite around protecting women throughout the world and in Pakistan. Today, I believe that the nation of Pakistan must do more to ensure the rights of Pakistani women and I have confidence that they are working towards this end. I pray for Mukhtar Mai and all the women of Pakistan that they will get justice in their lives.

Daily Digest

HIGHLIGHTS

The House passed H.R. 3010, Labor, Health and Human Services, Education Appropriations Act for FY 2006.

Senate

Chamber Action

Routine Proceedings, pages S7331–S7395

Measures Introduced: Two bills were introduced, as follows: S. 1310–311. **Page S7377**

Measures Reported:

H.R. 2985, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, with amendments. (S. Rept. No. 109–89) **Page S7377**

Measures Passed:

Junk Fax Prevention Act: Senate passed S. 714, to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions, after agreeing to the committee amendments, and the following amendment proposed thereto: **Pages S7380–83**

Alexander (for Boxer/Smith) Amendment No. 1011, to require post-date-of-enactment authorization for an established business relationship to a telephone facsimile machine. **Page S7382**

Freedom of Information Act Exemption: Senate passed S. 1181, to ensure an open and deliberate process in Congress by providing that any future legislation to establish a new exemption to section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) be stated explicitly within the text of the bill. **Pages S7383–85**

Interior Appropriations: Senate began consideration of H.R. 2361, making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2006, and pursuant to the order of June 23, 2005, agreed to the committee amendment in the nature of a substitute, which will be considered as original text for the purpose of further amendment, taking action on the following amendment proposed thereto: **Pages S7331–74**

Pending:

Burns (for Voinovich) Amendment No. 1010, to prohibit the use of funds to take certain land into trust without the consent of the Governor of the State in which the land is located. **Page S7374**

A unanimous-consent agreement was reached providing for further consideration of the bill at 3 p.m. on Monday, June 27, 2005. **Page S7394**

Appointments:

Veterans' Disability Benefits Commission: The Chair, on behalf of the Democratic Leader, pursuant to Public Law 108–136, appointed the following individual to serve as a member of the Veterans' Disability Benefits Commission: Ken Jordan of California, vice Mike O'Callaghan of Nevada. **Page S7394**

Nominations Confirmed: Senate confirmed the following nominations:

A. Noel Anketell Kramer, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Laura A. Cordero, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Linda Morrison Combs, of North Carolina, to be Controller, Office of Federal Financial Management, Office of Management and Budget.

Linda M. Springer, of Pennsylvania, to be Director of the Office of Personnel Management for a term of four years.

Emil A. Skodon, of Illinois, to be Ambassador to Brunei Darussalam.

Joseph A. Mussomeli, of Virginia, to be Ambassador to the Kingdom of Cambodia.

Dina Habib Powell, of Texas, to be an Assistant Secretary of State (Educational and Cultural Affairs).

Larry Miles Dinger, of Iowa, to be Ambassador to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati.

Michael E. Hess, of New York, to be an Assistant Administrator of the United States Agency for International Development.

Ronald E. Neumann, of Virginia, to be Ambassador to the Islamic Republic of Afghanistan.

Gregory L. Schulte, of Virginia, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

Gregory L. Schulte, of Virginia, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador. **Pages S7393–94, S7394–95**

Messages From the House: **Page S7377**

Measures Referred: **Page S7377**

Additional Cosponsors: **Pages S7377–78**

Statements on Introduced Bills/Resolutions: **Pages S7378–79**

Additional Statements: **Page S7377**

Amendments Submitted: **Pages S7379–80**

Privilege of the Floor: **Page S7380**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 1:18 p.m. until 1 p.m., on Monday, June 27, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7394.)

Committee Meetings

(Committees not listed did not meet)

IRAQI SECURITY FORCES

Committee on Armed Services: Committee met in closed session to receive a briefing to examine Iraqi security forces from Peter W. Rodman, Assistant Secretary of Defense for International Security Affairs; Lieutenant General David H. Petraeus, USA, Commanding General, Mulit-National Security Transition Command—Iraq; and Lieutenant General Walter L. Sharp, USA, Director, Strategic Plans and Policy, J–5, The Joint Staff.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 12 public bills, H.R. 3056, 3059–3069; and 4 resolutions, H. Con. Res. 191–192; and H. Res. 339–340, were introduced. **Page H5176**

Additional Cosponsors: **Pages H5176–77**

Reports Filed: Reports were filed today as follows:

H.R. 3057 making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, (H. Rept. 109–152);

H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, (H. Rept. 109–153); and H.R. 2864, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, amended (H. Rept. 109–154). **Pages H5175–76**

Speaker: Read a letter from the Speaker wherein he appointed Representative Boustany to act as speaker pro tempore. **Page H5103**

Labor, Health and Human Services, Education Appropriations Act for FY 2006: The House passed H.R. 3010 making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006 (by a yea-and-nay vote of 250 yeas to 151 nays, Roll No. 320). The bill was also considered yesterday, June 23. **Pages H5105–65**

Agreed to limit the time on a vote, on a motion to recommit, to five minutes, notwithstanding that it is the first vote in a series. **Page H5163**

Rejected the Obey motion to recommit the bill to the Committee on Appropriations, (by a recorded vote of 185 ayes to 216 noes, Roll No. 319). **Page H5163–64**

Agreed to:

Kolbe amendment to prohibit funds made available in the Act from being used to enforce Determination ED–OIG/A05–D0008 of the Department of Education. **Pages H5121–22**

Miller, George (CA) amendment to prevent the Pension Benefit Guaranty Corporation from expending funds to administer its agreement with United Airlines to terminate the company's pension plans (by a recorded vote of 219 ayes to 185 noes, Roll No. 309); **Pages H5114–17, H5132**

Filner amendment to prohibit funds from being used to place social security account numbers on identification cards issued to beneficiaries under the Medicare Program under title XVIII of the Social Security Act (by a recorded vote of 314 ayes to 94 noes, Roll No. 311); **Pages H5125–26, H5133–34**

King (IA) amendment to prohibit funds made available from being used to reimburse, or provide reimbursement, for Viagra, Levitra, or Cialis (by a recorded vote of 285 ayes to 121 noes, Roll No. 312); **Pages H5126–28, H5134–35**

En bloc amendment consisting of the following amendments: Regula amendment regarding Veterans Programs of the Department of Labor, LIHEAP, and section 503 of the bill; Markey amendment regarding Interoperable Information Technology; Waxman amendment regarding certain appointments to Federal advisory committees; Neugebauer amendment that states that none of the funds made available in this Act may be used by the National Institute of Mental Health for the following grants: (1) Grant number MH060105 (Perceived Regard and Relationship Resilience in Newlyweds). (2) Grant number MH047313 (Perceptual Bases of Visual Concepts in Pigeons). **Pages H5136–39**

Hayworth amendment, as modified, to prohibit the use of funds by the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico; **Pages H5143–44**

Van Hollen amendment to prohibit the use of funds in the bill to administer or pay any special allowances under the Higher Education Act of 1965 with respect to certain loans (by a recorded vote of 224 ayes to 178 noes, Roll No. 316). **Pages H5141–43, H5153–54**

Rejected:

Nadler amendment that sought to increase funding for School Improvement Programs by $35,600,000. The increase would be offset by reducing funds for administrative costs. **Pages H5106–08**

Tancredo amendment that sought to prohibit funds from being used to pay the salaries and expenses of personnel who reimburse hospitals for providing health care to illegal aliens. **Pages H5123–25**

Price (GA) amendment that sought to increase funding for the Teacher Incentive Fund by $70,000,000. To offset the increase, the funds for AmeriCorps were reduced by the same amount (by a recorded vote of 102 ayes to 298 noes, Roll No. 308); **Pages H5108–09, H5131–32**

Brown (OH) amendment that sought to prohibit any of the funds made available from being used to fund the operations of the Medicaid Commission (established on May 19, 2005, and chartered under section 222 of the Public Health Service Act and the Federal Advisory Committee Act) (by a recorded vote of 170 ayes to 237 noes, Roll No. 310); **Pages H5117–18, H5132–33**

Hefley amendment that sought to reduce overall appropriations in the bill by 1 percent (by a recorded vote of 84 ayes to 323 noes, Roll No. 313); **Pages H5128–29, H5135**

Hinchey amendment that sought to prohibit use of funds for exercising direction, supervision, or control over the content or distribution of public telecommunications programs and services in violation of the Communications Act of 1934 (by a recorded vote of 187 ayes to 218 noes, Roll No. 314); **Pages H5129–31, H5135–36**

Hayworth amendment that sought to prohibit the funds made available in the bill to be used by the National Labor Relations Board (NLRB) to exert jurisdiction over any organization or enterprise pursuant to the standard adopted by the NLRB in the San Manuel Indian Bingo and Casino and Hotel Employees & Restaurant Employees International Union and Communication Workers of America case (by a recorded vote of 146 ayes to 256 noes, Roll No. 315); **Pages H5139–41, H5152**

Paul amendment that sought to prohibit use of funds in the bill to create or implement any universal mental health screening program (by a recorded vote of 97 ayes to 304 noes, Roll No. 317); **Pages H5145–47, H5154**

DeLauro amendment that sought to prohibit use of funds in the bill to enforce or carry out item 6B of the settlement agreement between the Wage and Hour Division of the Department of Labor and Wal-Mart Stores, Inc. (by a recorded vote of 165 ayes to 234 noes, Roll No. 318); **Pages H5147–48, H5155**

Hinchey amendment that sought to prohibit the use of funds in the bill to distribute the personal information of Medicare and Medicaid beneficiaries to private companies for marketing purposes (by a recorded vote of 192 ayes to 210 noes, Roll No. 319). **Pages H5150–51, H5155–56**

Withdrawn:

Kind amendment that sought to prohibit the use of funds by the Center for Medicare and Medicaid Services to implement a regulation forcing Critical Access Hospitals (CAH) to reapply for CAH status if they rebuild or relocate their facility more than 250 yards away from their current location. **Pages H5122–23**

Engel amendment sought to grant states one more year to spend unspent Ryan White AIDS program funds. **Pages H5151–52**

Point of Order sustained against:

Section 511 beginning on page 104, line 6 through line 18. **Page H5114**

Honda amendment sought to prohibit funds made available in the Act from being used to require a local educational agency to provide student information to military recruiters without parental consent. **Pages H5119–21**

H. Res. 337, the rule providing for consideration of the bill was agreed to yesterday, June 23.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, June 27 for Morning Hour debate. **Page H5166**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, June 29. **Page H5166**

Presidential Message: Messages delivered Thursday, June 23. The Speaker laid before the House a message from the President transmitting legislation and supporting documents to implement the Dominican Republic-Central America-United States Free Trade Agreement—referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 109–36).

The Speaker laid before the House a message from the President transmitting a notice regarding the national emergency with respect to the Western Balkans—referred to the Committee on International Relations and ordered to be printed (H. Doc. 109–37).

Senate Message: Messages received from the Senate appear on pages H5103 and H5165.

Senate Referrals: S. 714 was referred to the Committee on Government Reform and S. 1181 was held at the desk. **Page H5175**

Quorum Calls—Votes: One yea-and-nay vote, and thirteen recorded votes developed during the proceedings of today and appear on pages H5131–32, H5132, H5132–33, H5133–34, H5134–35, H5135, H5135–36, H5153, H5153–54, H5154, H5155, H5155–56, H5164, and H5164–65.

Adjournment: The House met at 9 a.m. and adjourned at 5:58 p.m.

Committee Meetings

No committee meetings were held.

CONGRESSIONAL PROGRAM AHEAD

Week of June 27 through July 2, 2005

Senate Chamber

On *Monday,* at 3 p.m., Senate will resume consideration of H.R. 2361, Interior Appropriations.

On *Tuesday,* Senate will resume consideration of H.R. 6, Energy Policy Act, with a vote on final passage of the bill to occur at 9:45 a.m. Also, Senate will continue consideration of H.R. 2361, Interior Appropriations.

During the balance of the week, Senate expects to complete action on H.R. 2361, Interior Appropriations, and begin consideration of H.R. 2360, Homeland Security Appropriations, and will consider any other cleared legislative and executive business, including any other appropriation bills, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: June 28, to hold hearings to examine the Agricultural Risk Protection Act of 2000 and related crop insurance issues, 10 a.m., SR–328A.

Committee on Appropriations: June 28, Subcommittee on Military Construction and Veterans' Affairs and Related Agencies, to hold hearings to examine the Commission on the Review of Overseas Military Facility Structure of the United States (Overseas Basing Commission) Report on the U.S. overseas military basing posture, 4 p.m., SD–138.

June 28, Subcommittee on State, Foreign Operations, and Related Programs, business meeting to mark up proposed legislation making appropriations for fiscal year 2006 for the Department of State and foreign operations, 4:30 p.m., SD–116.

June 30, Full Committee, business meeting to mark up proposed legislation making appropriations for fiscal year 2006 for the Department of State and foreign operations, 2 p.m., SD–106.

Committee on Armed Services: June 29, to hold hearings to examine the nominations of General Peter Pace, USMC, for reappointment to the grade of general and to be Chairman, Joint Chiefs of Staff, Admiral Edmund P. Giambastiani, Jr., USN, for reappointment to the grade of admiral and to be Vice Chairman, Joint Chiefs of Staff, General T. Michael Moseley, USAF, for reappointment to the grade of general and to be Chief of Staff of the Air Force, Eric S. Edelman, of Virginia, to be Under Secretary of Defense for Policy, Daniel R. Stanley, of Kansas, to be Assistant Secretary of Defense for Legislative Affairs, and James A. Rispoli, of Virginia, to be Assistant Secretary of Energy for Environmental Management, 9:30 a.m., SD–106.

June 30, Full Committee, to hold hearings to examine the status of the U.S. Army and U.S. Marine Corps in fighting the global war on terrorism, 9:30 a.m., SR–325.

Committee on Commerce, Science, and Transportation: June 29, to hold hearings to examine Spectrum-DTV, 10 a.m., SR–253.

June 29, Subcommittee on Disaster Prevention and Prediction, to hold hearings to examine national weather service-severe weather, 2:30 p.m., SR–253.

June 30, Subcommittee on Technology, Innovation, and Competitiveness, to hold hearings to examine how information technology can reduce medical errors, lower healthcare costs, and improve the quality of patient care, including the importance of developing interoperable electronic medical records and highlight new technologies that will impact how health services are provided in the future, 10 a.m., SR–253.

Committee on Energy and Natural Resources: June 28, Subcommittee on National Parks, to hold hearings to examine S. 206, to designate the Ice Age Floods National Geologic Trail, S. 556, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona, S. 588, 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, and S. 955, to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin, 10 a.m., SD–366.

Committee on Finance: June 28, business meeting to mark up S. 1307, to implement the Dominican Republic-Central America-United States Free Trade Agreement, and S.J. Res. 18, approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, 9 a.m., SH–216.

June 28, Full Committee, to hold hearings to examine threatening the health care safety net regarding Medicaid waste, fraud and abuse, 10 a.m., SH–216.

June 29, Full Committee, to continue hearings to examine threatening the health care safety net regarding Medicaid waste, fraud and abuse, 10 a.m., SH–216.

June 30, Subcommittee on Taxation and IRS Oversight, to hold hearings to examine savings and investment issues, 2 p.m., SD–215.

Committee on Foreign Relations: June 29, to hold hearings to examine the nominations of John Ross Beyrle, of Michigan, to be Ambassador to the Republic of Bulgaria, Marie L. Yovanovitch, of Connecticut, to be Ambassador to the Kyrgyz Republic, Robert H. Tuttle, of California, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland, and Ronald Spogli, of California, to be Ambassador to the Italian Republic, 2:30 p.m., SD–419.

June 29, Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings to examine U.S. economic development strategy and the south Caucasus, 2:30 p.m., SD–G50.

June 30, Full Committee, to hold hearings to examine challenges of the Middle East road map, 9:30 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: June 29, business meeting to consider S. 681, to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells, and any nominations cleared for action, 9:50 a.m., SD–430.

June 30, Subcommittee on Education and Early Childhood Development, to hold hearings to examine issues relating to American history, 3 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: June 28, Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the security clearance process of the Department of Defense (DOD), focusing on the transfer of investigative responsibilities from DOD to the Office of Personnel Management (OPM), including the impact this shift will have on the ability to investigate and adjudicate security clearances in a thorough and expeditious manner, including strategies employed by DOD and OPM to remove the Personnel Security Clearance Program from the high-risk list, 10 a.m., SD–562.

June 29, Full Committee, to hold hearings to examine vulnerabilities in the United States passport system, 9:30 a.m., SD–562.

Committee on Indian Affairs: June 28, to hold an oversight hearing to examine regulation of Indian gaming, 10 a.m., SD–106.

June 29, Full Committee, business meeting to consider S.J. Res. 15, to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States, S. 374, to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River, S. 113, to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust, S. 881, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, S. 449, to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, H.R. 797 and S. 475, bills to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians, S. 623, to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, S. 598, 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, proposed legislation to condemn certain subsurface rights

to land held in trust by the State of Arizona, and convey subsurface rights held by Bureau of Land Management, for the Pascua Yaqui Tribe, proposed legislation to authorize funding for the National Indian Gaming Commission, S. 1239, to amend the Indian Health Care Improvement Act to permit the Indian Health Service, an Indian tribe, a tribal organization, or an urban Indian organization to pay the monthly part D premium of eligible Medicare beneficiaries, S. 1231, to amend the Indian Self-Determination and Education Assistance Act to modify provisions relating to the National Fund for Excellence in American Indian Education, proposed legislation to require former Federal employees who are employed by tribes to adhere to conflict of interest rules, and proposed legislation to amend the Tribally Controlled Community College and Universities Assistance Act, 9:30 a.m., SR–485.

Committee on the Judiciary: June 30, business meeting to consider pending calendar business, 9:30 a.m., SD–226.

June 30, Subcommittee on Immigration, Border Security and Citizenship, to hold hearings to examine securing the cooperation of participating countries relating to the need for comprehensive immigration reform, 2:30 p.m., SD–226.

Select Committee on Intelligence: June 29, to hold a closed briefing regarding certain intelligence matters, 2:30 p.m., SH–219.

June 30, Full Committee, to hold a closed briefing regarding certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: June 28, to hold hearings to examine the structure of the Medicaid program and its use of mandatory and optional populations and benefits, focusing on how Congress can meet its budgetary obligations to find savings in Medicaid and strengthen the Program for the long-term, 2:30 p.m., SD–G50.

June 30, Full Committee, to hold hearings to examine the importance of prevention in curing Medicare, 10 a.m., SH–216.

House Committees

Committee on Appropriations, June 28, Subcommittee on Military Quality of Life, and Veterans Affairs, and Related Agencies, on Veterans Affairs, 9 a.m., 2362–A Rayburn.

Committee on Armed Services, June 28, Subcommittee on Military Personnel, hearing on the religious climate at the U.S. Air Force Academy, 2 p.m., 2118 Rayburn.

June 29, Subcommittee on Tactical Air and Land Forces and the Subcommittee on Projection Forces, joint hearing on Small Business Technologies, 2 p.m., 2118 Rayburn.

Committee on Education and the Workforce, June 28, Subcommittee on Education Reform, hearing entitled ''How the Private Sector is Helping States and Communities Improve High School Education,'' 2 p.m., 2175 Rayburn.

June 29, full Committee, to mark up H.R. 2830, Pension Protection Act of 2005, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, June 28, Subcommittee on Health, hearing on H.R. 2355, Health Care Choice Act of 2005, 10 a.m., 2123 Rayburn.

Committee on Financial Services, June 30, Subcommittee on Housing and Community Opportunity, hearing on H.R. 3043, Zero Downpayment Pilot Program Act of 2005, 10 a.m., 2128 Rayburn.

Committee on Government Reform, June 28, hearing entitled ''Under Fire: Does the District of Columbia's Gun Ban Help or Hurt the Fight Against Crime?'' 2:30 p.m., 2154 Rayburn.

June 28, Subcommittee on Regulatory Affairs, hearing entitled ''The Impact of Regulation on U.S. Manufacturing: Spotlight on Department of Labor and Department of Transportation,'' 2 p.m., 2203 Rayburn.

June 29, full Committee, hearing entitled ''To Lead or To Follow: The Next Generation Internet and the Transition to IPv6,'' 2 p.m., 2154 Rayburn.

June 29, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled ''Interrupting Narco-terrorist Threats on the High Seas: Do We Have Enough Wind in Our Sails?'' 2 p.m., 2247 Rayburn.

June 29, Subcommittee on Energy and Resources, hearing entitled ''The Next Generation of Nuclear Power,'' 2 p.m., 2203 Rayburn.

June 29, Subcommittee on Federal Workforce and Agency Organization, hearing entitled ''Yucca Mountain Project: Digging for the Truth,'' 10 a.m., 2154 Rayburn.

June 30, full Committee, hearing entitled ''The Next Flu Pandemic: Evaluating U.S. Readiness,'' 10 a.m., 2154 Rayburn.

Committee on Homeland Security, June 28, Subcommittee on Prevention of Nuclear and Biological Attack, hearing entitled ''Pathways to the Bomb: Security of Fissile Materials Abroad,'' 10 a.m., 2128 Rayburn.

June 29, Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, hearing entitled ''Improving Pre-Screening of Aviation Passengers against Terrorist and Other Watch Lists,'' 10 a.m., room to be announced.

June 29, Subcommittee on Management, Integration, and Oversight, hearing entitled ''Transforming the Department of Homeland Security Through Mission-based Budgeting,'' 3 p.m., room to be announced.

Committee on International Relations, June 29, briefing and hearing on The Global Water Crisis: Evaluating U.S. Strategies to Enhance Access to Safe Water and Sanitation, 10:30 a.m., 2172 Rayburn.

June 29, Subcommittee on the Middle East and Central Asia, hearing on Iraq's Transition to Democracy, 2 p.m., 2172 Rayburn.

June 29, Subcommittee on the Western Hemisphere, to mark up the following measures: H.R. 611, Haiti Economic and Infrastructure Reconstruction Act; H.R. 953, Social Investment and Economic Development Fund for the Americas Act of 2005; H.R. 1213, Caribbean Basin Trade Enhancement Act of 2005; and H. Con. Res. 175, Acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of

Afro-descendant communities in Latin America and the Caribbean, 2 p.m., 2200 Rayburn.

June 30, to mark up the following: H.R. 611, Haiti Economic and Infrastructure Reconstruction Act; H.R. 2017, Torture Victims Relief Reauthorization Act of 2005; the East Asia Security Act of 2005; H. Con. Res. 140, Recognizing and affirming the efforts of the Great Lakes Governors and Premiers in developing a common standard for decisions relating to withdrawal of water from the Great Lakes and urging that management authority over the Great Lakes should remain vested with the Governors and Premiers; H. Con. Res. 168, Condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights; H. Con. Res. 175, Acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of Afro-descendant communities in Latin America and the Caribbean; a resolution expressing the sense of Congress concerning Uzbekistan; H. Con. Res. 191, Commemorating the 60th anniversary of the conclusion of the war in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War; H. Res. 328, Recognizing the 25th anniversary of the workers' strikes in Poland in 1980 that led to the establishment of the Solidarity Trade Union; and H. Res. 333, Supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan, 10:30 a.m., 2172 Rayburn.

June 30, Subcommittee on Africa, Global Human Rights and International Operations, hearing on The G8 Summit and Africa's Development, 2 p.m., 2172 Rayburn.

June 30, Subcommittee on International Terrorism and Nonproliferation, hearing on Nonproliferation and the G–8, 2:30 p.m., 2255 Rayburn.

Committee on the Judiciary, June 28, Subcommittee on Commercial and Administrative Law, hearing on the Health Act, 10 a.m., 2141 Rayburn.

June 28, Subcommittee on Commercial and Administrative Law, hearing on the Legal Services Corporation: A Review of Leasing Choices and Landlord Relations, 12 p.m., 2141 Rayburn.

June 28, Subcommittee on Immigration, Border Security, and Claims, hearing on H.R. 2933, Alien Gang Removal Act of 2005, 3 p.m., 2141 Rayburn.

June 30, Subcommittee on Immigration, Border Security, and Claims, oversight hearing entitled ''Immigration Removal Procedures Implemented in the Aftermath of the September 11th Attacks,'' 10 a.m., 2141 Rayburn.

Committee on Resources, June 30, Subcommittee on Energy and Mineral Resources, oversight hearing entitled ''The Vast North American Resource Potential of Oil Shale, Oil Sands, and Heavy Oils—Part 2,'' 10 a.m., 1334 Longworth.

Committee on Rules, June 27, to consider the following appropriations bills: H.R. 3057, Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006; and H.R. 3058, Making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, 5 p.m., H–313 Capitol.

Committee on Science, June 28, hearing on The Future of NASA, 10 a.m., 2318 Rayburn.

June 28, Subcommittee on Environment, Technology, and Standard, hearing on Small Business Innovation and Research: What is the Optimal role of Venture Capital?'' 3 p.m., 2318 Rayburn.

June 29, Subcommittee on Research, hearing on Nanotechnology: Where Does the U.S. Stand? 10 a.m., 2318 Rayburn.

Committee on Small Business, June 28, Subcommittee on Workforce, Empowerment and Government Programs, hearing entitled ''How the Clean Air Act Affects Auto Repair,'' 2 p.m., 311 Cannon.

June 29, Subcommittee on Rural Enterprises, Agriculture and Technology, hearing entitled ''Different Applications for Genetically Modified Crops,'' 2 p.m., 311 Cannon.

Committee on Transportation and Infrastructure, June 29, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on the Implementation of the Maritime Transportation Security Act, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, June 29, Subcommittee on Economic Opportunity, oversight hearing on the Transition Assistance and Disabled Transition Assistance Programs (TAP/DTAP), 2 p.m., 334 Cannon.

June 30, full Committee, oversight hearing on the Department of Veterans Affairs' necessity to reprogram $1 billion to the medical services account in Fiscal Years 2005 and its implication for Fiscal Year 2006, 10 a.m., 334 Cannon.

Committee on Ways and Means, June 28, Subcommittee on Select Revenue Measures, hearing on Funding Rules for Multiemployer Defined Benefit Plans in H.R. 2830, Pension Protection Act of 2005, 10 a.m., 1100 Longworth.

June 29, Subcommittee on Oversight, hearing to Examine Tax Fraud Committed by Prison Inmates, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, June 30, executive, Briefing on Global Updates, 9 a.m., H–405 Capitol.

Next Meeting of the SENATE

1 p.m., Monday, June 27

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 3 p.m.), Senate will resume consideration of H.R. 2361, Interior Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, June 27

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Barrett, J. Gresham, S.C., E1353
Bass, Charles F., N.H., E1344, E1345, E1346
Berman, Howard L., Calif., E1347
Bilirakis, Michael, Fla., E1332, E1353
Blackburn, Marsha, Tenn., E1332
Blumenauer, Earl, Ore., E1341
Boehner, John A., Ohio, E1355
Bonner, Jo, Ala., E1334
Bordallo, Madeleine Z., Guam, E1344
Bradley, Jeb, N.H., E1337
Brady, Kevin, Tex., E1331
Burgess, Michael C., Tex., E1347
Burton, Dan, Ind., E1334
Calvert, Ken, Calif., E1345, E1346
Cardin, Benjamin L., Md., E1344
Carter, John R., Tex., E1328
Clay, Wm. Lacy, Mo., E1354
Cole, Tom, Okla., E1342
Conaway, K. Michael, Tex., E1330
Conyers, John, Jr., Mich., E1352
DeLauro, Rosa L., Conn., E1351
Diaz-Balart, Lincoln, Fla., E1334
Farr, Sam, Calif., E1328
Frelinghuysen, Rodney P., N.J., E1340
Gallegly, Elton, Calif., E1332
Green, Al, Tex., E1354
Green, Mark, Wisc., E1350
Grijalva, Raúl M., Ariz., E1342
Herseth, Stephanie, S.D., E1343
Higgins, Brian, N.Y., E1345, E1346
Hinchey, Maurice D., N.Y., E1351
Hobson, David L., Ohio, E1330
Holt, Rush D., N.J., E1349, E1353
Honda, Michael M., Calif., E1352
Hunter, Duncan, Calif., E1327, E1328, E1348
Jackson-Lee, Sheila, Tex., E1356
Johnson, Eddie Bernice, Tex., E1337
Kanjorski, Paul E., Pa., E1327, E1329
Kildee, Dale E., Mich., E1348
Kucinich, Dennis J., Ohio, E1341, E1345, E1346
Larson, John B., Conn., E1338
Lee, Barbara, Calif., E1349
Lewis, John, Ga., E1339
Lewis, Ron, Ky., E1336
LoBiondo, Frank A., N.J., E1340
McCaul, Michael T., Tex., E1334, E1336
McCollum, Betty, Minn., E1332
Maloney, Carolyn B., N.Y., E1346
Matheson, Jim, Utah, E1337
Meek, Kendrick B., Fla., E1333
Menendez, Robert, N.J., E1349
Millender-McDonald, Juanita, Calif., E1354
Miller, Jeff, Fla., E1351
Moore, Gwen, Wisc., E1345, E1346
Moran, James P., Va., E1329, E1343
Murtha, John P., Pa., E1341
Ney, Robert W., Ohio, E1330
Nussle, Jim, Iowa, E1349
Oxley, Michael G., Ohio, E1330
Pastor, Ed, Ariz., E1355
Paul, Ron, Tex., E1347
Pearce, Stevan, N.M., E1353
Pombo, Richard W., Calif., E1330
Rangel, Charles B., N.Y., E1333, E1336, E1338, E1342
Regula, Ralph, Ohio, E1328
Reyes, Silvestre, Tex., E1352, E1355
Serrano, José E., N.Y., E1334
Simpson, Michael K., Idaho, E1330
Skelton, Ike, Mo., E1331
Slaughter, Louise McIntosh, N.Y., E1346
Smith, Lamar S., Tex., E1350
Stark, Fortney Pete, Calif., E1339
Thompson, Mike, Calif., E1327, E1329
Tiberi, Patrick J., Ohio, E1333
Tierney, John F., Mass., E1355
Towns, Edolphus, N.Y., E1341
Upton, Fred, Mich., E1327, E1328, E1331
Visclosky, Peter J., Ind., E1331
Walden, Greg, Ore., E1342, E1344, E1345
Wilson, Joe, S.C., E1348
Young, C.W. Bill, Fla., E1350

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.