House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. Aderholt).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC, June 27, 2005.

I hereby appoint the Honorable Robert B. Aderholt to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. Frank) for 5 minutes.

KARL ROVE

Mr. FRANK of Massachusetts. Mr. Speaker, last week the Deputy Chief of Staff of the President of the United States, Karl Rove, a man who began as a political operator, and was rewarded for his political successes by being named to a very high position in the administration—indeed, he is clearly as influential in shaping the policies of the Bush Administration as anyone other than the President himself—made a speech which was harsh, as is his right, but which was thoroughly dishonest, which again is his right under the first amendment to the Constitution, but ought not to be a right which high officials of the Federal Government avail themselves of so freely.

Mr. Rove lied. The speech consists of a number of conscious, deliberate lies, particular ones and general ones. Here is what he said in his effort to further the deep polarization of this country from which he believes his side will benefit if he is able to shape the way in which it is perceived. “The most important difference between conservatives and liberals can be found in the area of national security. Conservatives saw the savagery of 9/11 in the attacks and prepared for war. Liberals saw the savagery of the 9/11 attacks and wanted to prepare indictments and offer therapy and understanding for our attackers.”

Mr. Speaker, that is a lie. It is a lie consisting of a number of lies. I am a liberal, Mr. Speaker. And along with many, many other liberals in this Chamber, my response to the savage murders of Americans on 9/11 has no resemblance to the political dishonesty that Karl Rove put forward.

I voted for war in Afghanistan. No one who serves here votes for war easily. No one who has the responsibility of defending the country can be cavalier about sending the young men and women of our country off to battle, to kill and be killed. But the vote to go to war in Afghanistan, to authorize the President, in effect, to go to war, to take whatever measures were necessary, and we knew when we did that that we were talking about going after the regime in Afghanistan which was sheltering that murderer, Osama bin Laden, that vote was virtually unanimous. There was one “no” vote here. There were no “no” votes in the other body.

There are a lot of liberals here, Mr. Speaker. And virtually unanimously we voted to go to war in Afghanistan.

Yet Mr. Rove would lie to the American people and characterize that decision to go to war in defense of the country as indictments and therapy and understanding.

Shortly after that, on the Judiciary Committee on which I then served, we spent a couple of weeks dealing with what should be done to increase the law enforcement powers of this country. And we voted out a bill by a unanimous vote of 36 to 0. There are a number of liberals on that committee: Myself, the gentlewoman from California (Ms. Waters), the gentleman from Virginia (Mr. Scott), the most determined defender of civil liberties I have ever served with, the gentleman from North Carolina (Mr. Watt), the chairman on our side, the ranking member, the gentleman from Michigan (Mr. Conyers), the gentlemen from New York (Mr. Nadler).

Mr. Speaker, there are a number of Members deeply committed to liberalism. And we voted unanimously for a bill that enhanced law enforcement powers. It was not therapy. It was not understanding. It was enhanced law enforcement powers. Now, it is true that many of us subsequently voted against a very different bill that came to the floor.

But the version we reported out of our committee was the one of which the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. Sensenbrenner), boasted a while ago about his bipartisanship, because it provided significantly enhanced law enforcement powers.

 Sadly the Republican leadership then decided to kill that bill, and with no debate, no chance to read it, substitute a very different bill that many of us opposed on procedural as well as substantive grounds.

But the fact is that the liberals on the Judiciary Committee unanimously supported increased law enforcement powers. So the notion that we were offering only therapy, that lie, is of
course refuted by the fact that we voted go to war. We voted for enhanced law enforcement powers.

But then comes the biggest lie of all. What Mr. Rove appears to be trying to do is to perpetuate one of the most damaging acts of dishonesty we have seen from a President of the United States, the argument that part of the reason for invading Iraq was to defend ourselves against 9/11. That is, of course, what is implicit in Mr. Rove’s speech. He would put together the attack of 9/11, and what we did in Iraq.

But, the fact is now very clear, the Iraqi regime, despicable as it was, was not involved in the murders of 9/11. The war in Iraq was not based on an effort to deal with 9/11. That was the war in Afghanistan, which we supported.

So what you have from Mr. Rove, I would say in conclusion, Mr. Speaker, is a couple of specific lies in pursuit of a very big one, a big one that tries to get America to forget how dishonestly this administration argued for the war in Iraq.

PLEDGE OF ALLEGIANCE

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

Mr. FRANK of Massachusetts 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.

PATRIOTIC SPIRIT

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

Ms. FOXX. Mr. Speaker, it was my great pleasure this weekend to attend a wonderful patriotic program at Calvary Baptist Church in Winston-Salem entitled, “Our Flag Was Still There.” Interspersed with music and narration were reminders of times our country has been challenged. Americans have risen to the challenge.

As we approach the Fourth of July and all the celebrations attendant to it, it was gratifying to see a major church in our area doing its part to remind us of our heritage and inspire people to pray for our country. I quote Pastor Al Gilbert: “The flag is the symbol that has much standing behind it. Today there are thousands of men and women wearing this flag on their sleeve and standing in harm’s way. We must stand behind them as they stand for what is behind the flag. We remember those who made this a great Nation and we invite you to join us in praying for the needs of our country today.”

Associate Pastor Larry White: “You are exercising your right to celebrate and worship freely in our great country. In light of the threat to the safety and peace our country has faced in recent years and our current world condition, we especially want to honor the men and women who sacrifice that we may be sustained. We salute you and your commitment to our country.”

I am grateful to all of the folks at Calvary, and all the other churches in our country that will have similar programs this weekend, for their patriotic spirit and their prayers.

EXTENDING CONDOLENCES TO THE FAMILY OF OSCAR BROWN, JR.

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

Mr. DAVIS of Illinois. Mr. Speaker, I come to the floor today to extend condolences to the family of a dear friend of mine and a friend of all people who love culture, art, music, literature.

Oscar Brown, Jr., died a few days ago, and of course, Oscar was a noted enter-
The Longhorns’ win caps off another impressive season of University of Texas baseball. The team had a combined 51-16 record in the regular season and the playoffs, setting up another opportunity to compete for the national championship.

Under the guidance of Coach Augie Garrido, the Longhorns went undefeated in their five games of the series, pulling off a 6-2 victory over the Florida Gators in the final match-up on Sunday.

Credit for this outstanding victory is due to the entire Longhorns’ baseball team, coaching staff, and the athletic department at the University of Texas.

Special recognition for the win is also owed to the most outstanding player of the series, third baseman David Maroul. His six hits and six runs were a major factor in the Longhorns’ championship win.

Mr. Speaker, congratulations go to Coach Garrido and all the Longhorn players on their great victory.

**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

**RECOGNIZING NATIONAL HOMEOWNERSHIP MONTH AND THE IMPORTANCE OF HOMEOWNERSHIP IN THE UNITED STATES**

Whereas improving homeownership opportunities—

(1) fully supports the goals and ideals of National Homeownership Month; and

(2) recognizes the importance of homeownership in building strong communities and families.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY). Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Res. 312 which recognizes National Homeownership Month and the importance of homeownership in the United States. It is offered by the gentleman from California (Mr. GARY G. MILLER), my colleague and friend, who could not be here this moment to carry it. He has done a lot of great work on it.

It has very good sponsors, also the gentleman from Ohio (Chairman OXLEY); the gentleman from Massachusetts (Mr. FRANK), our ranking member of course myself and the gentlewoman from Florida (Ms. WATERS); the gentlewoman from Florida (Ms. HARRIS) and other supporters. This resolution is a testament to the benefits of a strong and robust housing market in this country.

A home is more than just the symbol of the American dream. It is the backbone of our American way of life.

Over the past 3 years, the housing market has driven the national economy as Americans bought and refinanced homes in record numbers. Many regions were spared the worst of the recent recession due to the strength of some local housing markets.

Today, the housing sector directly accounts for about 14 percent of the country’s total gross domestic product. Building a home involves multiple segments of our economy, including builders, bankers, mortgage lenders, realtors and numerous other people that are involved in this whole process.

Today is National Homeownership Month, and so many of our partners celebrate this because in America, every citizen, regardless of race, creed, color or place of birth, has the opportunity and should have the opportunity to own a home of their own.

Homeownership creates community stakeholders who tend to be active in charities, churches, and neighborhood activities. Homeownership inspires civic responsibility, and homeowners are more likely to take an interest in solving local issues. Families owning a home offer children a stable living environment, and in many cases it influences their personal development.
in many positive, measurable ways, at home and also at school.

Homeownership's potential to create wealth is imperative, too. For the vast majority of families, the purchase of a home represents the path to prosperity. A home is the largest purchase most Americans will ever make in their lifetime. It is a tangible asset that builds equity, good credit, borrowing power and overall wealth.

Today, nearly 70 percent of American families own their own homes. And minorities households are expected to account for two-thirds of household growth over the coming decade.

Improving the ability of such households to make the transition to homeownership will be an important test of the way to create opportunity for minorities and immigrants and to build strong, stable communities.

Last Congress, the Subcommittee on Housing and Community Opportunity, I am pleased to report, assisted in the successful enactment of 17 housing-related bills. Through bipartisan cooperation with our ranking member, the gentlewoman from California (Ms. WATERS); the gentleman from Ohio (Mr. OXLEY); and the gentleman from Massachusetts (Mr. FRANK), who worked on a good piece of legislation, we were able to enact these pieces of legislation today to make existing housing programs work better.

However, in the 109th Congress the Subcommittee on Housing and Community Opportunity will hold a hearing this Thursday on the recently introduced Zero Downpayment Pilot Program Act of 2005. This was introduced by the gentleman from Ohio (Mr. TIBERI) and the gentleman from Georgia (Mr. SCOTT). This legislation, which was first introduced last Congress, would provide a program to eliminate the downpayment requirement for certain families and individuals in low with FHA-insured mortgages. Changes have been made from last year's bill that would make it a pilot program and limits the program to 50,000 loans.

It is also my hope to look into the recent legislation introduced by the gentleman from Pennsylvania (Mr. FITZPATRICK), which deals with the issue of reverse mortgages. More specifically, it would remove completely the statutory limitation, or ceiling, and the aggregate number of mortgages that may be insured.

In the area of rural housing, the gentleman from Kentucky (Mr. DAVIS), who will be speaking later on the floor, has taken the lead by looking into creative ways to reform the Rural Housing Service.

On March 1, I introduced, along with the gentleman from Pennsylvania (Mr. KANJORSKI) and many others, the bipartisan Reverse Lending, which aims to stop abusive lending practices while allowing the mortgage market to continue to offer affordable credit. I have taken a great deal of time to investigate and find solutions to problems of abusive and predatory lending, which are rampant in the subprime market. As the legislative process moves forward, we will continue to work to improve and refine this bill, I would note.

While homeownership is a desired goal for many Americans, I would be remiss if I did not mention that today we know there are people who are not ready to own their own home, and we cannot forget about that. So it is therefore prudent that we continue to purse the perpetuation of the affordable rental housing is available. I am working with members of the committee to craft solutions that will address the effectiveness and efficiency of the government's role in the administration of the program.

We had some roundtables, which the gentleman from Massachusetts (Mr. FRANK), the gentlewoman from California (Ms. WATERS), the gentlewoman from New York (Ms. VELAZQUEZ), the gentleman from Alabama (Mr. BACHUS) and others participated in; and I think those are good, effective ways to bring people to the table so they can have an energetic give-and-take about section 8 and where we are.

I recognize there are key questions regarding funding of the Housing Choice Voucher Program. It is my hope to focus strictly on proposals to reform the program to make it a viable alternative in the future. The longer we wait to ramp up costs, the greater the risk there is to the section 8 program as well as other programs in HUD that will most surely suffer with some additional problems.

I would also note in this process that I think we have to come to an agreement in terms of what we are going to do with section 8; but I believe the whole community in the United States, housing authorities and others, needs to catch their breath. We cannot have one proposal one year that will completely alter it and the next year we see the same thing. So that is why I think the roundtables are productive ways to look at changes we can agree to.

We have much to achieve together for the American people, and our best hope for being successful is to work in close concert with each other, guided by the same high standards and principles and motivated by the same goals.

Those are a few things, Mr. Speaker, that have gone on here in the House as we mention H. Res. 312 for recognizing National Homeownership Month. I appreciate my colleagues who do so much to try to help people in homeownership, and I support this resolution.

Mr. Speaker, I reserve the balance of my time.
Homeownership is an important part of our policy, but it is not the entire housing policy of the Federal Government; nor is it the entire housing need of the Nation. Some people will never own. Many people choose not to own; there will be people who for their economic circumstances will not be able to own. And there is no conflict between promoting homeownership and recognizing that decent, affordable rental housing also be very important indefinitely for tens and tens of millions of Americans.

I welcome the initiative that the gentleman from Ohio talked about with regard to improving our public policies so that we are able to expand the stock of affordable rental housing and do it in a way that protects both the renters themselves and the taxpayers.

I just want to add, as I bring these remarks to a close, that I have had the opportunity of serving on the committee, and it has been a pleasure to work with the gentleman from California (Mr. GARY G. MILLER), that I want to pay tribute to a couple of organizations that have done a good deal to help us with this. I found the National Association of Home Builders has been a very constructive participant in our efforts to promote homeownership. The National Association of Realtors has also played a very useful role in helping us shape public policies that expand homeownership.

There are also a variety of advocacy groups that work with us so that we can make homeownership available to people who might not on their own in a market situation be able to afford it, while those who can, of course, at the same time, work with us on the need for affordable housing.

So as an example of what we are trying to do for an overall comprehensive housing policy, I very strongly support this. And let us be clear: if a family is not able to afford housing, if they either have housing that is not adequate or are paying far too much of their income for that, it is a crisis, and we must do something about it.

So maintaining a comprehensive set of policies that expand housing opportunities for people at various levels of the income scale is a very important part of our responsibility, and I welcome the chance to support this resolution as an example of one important piece of that.

Mr. Speaker, I have no further requests, and I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume in closing to once again thank the gentleman from Massachusetts (Mr. FRANK) and also the gentleman from California (Mr. GARY G. MILLER) has been very active and has been a great member on the Subcommittee on Housing and Community Opportunity. Along with a lot of our other colleagues, he has done a wonderful job on the committee, and it has been a pleasure having him on the committee. We also appreciate this resolution.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to celebrate homeownership in America.

Recently, President Bush designated June as National Homeownership Month as he has done for the past three years. To complement this designation, H. Res. 312, provides congressional support for the goals and ideals of National Homeownership Month and the importance of homeownership in the United States.

This resolution expresses the sense of Congress that the House of Representatives: (1) Fully supports the goals and ideals of National Homeownership Month; and (2) recognizes the importance of homeownership in building strong communities and families.

IMPORTANCE OF HOMEOWNERSHIP IN AMERICA

For generations, the goal of owning a home has been the bedrock of our economy and a fundamental part of the American Dream. And let us be clear: if a family is not able to afford it, others who might not on their own in a market situation be able to afford it, we must work with us on the need for affordable housing.

For families across this Nation, a home is more than four walls and a roof. It is a place where the elderly may retire with a lifetime of memories.

As a vital part of this goal, National Homeownership Month is a reminder of the importance of housing issues in America. This bipartisan resolution, H. Res. 312, recognizes the need for National Homeownership Month and the overall importance of homeownership in America. I urge my colleagues to join me in supporting H. Res. 312 to reinforce our commitment to housing opportunities and to help guarantee the dream of homeownership for more American families.

Mr. NEY, Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. President, I ask unanimous consent that all Members may have 5 legislative days in which to review and extend their comments on this legislation, House Resolution 312, and to insert extraneous material into the RECORD.

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to review and extend their comments on this legislation, House Resolution 312, and to insert extraneous material into the RECORD.

Mr. Speaker, I move to suspend the rules and

LITTLE ROCK CENTRAL HIGH SCHOOL DESEGREGATION 50TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. DAVIS of Kentucky. Mr. Speaker, I move to suspend the rules and

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to review and extend their comments on this legislation, House Resolution 312, and to insert extraneous material into the RECORD.

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

There was no objection.
pass the bill (H.R. 358) to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

The Clerk reads as follows:

H.R. 358

Be it enacted by the Senate and House of Representatives of the United States of America in Congre-

SECTION 1. SHORT TITLE.

This Act may be cited as the “Little Rock Central High School Desegregation 50th Anniver-
sary Commemorative Coin Act”. 

SEC. 2. FINDINGS.

The Congress finds the following:

(1) September 2007, marks the 50th anniver-
sary of the desegregation of Little Rock Cen-
thral High School in Little Rock, Arkansas.

(2) In 1957, Little Rock Central High was the site of the first major national test for the implemen-

(3) The courage of the “Little Rock Nine” (Ernest Green, Elizabeth Eckford, Melba Pattillo, Jefferson Thomas, Carlotta Walls, Terrence Roberts, Gloria Ray, Thelma Mothershed, and Minnijean Brown) who stood in the face of violence, was influential to the Civil Rights movement and changed American history by providing an example on which to build greater equality.

(4) The desegregation of Little Rock Central High by the 9 African American students was recognized by Dr. Martin Luther King, Jr. as a significant event in the struggle for civil rights that in May 1958, he attended the graduation of the first African American from Little Rock Central High School.

(5) A commemorative coin will bring na-
tional and international attention to the last-
y ing of this important event.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereinafter in this Act referred to as the “Secretary”) shall mint and issue not more than 500,000 $1 coins each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) DESIGN REQUIREMENTS.—The design of the coin minted under this Act shall—

(1) be selected by the Secretary after con-
sultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advi-
sory Committee established under section 5135 of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender for all debts, public and private.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—The design of the coins minted under this Act shall be em-
blematic of the desegregation of the Little Rock Central High School and its contribu-
tion to civil rights in America.

(b) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year “2007”; and

(3) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(c) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after con-
sultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advi-
sory Committee established under section 5135 of title 31, United States Code.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2007, except that the Secretary may initiate sales of such coins, without issuance, before such date.

(c) TERMINATION OF MINTING AUTHORITY.—No coins shall be minted under this Act after December 31, 2007.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—Notwithstanding any other provision of law, the coins issued under this Act shall be sold by the Secretary at a price equal to the value of the coin, plus the surcharge required under section 5134(f) of title 31, United States Code, all sur-
charges which are received by the Secretary from the sale of coins issued under this Act shall be paid to the Secretary to the Secretary of the Interior for the protec-
tion, preservation, and interpretation of re-
sources and stories associated with Little Rock Central High School National Historic Site, including the following:

(1) Site improvements at Little Rock Cen-
thral High School National Historic Site.

(2) Development of interpretive and edu-
cation programs and historic preservation projects.

(b) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(c) PREPAID ORDERS AT A DISCOUNT.—

(1) IN GENERAL.—The Secretary shall ac-
cept prepaid orders for the coins minted un-
der this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) SURCHARGE REQUIRED.—All sales shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all sur-
charges which are received by the Secretary from the sale of coins issued under this Act shall be paid to the Secretary to the Secretary of the Interior for the protec-
tion, preservation, and interpretation of re-
sources and stories associated with Little Rock Central High School National Historic Site, including the following:

(1) Site improvements at Little Rock Cen-
thral High School National Historic Site.

(2) Development of interpretive and edu-
cation programs and historic preservation projects.

(c) LIMITATION.—Notwithstanding sub-
section (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of com-
memorative coin programs issued during such year to exceed the annual 2 commemo-
rative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursu-
ant to the rule, the gentleman from Kentucky (Mr. Davis) and the gen-
tleman from Massachusetts (Mr. Frank) each keep control 20 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. Davis),

Mr. Davis of Kentucky. Mr. Speak-
er, I ask unanimous consent that all Members may have 5 legislative days within which to review and their remarks on this legislation, H.R. 358, and include extraneous material there-
on.

Mr. Speaker, this legislation authorizes the striking in 2007 of as many as 500,000 silver $1 commemorative coins, at no cost to the taxpayers, with sur-
charges on the sale of the coins dedicated to site improvements at the Little Rock Central High School National Historic Site, to development of inter-
pretive and educational programs at the site, and to historic preservation projects there. Further, the establish-
ment of cooperative agreements to pre-
sure or restore the historic character of the Park Street and Daisy L. Gatson Bates Drive corridors adjacent to the site.

Mr. Speaker, this legislation has 321 cosponsors, amply demonstrating its broad bipartisan appeal. I urge imme-
diate adoption.

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

Mr. Frank of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I was a high school senior when the extraordinarily brave African Amer-
ican students entered Little Rock High School, and I very vividly remember the combination of emotions I felt:
shortly after the news of which I was so proud was allowing the mistreat-
ment of these people who simply sought to get an education equal to
that of their fellow students; admiration, beyond admiration for their courage; frustration at a Federal Government which was hesitant at first in its response; and anger at those who would betray the spirit of America by racially motivated assaults on these brave young people.

This ended happily, but not nearly soon enough. It was an extraordinarily important event in this country, and it reminds us that you cannot correct evil. And we are talking here, in my judgment, about the great social evil that plagued our country. You cannot confront it halfway. You cannot confront it with the hope that if you just close your eyes and wish, things will get better. You have to deal directly with it.

We are a better Nation by far for the events of these past years. And those at Little Rock, these young people, and the adults who guided them and protected them in the Little Rock community, deserve the continuing deep gratitude of this country for what they did.

Mr. Speaker, I yield such time as he may consider necessary to the gentleman from Kentucky (Mr. DAVIS) and the gentlemen from Alabama (Mr. OWENS) and the House Committee on Veteran's Affairs for their remarks.

Mr. Speaker, I yield such time as he may consider necessary to the gentleman from Arkansas (Mr. SNYDER) for yielding me this time.

Mr. Speaker, I thank the gentleman for his remarks. I thank the gentleman (Mr. DAVIS) for those remarks.

Mr. Speaker, I thank the gentleman from Arkansas (Mr. SNYDER) who represents Little Rock and has been the main advocate for this legislation.

Mr. Speaker, I thank the gentleman from Kentucky (Mr. DAVIS) and the gentlemen from Ohio (Mr. OXLEY) and the committee staff on both sides of the aisle that worked on this bill.

Last week at American University in Cairo, Egypt, Secretary of State Condoleezza Rice made some remarks. Part of what she said, "When we talk about democracy, though, we are referring to governments that protect certain basic rights for all their citizens. Among these, the right to speak freely, the right to choose, the right to worship as you wish, the freedom to educate your children, boys and girls, and freedom from the midnight knock of the secret police."

Secretary Rice continues, "Securing these rights is the hope of every citizen, and the duty of every government. In my own country, the progress of democracy has been long and difficult. And given our history, the United States has no cause for false pride over any reason for humility. After all, America was founded by individuals who knew that all human beings and the governments they create are inherently imperfect, and the United States was born half free and half slave. It was only in my lifetime that my government guaranteed the right to vote for all its people.

"Nevertheless, the principles enshrined in our Constitution enable citizens of conviction to move America closer ever day to the ideal of democracy." The Secretary of State Condoleezza Rice in Cairo last week.

Mr. Speaker, nowhere was the march toward the ideal of democracy more in evidence than in the fall of 1957 in Little Rock, Arkansas. In 1957, Little Rock Central High School was the site of the first major national test for the implementation of the historic decision of the United States Supreme Court in Brown v. Board of Education of Topeka. President Eisenhower issued an Executive order directing marshals and troops under Federal authority to aid in the compliance of Federal law in Little Rock, Arkansas.

The courage of the "Little Rock Nine," Ernest Green, Elizabeth Eckford, Melba Pattillo, Jefferson Thomas, Carlotta Walls, Terrence Roberts, Gloria Ray, Thelma Mothershed, and Minnijean Brown, who stood in the face of violence, was influential to the civil rights movement and changed American history by providing an example on which to build greater equality.

The desegregation of Little Rock by the nine African American students has received the highest commendation of President King as such a significant event in the struggle for civil rights that in May 1958 he attended the graduation of the first African American from Little Rock Central High School, Ernest Green.

The 1957 crisis in Little Rock, brought about by the desegregation of Little Rock Central High School, was a huge part of the march towards freedom and opportunity in America. A 2007 commemorative coin issued by the U.S. Mint to honor the 50th anniversary of this important event will bring national and international attention to its lasting legacy.

As indicated by the gentleman from Kentucky (Mr. DAVIS) the money raised from the sale of these coins pays for the cost, there is no cost to the taxpayers, and any moneys beyond the cost may be used to support the national historic site. We are aware of the difficulties that some of our national parks now have in meeting their basic infrastructure needs, and the intent of this legislation is to provide supplementary funds to the care and maintenance of the Central Little Rock National Historic Site.

Mr. Speaker, I recommend an aye vote on the legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as he may consider necessary to the gentleman from Illinois (Mr. DAVIS) for his introduction of this legislation and the committee for moving it expeditiously to the floor so it, in fact, can be passed.

Mr. Speaker, I rise with great pride to honor the legacy of the courageous Little Rock Nine. Dr. Martin Luther King once said, "The swelling summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality."

One September morning in 1957, on the eve of the new school year, the cool winds of change brushed across the city of Little Rock, Arkansas. Nine young African American women and men decided they would not settle for discontent.

After the landmark case, Brown v. Board of Education, which ruled in favor of integrated schools, these nine young people, complexed Little Rock Central High School. Despite the taunts, violence and venous hatred endured by these youth during their tenure at Central High, they pressed on and pursued a dream for the millions of African Americans that cheered them on across the country.

It is a very meaningful time for me because I too lived at that time in Arkansas. I was born in a little city in the southeastern part of the State. In 1957, and I guess the gentleman from Arkansas (Mr. SNYDER) who represents Little Rock Central High School, I certainly want to pay tribute to my elders and thank the gentleman for his legislation which brings into our daily news, our daily activity, our daily occurrences.

I have been fortunate to know many of the individuals who were intimately involved, such as Ernie Green, Minnijean Brown and I spent a weekend together down at Southern Illinois University last year. Melba Pattillo's mother was a teacher at the school where I did student teaching, and I have had a chance to know them. Wallace Branton, who was the attorney intimately involved with the NAACP, I knew him and his family; and Daisy Bates, who was the leader of the NAACP in Arkansas at that time, are all people with whom I have had an opportunity to interact and I don't know. They were indeed a part of me and I am indeed a part of them. So I take great personal pride in knowing that there will be recognition of this historic struggle and the tremendous courage displayed.

I want to commend the gentleman from Arkansas (Mr. SYNDER) for his legislation which brings into work this commendation which puts a footnote in another chapter of the historic struggle for equality and justice in America.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

First, I want to thank the gentleman from Illinois (Mr. DAVIS) for those remarks. He noted that he was freshman at college during this time. As a senior in high school, I certainly want to pay deference to my elders and thank the gentleman for his remarks.

I want to recognize that he of no interest to anybody outside this Chamber, a set of decisions, procedures, and rules that we adopted earlier made it harder to bring this resolution to the
should this bill be the subject of a House-Senate conference.
I will include a copy of this letter and your response in the CONGRESSIONAL RECORD when this bill is considered by the House. Thank you again for your assistance.

Yours truly,

MICHAEL G. OXLEY  
Chairman
Sec. 102. Prohibition on future sales of periodic payment plans.
Sec. 103. Method of maintaining broker-dealer registration, disciplinary, and arbitration proceedings.
Sec. 104. Filing depositaries for investment advisers.

TITLE I—INSURANCE AND INVESTMENT PRODUCTS

SEC. 101. CONGRESSIONAL FINDINGS.

The Congress finds the following:

(1) Our military personnel perform great sacrifices in protecting our Nation in the War on Terror and promoting democracy abroad.

(2) Our brave men and women in uniform deserve to be offered first-rate financial products in order to provide for their families and invest for retirement.

(3) Our military personnel are being offered high-cost securities and life insurance products by some financial services companies engaging in abusive and misleading sales practices.

(4) One securities product being offered to our service members, the contractual plan, has largely disappeared from the civilian market since the 1980s due to its excessive sales charges and the emergence of low-cost products. A 50-percent sales commission is typically assessed against the first year of contributions made under a contractual plan, even though the average commission on other securities products such as mutual funds is less than 6 percent on each sale.

(5) The excessive sales charge of the contractual plan makes it susceptible to abusive and misleading sales practices.

(6) Certain life insurance products being offered to our service members are being improperly marketed as investment products.

(7) Regulation of these securities and life insurance products and their sale on military installations has been clearly inadequate and requires Congressional legislation to address.

SEC. 102. PROHIBITION ON FUTURE SALES OF PERIODIC PAYMENT PLANS.

(a) AMENDMENT.—Section 27 of the Investment Company Act of 1940 (15 U.S.C. 80a–27) is amended by adding at the end the following new subsection:

"(b) for such company, or any depositor of or underwriter for any such company, or any other person, to sell such a certificate.

(2) NO INVALIDATION OF EXISTING CERTIFICATES.—Notwithstanding subsection (1), a certificate is not construed to alter, invalidate, or otherwise affect any rights or obligations, including rights of redemption, under any periodic payment plan certificate issued before 30 days after such date of enactment.

(3) TECHNICAL AMENDMENT.—Section 27(i)(2)(B) of such Act is amended by striking "section 26(e)", and inserting "section 26(f)".

(4) REPORT ON REFUNDS, SALES PRACTICES, AND REVENUE GENERATION PLANS.—Within 6 months after the date of enactment of this Act, the Securities and Exchange Commission shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report describing:

(1) any measures taken by a broker or dealer registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) to voluntarily refund payments made by military service members on any periodic payment plan certificate, and the amounts of such refunds;

(2) after such consultation with the Secretary of Defense as the Commission considers appropriate, the sales practices of such brokers or dealers on military installations regarding insurance sales.

(3) the revenues generated from the sales of periodic payment plan certificates over the past 5 years and what products such brokers or dealers market to registered investment generators from such brokers or dealers.

(4) the revenues generated from the sales of periodic payment plan certificates prohibited under subsection (a) of this section.

SEC. 103. METHOD OF MAINTAINING BROKER/DEALER REGISTRATION, DISCIPLINARY, AND OTHER DATA.

Subsection (i) of section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(i)) is amended to read as follows:

"(1) OBLIGATION TO MAINTAIN REGISTRATION, DISCIPLINARY, AND OTHER DATA.—(A) establish and maintain a system for collecting and retaining registration information;

(1) register the association with the Commission,

(2) to pay the reasonable costs associated with such filing and the establishment and maintenance of the systems required by subsection (c),

(3) any information required by law or rule to be reported involving investment advisers and persons associated with investment advisers.

(2) the information shall include information on an investment adviser and the persons associated with that adviser whether the investment adviser is registered with the Commission under section 203 or regulated solely by a State as described in section 203A.

(3) LIMITATION OF LIABILITY.—Such information shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.

SEC. 104. FILING DEPOSITORIES FOR INVESTMENT ADVISERS.

(a) AMENDMENT.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by striking "Every investment" and inserting the following:

"(a) IN GENERAL.—Every investment"; and

(2) by redesignating subsection (e) as subsection (f).

(b) CONFORMING AMENDMENTS.—

(1) Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a) is amended—

(A) by striking "Every investment" and inserting the following:

"(A) establish and maintain a toll-free telephone listing, and a readily accessible electronic or other process, to receive and promptly respond to inquiries regarding information (including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law or rule to be reported) involving investment advisers and persons associated with investment advisers. Such information shall include information on an investment adviser and the persons associated with that adviser whether the investment adviser is registered with the Commission under section 203 or regulated solely by a State as described in section 203A.

(2) RECOVERY OF COSTS.—An entity designated by the Commission under subsection (b)(1) may charge persons making inquiries, other than individual investors, reasonable fees for responses to inquiries made under paragraph (1)

(3) LIMITATION OF LIABILITY.—An entity designated by the Commission under subsection (b)(1) shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.

(b) CONFORMING AMENDMENTS.

(1) Section 303A of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).


SEC. 105. STATE INSURANCE AND SECURITIES JURISDICTION ON MILITARY INSTALLATIONS.

(a) declarations of jurisdiction. —Any law, regulation, or order of a State with respect to the regulation of the business of insurance.
or the offer or sale (or both) of securities shall apply to such activities conducted on Federal land or facilities in the United States and abroad, including military installations of the United States, unless a disclosure in accordance with this section is provided to such member before the sale of such insurance.

(b) DISCLOSURE.—A disclosure in accordance with this section is a written disclosure that—

(1) states that subsidized life insurance may be available to the member of the Armed Forces regarded as a beneficiary to a service-connected disability, a death of a service member, or the survivor of a service member, and describes how a member may apply for such insurance;

(2) states that the United States Government has no way sanctioned, recom-mended, or encouraged the sale of the product being offered;

(3) is made in plain and readable language and in a type font at least as large as the font used for the majority of the policy; and

(4) with respect to a sale or solicitation on Federal land or facilities located outside of the United States by an individual or entity engaged in the business of insurance, except to the extent otherwise specifically provided by the laws of such State in reference to this Act, provide to the policyholder, the number where consumer complaints are received by the State insurance commissioner for the State in which the individual has been issued a resident license or the entity is domiciled, as applicable.

(c) ENFORCEMENT.—If it is determined by a State or Federal agency, or in a final court proceeding, that any individual or entity has intentionally failed to provide a disclosure required by this section, such individual or entity shall be prohibited from further en-gaging in the business of insurance with re-gard to employees of the Federal Government on Federal land, except—

(1) with respect to existing policies; and

(2) such activity would not apply if such activity were specifically contracted by or through the Federal Government pursuant to previous commit-tments.

(d) EXCEPTIONS.—

(1) FEDERAL AND STATE INSURANCE ACTIVITY.—This section shall not apply to insurance activities—

(A) specifically contracted by or through the Federal Government or any State gov-ernment;

(B) specifically exempted from the applica-tion of this Act by a Federal law, regulation, or order that specifically refers to this paragraph.

(2) UNIFORM STATE STANDARDS.—If a major-ity of the States have adopted, in materially identical form, a state law setting forth the disclosures required under this section that apply to insurance solicitations and sales to military per-sonnel on military installations, with re-spect to such States, to the extent that such standards do not directly conflict with any applicable authorized Federal regulation or directive.

(3) MATERIALLY IDENTICAL FORM.—For pur-poses of this subsection, standards adopted by more than one State shall be considered to have materially identical form to the ex-tent that such standards require or prohibit identical conduct with respect to the same activity, notwithstanding that the standards may differ with respect to conduct required or prohibited with respect to other activi-ties.

SEC. 108. IMPROVING LIFE INSURANCE PRODUCT STANDARDS.

(a) IN GENERAL.—It is the sense of the Con-gress that the NAIC should, after consulta-tion with the Secretary of Defense, and within 12 months after the date of the enact-ment of this Act, conduct a study to deter-mine the extent to which the States have met the requirements of subsection (a) and report the results to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) NOTICE AND ACCESS.—The Secretary shall ensure that—

(1) the appropriate Federal and State agen-cies responsible for any financial services regulation are promptly notified upon the in-clusion or removal of a person under such agencies' jurisdiction;

(2) the list is kept current and easily acces-sible—

(A) for use by such agencies; and

(B) by the public in considering any such bar, ban, or limitation by the ap-propriate Federal personnel, including com-manders of military installations.

(c) REPORTING.—

(1) IN GENERAL.—The Secretary shall issue regulations in accordance with this sub-section to provide for the establishment and maintenance of the list under this section, including appropriate due process consider-ations.

(2) TIMING.—(a) PROPOSED REGULATIONS.—Not later than the expiration of the 2-year period beginning on the date of the enactment of this Act, the Secretary shall—

(A) receive reports of disciplinary actions taken against insurance producers by insur-ers or government entities with respect to the producers' sale or solicitation of insurance on a military installation; and

(B) disseminate such information to all other States and to the Secretary of Defense.
Act, the Secretary shall prepare and submit to the appropriate Committees a copy of the regulations under this subsection that are proposed to be published for comment. The Secretaries shall include any public comments received in response to the Secretary’s request for comment in the Federal Register until the expiration of the 30-day period beginning upon such submission to the appropriate Committees.

SEC. 111. SENSE OF CONGRESS.

It is the sense of Congress that the Federal and State agencies responsible for insurance and securities regulation should provide advice to the appropriate Federal entities to—

(A) increase disclosure to consumers, including the Servicemembers Civil Relief Act, in the solicitation and communication to members of the Armed Forces and their dependents;

(B) provide the consent of the borrower for any action prohibited under paragraph (1); and

(C) treat military lenders in a manner consistent with the Civil tether of Credit Protection Act of 1991 (15 U.S.C. App. 1001 et seq.).


d. Enforcement. — The provisions of this section shall be enforced under section 917 of the Federal Credit Union Act.


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The gentleman from Kentucky (Mr. DAVIS) and the gentleman from New York (Mr. ISRAEL), who worked closely together on the reporting requirements, are to be thanked, as well as the gentlewoman from Florida (Ms. GINNY BROWN-WATTE) for ensuring appropriate SEC oversight of over-the-counter dealer practices on military posts. Also, I would like to thank the gentleman from Illinois (Mr. GUTIERREZ) for working on new requirements for high-cost lending. Their hard work and bipartisan leadership is well reflected in the legislation.

Today, I urge my colleagues in the 109th Congress to support this bipartisan bill and vote "yes" on the Military Personnel Financial Services Protection Act and protect our military personnel from the predatory financial products and sales practices.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Kentucky has quite correctly described both the need for this bill and what it does, and I am very pleased that the number of genuinely nonpartisan efforts that the Committee on Financial Services has brought forward.

I think there is a consensus in our committee. We have some issues about which we disagree, but we will continue to do so in a good spirit. But we also have a consensus that it is possible to work to make sure that the financial sector, the financial intermediaries in this country, are able to provide support for the function that the financial intermediaries should perform in our system.

This legislation is a very good example of that. It was introduced previously, as the gentleman from Kentucky mentioned, in a previous Congress. One version of it was also introduced, very similar, by the gentleman from Illinois (Mr. EMANUEL), who is on our committee. Our committee acted; the House acted. We are hopeful that this vote will take place because we are passing it early enough in this 2-year session to get its attention to go along with us.

And I would also note, as the gentleman from Kentucky graciously mentioned, that the gentleman from Illinois (Mr. GUTIERREZ) addressed as well at the session when we brought this up, the problem of payday lending, abusive payday lending for members of the military. As we know, members of the military, particularly now that we are mobilized, are often young, not always young, men and women in the military who may find themselves in economic distress.
Mr. Speaker, I am pleased to see that the House of Representatives is ready to turn to the important issue of regulating payday loan transactions. High-cost loan products, so it is crystal clear that payday lenders are a significant problem in our communities. These lenders often prey on individuals who are in the unfortunate position of needing a quick source of income. They charge exorbitant interest rates and fees, often resulting in a cycle of debt that is difficult to escape. The Pentagon has issued directives in- tended to prevent these abuses. But with the ongoing confusion over regulatory jurisdiction, the lack of communication among government agencies, and the lack of sufficient protection standards for certain financial products, it is clear that the abuses will not stop unless Congress enacts this legislation. High-cost loan products are a significant issue for our military personnel. The Military Personnel Financial Services Protection Act will go a long way toward eliminating these abuses and protecting our troops.
subsidized life insurance is available from the Federal Government and that the Government does not endorse, recommend, or encourage them to buy the product.

Finally, H.R. 458 clarifies the authority of state insurance regulators to act against bad actors on-base. The States are also directed to create uniform military personnel protection standards and to work with the Department of Defense to carry out those standards.

Mr. Speaker, it is time to end a culture on military bases that too often favors financial interests over the interests of our troops, their families, and their futures.

I encourage my colleagues to support this important legislation.

Mr. DAVIS of Kentucky. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RAXANOVICh). The question is on the motion offered by the gentleman from Kentucky (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 458, as amended.

The question was taken.

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

Mr. DAVIS of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

Mr. Speaker, I ask unanimous consent that thegentlewoman from California (Ms. LEE), thegentleman from Pennsylvania (Mr. DAVIES), and thegentleman from Florida (Mr. PALMETTO) not be named as prime sponsors of H.Con.Res. 71.

Mr. DENT. Mr. Speaker, this is the second time that I announce a request for time on the gentleman’s amendment. As I stated previously, I do not yield any portion of the gentleman’s remarks. I yield the balance of my time.

Mr. Speaker, it is my understanding that Mr. DAVIS, Mr. PALMETTO, and Mr. WELCH, the gentlelady from California, do not wish to be named as co-sponsors of H.Con.Res. 71.

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

Mr. Speaker, on behalf of the Committee on Government Reform, I rise in support of House Concurrent Resolution 71, a resolution that recognizes the Caribbean-American community. This is a meaningful resolution to many Americas of Caribbean heritage, and I trust my colleagues will join me in support.

Mr. Speaker, America and the islands of the Caribbean have been eternal neighbors, and our pasts and futures are inexorably connected. The first permanent European settlement on the Caribbean was established by Spain on Hispaniola, the island that is now Haiti and the Dominican Republic, in 1496. The first native Caribbean people came to mainland North America as indentured servants at Jamestown, Virginia, in 1619.

Since the birth of our Nation, the United States has greatly benefited from the contributions of those of Caribbean descent. From Alexander Hamilton, the first Secretary of the Treasury, and founder of the First Bank of the United States, who was born on the island of Nevis, through Secretary of State Colin Powell, who was born to Jamaican immigrants, Caribbean-Americans have impacted all aspects of our Nation in tremendous ways.

Mr. Speaker, without question America greatly values its Caribbean-American population. This concurrent resolution is one important way that Congress can express its appreciation of the patriotism and honor of Caribbean-Americans. In addition, the United States Government enjoys great relationships with many island countries in the Caribbean as we work together on many issues including drug trafficking and trafficking in persons.

This concurrent resolution enjoys strong bipartisan support, of course, of the Caribbean-American Cultural Association and the Caribbean Diaspora Empowerment Foundation. I would like to mention the 81 cosponsors here in the House. I support the concurrent resolution as well.

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

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

Mr. Speaker, I am pleased to join with the gentleman from Pennsylvania in consideration of H. Con. Res. 71, which expresses the Congress that June should be designated as National Caribbean-American Heritage Month.

This concurrent resolution, introduced by the gentlelady from California (Ms. Lee), recognizes that emigration from the Caribbean region to the American colonies began as early as 1619 with the arrival of indentured workers in Jamestown, Virginia. During the 17th, 18th, and 19th centuries, a significant number of slaves from the Caribbean region were brought to the United States.

This concurrent resolution also recognizes that millions of people have...
Mr. Speaker, the small nations of the Caribbean wield a cultural influence that has spread to the remote corners of the world. Our culture, notably the music—calypso, reggae, Afro-Cuban and their derivatives—which was created by-and-large by a people who long to the United Nations, was marginalized, has spread far and wide and enjoys unheard of popularity today.

But more than just our musical influence, Nobel prizes for literature have gone to poets St. Jean Perse of Guadeloupe and Derek Walcott of St. Lucia from among a number of highly regarded Caribbean writers. Moreover, internationally admired painters Wifredo Lam of Cuba and Leroy Clarke of Trinidad and Tobago and Haiti’s “naive” artists took inspiration from a complex cosmology born from West African religions and Christianity. And Trinidad and Tobago’s carnival was the basis for the breathtaking costumed parades designed by Peter Minshall of Guyana and Trinidad for the Barcelona, Atlanta and Salt Lake City Olympics.

Mr. Speaker, it is indeed fitting and proper that we honor the contributions of the people of the Caribbean to our history and culture. Indeed, if providence had not made it possible for our founding father Alexander Hamilton to travel to New York from his island of St. Croix to further his education, we might not be celebrating the founding of this Nation next week and instead have remained a colony of the United Kingdom even today.

I urge my colleagues to support the adoption of H. Con. Res. 71.

Mr. ENGEL. Mr. Speaker, I rise in support of H. Con. Res. 71, supporting the establishment of a Caribbean American Heritage Month. I urge the approval of this resolution to support the Caribbean Americans who have contributed immensely to American society throughout our history. They overcame slavery and colonialism to fight for their independence, and emigrated to American colonies as early as 1619.

The countless number of influential figures in American history who are of Caribbean heritage indicates the need to set aside a designated time to celebrate their contribution to our country. Alexander Hamilton, a founding father of the United States and the first Secretary of the Treasury, James Weldon Johnson, the writer of the Black National Anthem, Colin Powell, the first African-American Secretary of State, Marion Jones, an Olympic gold medalist, Shirley Chisolm, the first African-American woman elected to Congress, was also of Caribbean ancestry. Colin Powell, the first African American Secretary of State, is of Jamaican heritage. One could go on and on with the names of Caribbean Americans who have made significant contributions to our history and society, and that just serves to validate why this resolution is long overdue.

In addition to their contribution inside the U.S., individuals of Caribbean descent have contributed directly to the United States even when they did not actually reside in the country. Many are not aware that the United States utilized the skill and labor of thousands of English speaking Caribbean workers in the construction of the Panama Canal in the early 1900s. So large was their contribution that many of their descendants remain in Panama, and throughout Central America, to this day. The immense contribution that the Canal has made to the American economy, and global trade in general, serves as another reminder of what people of Caribbean decent have given to our country.

Caribbean-Americans also help to maintain the economic vitality of the region. As we all know the United States provides significant financial assistance to the Caribbean. However, that amount is dwarfed by the amount that Caribbean Americans send to the region in the form of remittances to family members. This is needed more than ever as the nations of the Caribbean continue to face many obstacles related to their small economies, and frequent natural disasters.

As we reflect on the contributions of the Caribbean community, there is much that we can learn from them. The Caribbean is quite arguably the most diverse region in the Western Hemisphere. With a population consisting of Asians, East Indians, Africans, Europeans, Native Americans, and even Middle Easterners, the Caribbean has thrived in its diversity, and Caribbean Americans have brought this culture of tolerance and inclusion with
them as they have integrated into American society.

As we now find ourselves with the passage of this resolution appropriately recognizing the Caribbean American community, I find it appropriate to point out a little-known, but ironic, fact. The first country to recognize the United States in 1776 was the Caribbean island of St. Eustatius. At a time when the odds were stacked against our Nation, the Caribbean was the first to extend the hand of friendship. Now we have the opportunity to return the favor with H. Con. Res. 71. I thank the gentleman from California for her introduction of this resolution, and I am confident that my colleagues will follow her lead.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today as an original cosponsor to H. Con. Res. 71, which expresses the sense of Congress that there should be the institution of a Caribbean-American Heritage Month. Persons of Caribbean descent played a fundamental role in the establishment of our Nation—these same Diasporic communities continue to contribute to the well being of the United States today.

Beginning with the emigration of indentured servants from the Caribbean to Jamestown, Virginia in 1619—through the slave trade the following three centuries, it is not surprising to find people of Caribbean heritage in every State and Territory. But upon these individual's works and merits that a large part of this country was built.

Although the countries of the Caribbean faced obstacles of slavery and colonialism, their struggles for independence prevailed. This racial and religiously diverse region of the world contributes greatly to the economy of our own Nation. While the Caribbean is a vital supplier to the sugarcane, coffee, cocoa, gold, tobacco, and banana industries, their contributions exceed monetary value.

There have been many influential Caribbean-Americans in the history of the United States, including: Colin Powell, the first African-American Secretary of State. Shirley Chisolm, the first African-American Congresswoman, and first African-American woman candidate for President. Sidney Poitier, the first African-American actor to receive the Academy Award for the best actor in a leading role. Harry Belafonte, a musician, actor, and activist. Claude McKay, a poet of the Harlem Renaissance. Celia Cruz, world renowned queen of Salsa music. Roberto Clemente, the first Latino inducted into the baseball hall of fame; and Al Roker, meteorologist and television personality.

From this short list, we see that Caribbean-Americans have not only their culture, and expertise in education, fine arts, business, literature, journalism, politics, and science, but the people of the Caribbean region also share the hopes and aspirations of the people of the United States for peace and prosperity throughout the world. Given their contributions to our Nation, I believe it would only be appropriate of the people of the United States to observe the month of June with fitting ceremonies, activities, and celebrations. It is on these grounds that I request that Congress honor the establishment of Caribbean-American Heritage Month.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I urge all Members to support House Concurrent Resolution 71, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill (H.R. 2346) to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the “John J. Hainkel Post Office Building,” as amended.

The Clerk reads as follows:

H.R. 2346

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

SECTION 1. JOHN J. HAINKEL JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, shall be known and designated as the “John J. Hainkel Jr. Post Office Building.”

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “John J. Hainkel Jr. Post Office Building”.

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

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, this legislation salutes the life of an extraordinary member of the Louisiana legislature, the late John Hainkel. John Hainkel served 20 years in the Louisiana State house and another 25 years in the State senate until he passed away on April 15 this year. I know he was a tremendous representative of his many constituents and supporters.

The State of Louisiana has mourned the loss of Senator Hainkel for several weeks, but I appreciate the House leadership’s selecting this bill for consideration so the entire Nation can acknowledge the life of this highly respected man. I also want to especially thank the distinguished gentleman from Louisiana (Mr. JINDAL) for his work on this bill and his commitment to recognizing Senator Hainkel.

Prior to his passing, Senator Hainkel had served in Baton Rouge since 1968, when he was first elected to the State house. He clearly earned the great respect of his colleagues because he became speaker of the house in 1980, and he held that post through 1984. In 1988, New Orleans voters elected him to be their State senator. He ultimately became president of the senate from 2000 through last year. He remained in the senate until his passing in April.

Mr. Speaker, I urge all Members to support this post office designation on behalf of John J. Hainkel, Jr. and urge all Members to do the same. It seems clear his contributions to Louisiana will be long lasting. I look forward to the words of the gentleman from Louisiana (Mr. JINDAL), sponsor of this legislation.

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

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

Mr. DENT of Illinois asked and was given permission to revise and extend his remarks.

Mr. DAVIS of Illinois. Mr. Speaker, as a Member of the House Committee on Government Reform, I am pleased to join with my colleague in consideration of H.R. 2346, legislation naming a postal facility in Hammond, Louisiana, after the late John J. Hainkel, Jr. This measure, which was introduced by the gentleman from Louisiana (Mr. JINDAL) on May 12, 2005, and unanimously reapproved by our committee and the House June 16, 2005, enjoys the support and cosponsorship of the entire Louisiana delegation.

John Hainkel was first elected to the Louisiana legislature in 1968. He held this position for 20 years, also serving as speaker of the house from 1980 to 1984.

Mr. Speaker, I urge all Members to support this legislation. The voters in uptown New Orleans elected him in 1988 to the State senate, where he served until his death representing the Sixth District. While serving in the senate, his colleagues elected him president of the senate in 2000, a post he held until 2004. He is the only legislator in Louisiana history to hold the leadership position in both houses.

Senator Hainkel supported the arts, was pro-business, worked hard to clean up Lake Pontchartrain, and loved to hold legislative meetings over the barbecue pit. He loved his district and State and served 38 years in politics working to improve the lives of his constituents. Sadly, John Hainkel passed away this past April.

Mr. Speaker, designating the post office in Hammond, Louisiana, is an excellent way to honor the memory of
of Louisiana’s political legends, John Hainkel, Jr. I commend my colleague for sponsoring this measure and urge swift passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Louisiana (Mr. JINDAL), the author of H.R. 2346.

Mr. JINDAL. Mr. Speaker, I thank the gentleman for yielding me time. Mr. Speaker, I rise both with a grateful and also a heavy heart. I rise with a grateful heart and I want to thank my colleagues for their speedy consideration of this resolution. I rise with a heavy heart because of the untimely passing of not only a colleague, but a friend.

I first met John Hainkel well over a decade ago, and at that point he had already been involved in elected politics for well over three decades. Senator Hainkel, as you already heard, accomplished many significant things in his public career. Indeed, he was the only person in Louisiana’s history to be elected both speaker of the house and president of our senate.

His vision and appeal, however, extended beyond party lines. He was elected as speaker of the house, serving as a Democrat, with the active support of Louisiana’s first Republican Governor elected in modern times. He then went on to serve three decades. Senator Hainkel, as you already heard, accomplished many significant things in his public career. Indeed, he was the only person in Louisiana’s history to be elected both speaker of the house and president of our senate.

His vision and appeal, however, extended beyond party lines. He was elected as speaker of the house, serving as a Democrat, with the active support of Louisiana’s first Republican Governor elected in modern times. He then went on to serve three decades.

I think that fact alone shows his bipartisan support, his broad appeal to many senators and representatives.

The quality that commanded such respect was the fact that he brought integrity, the fact that he brought humor, wit, the fact that he brought fashion to the daily legislative tasks.

But John was more than just a senator, he was more than just a legislator. Indeed, he was very accomplished in those arenas. Senator Hainkel not only worked with Pat Taylor to bring about Louisiana’s TOPS bill, which provides access for students to higher education, but he championed many budget reforms, helping to turn deficits into surpluses, helping to reform our State’s health care system and helping to revive our State’s economy.

But his accomplishments outside the legislature were almost as noteworthy as his accomplishments inside the legislature. John was also not only a dedicated senator, a dedicated representative, he was also a dedicated Tulane fan. I know, for he worked from almost his Green Wave and served him well in Omaha and went on to do so well in the College World Series. I know that he will still be watching them season after season, just with slightly better seats than he had before.

Indeed, Senator Hainkel was known for his friendship and was known for reaching out to new members of the bodies in which he served, to new members of the administration. He truly brought a passion and an attitude of public servant leadership that too often is missing from our elected halls. He brought a spirit of bipartisanship, a spirit of love for his home State of Louisiana.

Several things have been said about Senator Hainkel and the years of service he offered my State. I also want to note that he is survived by his son, John J. Hainkel, III, his daughter, Juliet Hainkel Holton, his other daughter, Alida Hainkel Furr, and by five grandchildren. I know his family brought him much joy. I know they, like I, am very saddened by his untimely and his early departure.

It is hard, it would be really impossible, to overstate the amount of affection and respect that Senator Hainkel engendered not only in his home district, but the home State of Louisiana. Whether you were with him or against him on a particular legislation, and I was in both places, whether you were with him or against him in a particular legislation, and I was in both places, he was always a worthy friend and a worthy opponent.

I can certainly think of nothing that would be more appropriate than naming, at least as a small tribute to him, this post office in Hammond, Louisiana, that was within the district he represented in the senate. Indeed, there is a spirited election to replace him now. Two very distinguished women are seeking that post. Though either one of them will serve well, neither of them will be truly able to succeed and replace the giant that was John Hainkel.

I want to thank my colleagues again for their support.

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

Mr. Speaker, I simply urge all Members to support the passage of H.R. 2436.

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

The SPEAKER pro tempore. Is there an objection to the request of the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Pennsylvania (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I ask unanimous consent that I may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2490. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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

Mr. Speaker, H.R. 2490 honors Joseph S. Daddona for his respected service to the community, my hometown, Allentown, Pennsylvania. Mr. Daddona was born in 1933, the son of Italian American immigrants. He grew up in the Second Ward of Allentown, in an ethnically diverse neighborhood.

Too poor to attend college after graduating from what was then Allentown High School, he enlisted in the United States Navy and served his country during the Korean War. After safely returning from overseas, Mr. Daddona put himself through Lehigh University and received an engineering degree.

Although he began his career as a planning engineer for the Western Electric Company, he found himself increasingly drawn to politics in the City of Allentown. In the mid-1960s, as a member of the Allentown Jaycees, Joe Daddona spearheaded the effort to create a Charter Study Commission for the city. He subsequently won a seat on that commission, helped draft the city’s strong mayor form of government and later served a term as an Allentown city councilman.

In 1973, Daddona was elected mayor for the first time. During his tenure,
Allen town was designated an All-American City, one of his proudest accomplish ments and something he spoke of often. He stood for reelection in 1977, but lost by 121 votes. Undeterred, Joe Daddona ran again in 1981 and won. He also triumphed in 1985 and 1993, making him the longest serving mayor in the city’s history, along with Malcolm W. Gross.

Mayor Daddona’s other endeavors include establishing parks, fire stations, and high-rise apartments for the elderly. He also improved environmental conditions at the local sewage treatment facility and was responsible for numerous modifications to local traffic patterns.

Daddona was a relentless booster for the city of Allentown. He was constantly in touch with his constituents and worked tirelessly to solve neighborhood problems. He loved to show off the city during Super Sunday and Mayfair events.

After his political career ended, he appeared on various local television and radio shows, in part to extol the virtues of the city. Daddona died after a long battle with cancer on June 5, 2004. He is survived by his wife Ann and their children.

Mr. Speaker, I urge all my colleagues to join me in support of H.R. 2490 in recognition and memory of my friend, the late Mayor Joe Daddona.

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

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

(4) encourages Mystic Seaport in its efforts to secure the future of its collections and programs through the Munson Institute and Williams-Mystic, the cooperative Maritime Studies Program of Williams College and Mystic Seaport;

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

Whereas Mystic Seaport continues to attract more than 300,000 visitors each year and millions of other individuals through its interactive web site, demonstrating its role as a vital cultural and educational center;

Whereas more than 1,500 volunteers each year assist 300 professional and support staff in preparing and interpreting the collections of the Mystic Seaport and in delivering its unique programs; and

Whereas Mystic Seaport has recently completed a comprehensive self-study and a strategic program and master plan, and has committed itself to its mission with an effort to strengthen its endowment and make its programs more cohesive and compelling; Now, therefore, be it

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

(1) commemorates Mystic Seaport: the Museum of America and the Sea in recognition of its 75th year and commends the staff, volunteers, and trustees who have encouraged them in their efforts to create greater awareness of America’s relationship to the sea and the profound impact of maritime transportation and commerce upon our Nation’s economic growth;

(2) supports Mystic Seaport’s presentation of our Nation’s Merchant Mariners and shipbuilders through its efforts to expand the Museum of America and the Sea in recognition of its 75th year and commends the staff, volunteers, and trustees who have encouraged them in their efforts to create greater awareness of America’s relationship to the sea and the profound impact of maritime transportation and commerce upon our Nation’s economic growth;

(3) asks all Americans to join in celebrating this milestone for Mystic Seaport and its mission of preserving and interpreting the legacy of American maritime transportation and tradition; and

(4) encourages Mystic Seaport in its efforts to secure the future of its collections and programs and supports its efforts to make those programs even more compelling and engaging.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. Fortuno) and the gentleman from California (Ms. Millender-McDonald) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. Fortuno).

GENERAL LEAVE

Mr. FORTUNO. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 152.

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

There was no objection.

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

Mr. Speaker, H. Con. Res. 152 was introduced by my colleague, the gentleman from Connecticut (Mr. Simmons), and commemorates Mystic Seaport, the Museum of America and the Sea, in recognition of its 75th year. The Seaport, dedicated in 1929 to preserve, protect, and honor the legacy of America’s great tradition and culture.
Mystic Seaport is the largest maritime museum and fourth largest history museum in the Nation and attracts more than 300,000 visitors annually.

The mission of Mystic Seaport is to create greater awareness and deeper appreciation of America’s relationship to the sea and to highlight the impact of that relationship upon us as individuals and as a Nation.

Both the gentleman from Connecticut (Mr. SIMMONS) and I represent a part of the history of our State. I urge my colleagues to support this resolution and join in celebrating this 75-year milestone for Mystic Seaport.

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

Ms. MILLIENDER-MCDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too rise in support of my colleagues to support this resolution. It is my pleasure to join in the celebration of the 75th anniversary of the Mystic Seaport.

Ms. MILLIENDER-MCDONALD. Mr. Speaker, I yield back the balance of my time.

Mr. FORTUNO. Mr. Speaker, I move to add the following:

Mr. Speaker, I urge my colleagues to support this resolution and join in celebrating this 75-year milestone for Mystic Seaport.

The Clerk read as follows:

H.R. 1412

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 “Delaware River Protection Act of 2005”.

SEC. 2. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

“SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

“(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

“(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) shall not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement.”.

SEC. 3. LIMITS ON LIABILITY.

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(i) TAKE VESSELS.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by striking subparagraph (A) and inserting the following:

“(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double-bottom only—

(i) $1,550 per gross ton for an incident that occurs in 2005; or

(ii) $1,900 per gross ton for an incident that occurs in 2006;

and

(ii) $2,500 per gross ton for an incident that occurs in 2007 or in any year thereafter; or

(ii) with respect to a double-hull vessel (other than any vessel referred to in subparagraph (A))—

(i) $3,350 per gross ton for an incident that occurs in 2005; or

(ii) $3,500 per gross ton for an incident that occurs in 2006; and

(iii) $7,700 per gross ton for any incident that occurs in 2007 or in any year thereafter; or”; and

(C) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (i) by striking “$10,000,000” and inserting “$4,000,000”; and

(ii) in clause (ii) by striking “$2,000,000” and inserting “$2,500,000”; and

(2) LIMITATION ON APPLICATION.—In the case of any incident occurring before the date of the enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

“(4) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—The President shall, by regulations issued no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005 and no less than every 3 years thereafter, adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index.”.
The Philadelphia Area Committee established under section 311(4)(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321(4)(a)) shall, by not later than 12 months after the date of the enactment of this Act and not less than annually thereafter, submit to the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal, State, and local authorities that oversee operations on the Delaware River and Delaware Bay, as follows:

(a) PROGRAM.—

(1) ESTABLISHMENT.—The Undersecretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil. Such program shall include the following elements:

(A) The development of methods to remove, disperse or otherwise diminish the persistence of submerged oil.
(B) The development of improved models and capacities for predicting the environmental fate, transport, and effects of submerged oil.
(C) The development of techniques to detect and monitor submerged oil.

(2) REPORT.—The Secretary of Commerce shall, no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report on the activities carried out under this subsection and activities proposed to be conducted under this subsection.

(3) FUNDING.—There is authorized to be appropriated to the Secretary of Commerce $1,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

(b) DEMONSTRATION PROJECT.—

(1) REMOVAL OF SUBMERGED OIL.—The Commandant of the Coast Guard, in conjunction with the Undersecretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.

(2) FUNDING.—There is authorized to be appropriated to the Commandant of the Coast Guard $2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

SEC. 5. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the "Committee").

(b) APPOINTMENT OF MEMBERS.—

(1) IN GENERAL.—The Committee shall, by not later than 1 year after the date the Commandant of the Coast Guard (in this section referred to as the "Commandant") completes ap- pointment of the members of the Committee, make recommendations to the Commandant, the Committee on Transportation and Infrastructure of the Senate and representatives, and the Committee on Commerce, Science, and Transportation of the Senate on methods to improve the prevention of and response to future oil spills in the Delaware River and Delaware Bay.

(2) MEETINGS.—The Committee—

(A) shall hold its first meeting not later than 60 days after the appointment of the members of the Committee; and

(B) shall meet thereafter at the call of the Chairman.

(c) MEMBERSHIP.—The Committee shall consist of 15 members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and movement of vessels in the Delaware River and Delaware Bay, as follows:

(1) Three members who are employed by port authorities that oversee operations on the Delaware River or Delaware Bay or have been selected to represent these entities, of whom—

(A) one member must be an employee or representative of the Port of Wilmington;

(B) one member must be an employee or representative of the Philadelphia Regional Port Authority;

(C) one member must be an employee or representative of the South Jersey Port Corporation;

and

(2) Two members who represent organizations that operate tugs or barges that utilize the port facilities on the Delaware River and Delaware Bay.

(3) Two members who represent shipping companies that transport cargo on the Delaware River and Delaware Bay.

(4) Two members who represent operators of oil refineries on the Delaware River and Delaware Bay.

(5) Two members who represent environmental and conservation interests.

(6) Two members who represent State-licensed pilots who work on the Delaware River and Delaware Bay.

(7) One member who represents labor organizations that load and unload cargo at ports on the Delaware River and Delaware Bay.

(8) One member who represents the general public.

(d) APPOINTMENT OF MEMBERS.—The Commandant shall appoint the members of the Committee, after soliciting nominations by notice published in the Federal Register.

(e) CHAIRMAN AND VICE CHAIRMAN.—The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act in the absence or incapacity of the Chairman, or in the event of vacancy in the Office of the Chairman.

(1) PAY AND EXPENSES.—

(A) PROHIBITION ON PAY.—Members of the Committee who are not officers or employees of the United States shall receive no additional pay on account of their service on the Committee.

(B) EXPENSES.—While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(f) TERMINATION.—The Committee shall terminate one year after the completion of the appointment of the members of the Committee.

SEC. 6. MARITIME FIRE AND SAFETY ACTIVITIES.

The Maritime Transportation Safety Act of 2002 (Public Law 107-295) is amended—

(1) in section 407—

(A) in the heading by striking "LOWER CO-

LUMBIA RIVER"; and

(B) by striking "$8,400,000" and inserting "$1,500,000";

and

(2) in the table of contents in section 1(b) by striking the item relating to section 407 and inserting the following:

"Sec. 407. Maritime fire and safety activities."
enhance our capabilities to prevent and respond to future oil spills in U.S. waters. I would like to thank my colleagues, the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Delaware (Mr. CASTLE), and the gentlewoman from Pennsylvania (Ms. SCHWARTZ), for their help, participation, and cosponsoring this bill.

I urge the House to support H.R. 1412. Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1412, the Delaware River Protection Act of 2005. On November 26, 2004, the tanker ATHOS I hit a piece of pipe and an anchor that had been dumped into the Delaware River, spilling oil into the Delaware River near Paulsboro, New Jersey. The Coast Guard immediately began coordinating the response to this large spill.

On January 18, 2005, the Subcommittee on Coast Guard and Maritime Transportation conducted a field hearing in Philadelphia to see what policy changes could be made to prevent this type of accident from happening again. H.R. 1412 was written as a result of that hearing.

No one seems to know where the pipe and anchor came from that the ATHOS I hit. It is clear to me that we need a law to notify the Coast Guard and the Army Corps of Engineers if they know of any object that has been dumped into the water that creates an obstruction to navigation.

As the gentlewoman from Pennsylvania (Ms. SCHWARTZ) pointed out at the hearing, the limit of liability of tank vessel owners has not been increased since the Oil Pollution Act of 1990 was enacted in response to the Exxon Valdez. OPA granted the Coast Guard the authority to increase the limits of liability for tank vessel owners based on the increase in the Consumer Price Index. However, they have never increased those limits. H.R. 1412 will increase the liability limits for oil spills up to a more modern amount and require these amounts to be adjusted not less than every 3 years.

One of the significant problems facing the agencies trying to clean up this spill is the amount that much of the heavy oil is sitting on the bottom of the river. H.R. 1412 will establish a program to monitor and evaluate the environmental effects of submerged oil.

H.R. 1412 also establishes the Delaware River and Bay Oil Spill Advisory Committee to make recommendations on methodologies to improve the prevention and response to future oil spills on the Delaware River and Delaware Bay.

I would like to thank the gentleman from New Jersey (Chairman LoBIONDO) for the bipartisan approach that he has used to develop this legislation, and I urge my colleagues to support the enactment of H.R. 1412, the Delaware River Protection Act of 2005.

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

Mr. LoBIONDO. Mr. Speaker, I yield 5 minutes to the gentleman from Delaware (Mr. CASTLE), and I thank him again for his participation and help.

Mr. CASTLE. Mr. Speaker, I rise in support of this important legislation, and I thank the gentleman from New Jersey (Mr. LoBIONDO) for working so hard on this bill for several months. He has worked extraordiarily hard on it and deserves a lot of credit. As chairman of the Subcommittee on Coast Guard and Maritime Transportation, he is a fierce defender of our environmental resources, and specifically the Delaware River; and we all appreciate it in that neck of the woods.

I do share his goal of protecting the viability of the Delaware River as a valued environmental resource, and I also believe that the commerce channel is top priority for the surrounding States.

Last November, a tragic oil spill, which has been referred to by the previous speakers, in the Delaware River set off a course of events which has led to the important legislation before us today, the Delaware River Protection Act. Beginning with a congressional hearing in January, it has been a top priority to not only address the cleanup of the oil spill but how we can look to the future. One clear outcome is prevention, working together as a region to learn from this accident.

The gentleman from New Jersey (Chairman LoBIONDO) has worked hard to draft legislation that I believe will make a real difference in protecting the Delaware River from another spill and in protecting the Delaware River as a valued natural resource.

I support the bill, which will establish the Delaware River and Bay Oil Spill Advisory Committee. A Spill Protection Committee will be paramount to addressing issues facing the Delaware River, both environmental and industrial, and will serve as a sounding board for issues concerning the Delaware River.

Some of the committee’s responsibilities will include developing recommendations for Congress on the prevention and response to future oil spills on the Delaware River and bay; reporting on important issues affecting the health of the Delaware River, while ensuring that there is a balanced approach to the issues.

The committee will be made up of appointed experts in many different areas, from the operators of oil refineries to environmental advocates. As a result, this committee will be able to examine the breadth of issues facing the river. The recommendations need not be unanimous, allowing representation of transparent and likely divergent viewpoints.

In the coming years, our States will face numerous proposed industrial and government activities that have potential safety, environmental, and economic consequences. This bill will help our region to be prepared and assure that important steps are taken to preserve the Delaware River.

Again, I thank the gentleman from New Jersey (Mr. LoBIONDO) and the others who worked on this, and I sincerely encourage my colleagues’ support for this legislation. I hope that, with the cooperation of the Senate, this will become law shortly to protect the Delaware River.

Mr. LoBIONDO. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ) and again thank her for her participation.

Mr. SCHWARTZ of Pennsylvania. Mr. Speaker, I appreciate the efforts of the gentleman from New Jersey (Mr. LoBIONDO) and the opportunity to make a few remarks on this legislation.

On November 26, 2004, the ATHOS I oil tanker struck a submerged object near Paulsboro, New Jersey, and spilled 265,000 gallons into the Delaware River. The spill, the largest to occur in the Delaware River in the last 16 years, struck at the heart of our region, occurring in the Port of Philadelphia.

Two months after the spill, on my 15th day as a Member of Congress, my 15th day on the job, the gentleman from New Jersey (Mr. LoBIONDO) convened a hearing in Philadelphia to examine the damage of the spill, the on-going cleanup effort, and what else might be needed to be done, either now or in the future. I appreciated the chairman’s willingness to have me participate in that hearing as a very new member of the Committee on Transportation and Infrastructure.

We all found, and we heard from the testimony, that this spill had caused millions of dollars in damages and affected more than 100 miles of shoreline in three States. In addition, it put area drinking water power plant, put area drinking water at risk, and injured and killed wildlife. Unfortunately, many regional environmental experts testified that the impact of the oil spill would continue to linger, further damaging critical species such as oysters and horseshoe crabs. The devastating multiplier effect of the spill and the expert testimony made clear that action was not just for the cleanup, but for prevention.

As a consequence of what we found, the gentleman from New Jersey (Mr. LoBIONDO), the gentleman from Delaware (Mr. CASTLE), the gentleman from Pennsylvania (Mr. ANDREWS), and the gentleman from New Jersey (Mr. SAXTON) and I coauthored this bill, a bill that would protect the environmental integrity and economic vitality of the Delaware River and the greater Philadelphia area.

Mr. Speaker, the Delaware River Protection Act will take several very important steps to help prevent future oil
spills. It will require mandatory reporting to the Coast Guard of overboard objects in order to facilitate their recovery and will impose civil or criminal penalties for those who fail to give prompt notification. It will encourage the use of double-hull tankers, which are safer and less susceptible to the damage caused by the single hull tankers. It will hold shippers accountable for damages caused by a spill by phasing in an increased liability standard, the first increase since 1990. And it will establish a River and Bay Advisory Committee which will be comprised of representatives from shipping, oil, labor, environment, and the general public to report to Congress on how best to prevent and respond to future incidences along the Delaware River.

I also want to note that in addition to these actions, the Water Resources Development Act, which will be considered by the House later this week, includes a key provision that was originally part of this legislation. Specifically, it will provide the Army Corps of Engineers with the authority to remove debris along the Delaware River, a vital authority as we increase efforts to keep our waterways clear of dangerous debris. It is my hope that the Water Resources Development Act will be received in an equally bipartisan manner.

Mr. Speaker, the Delaware River Protection Act represents a true collaborative effort. I want to thank the gentleman from New Jersey (Mr. LoBiondo) for his leadership on this bill, as well as his office staff, Geoff Gosselin, and the Subcommittee on Coast Guard and Maritime Transportation staff John Cullather, Eric Nagel and John Rayfield for their hard work on this important issue and working so closely with my staff.

Undoubtedly, implementation of this legislation will help to prevent future oil spills along the river, while also preserving the Port of Philadelphia as the regional resource that it is. That is why I urge my colleagues to support passage of this legislation.

Mr. LoBiondo. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Issa). The question is on the motion offered by the gentleman from New Jersey (Mr. LoBiondo) that the House suspend the rules and pass the bill, H.R. 1412, as amended.

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

A motion to reconsider was laid on the table.

SAND CREEK MASSACRE NATIONAL HISTORIC SITE TRUST ACT OF 2005

Mr. FORTUNO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 481) to further the purposes of the Sand Creek Massacre National Historic Site Act of 2000, as amended.

The Clerk read as follows:

H.R. 481

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 "Sand Creek Massacre National Historic Site Trust Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) FACILITY.—The term "facility" means any structure, facility, or system constructed or used for the trust property on or after the date of enactment of this Act.

(2) IMPROVEMENT.—The term "improvement" means—

(A) a 1,625 square foot 1-story ranch house, built in 1952, located in the SW quarter of sec. 30, T. 17 S., R. 45 W., sixth principal meridian;

(B) a 3,600 square foot metal-constructed shop building, built in 1975, located in the SW quarter of sec. 30, T. 17 S., R. 45 W., sixth principal meridian;

(C) a livestock corral and shelter; and

(D) a water system and wastewater system with all associated utility connections.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRIBE.—The term "Tribe" means the Cheyenne and Arapaho Tribes of Oklahoma, a federally recognized Indian tribe.

(5) TRUST PROPERTY.—The term "trust property" means the real property, including rights to all minerals, and excluding the improvements, formerly known as the "Dawson Ranch", consisting of approximately 1,465 total acres presently under the jurisdiction of the Tribe, situated within Kiowa County, Colorado, and more particularly described as follows:

(A) The portion of sec. 24, T. 17 S., R. 46 W., sixth principal meridian, that is the Eastern half of the NW quarter, the SW quarter of the NE quarter, the NW quarter of the SE quarter, sixth principal meridian;

(B) All of sec. 25, T. 17 S., R. 46 W., sixth principal meridian;

(C) All of sec. 30, T. 17 S., R. 45 W., sixth principal meridian.

SEC. 3. CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.

(a) LAND HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.—On conveyance of title to the trust property by the Tribe to the United States, without any further action by the Secretary, the trust property shall be held in trust for the benefit of the Tribe.

(b) TRUST.—All right, title, and interest of the United States in and to the trust property, except any facilities constructed under section 6(a), are declared to be held by the United States as trust property.

SEC. 4. IMPROVEMENTS AND FACILITIES.

(a) IMPROVEMENTS.—The Secretary may acquire by donation the improvements in fee.

(b) FACILITIES.—

(1) IN GENERAL.—The Secretary may construct a facility on the trust property only after consulting with, soliciting advice from, and obtaining the agreement of the Tribe, the Northern Cheyenne Tribe, and the Northern Arapaho Tribe.

(2) OWNERSHIP.—Facilities constructed with Federal funds or funds donated to the United States shall be owned in fee by the United States.

(c) FEDERAL FUNDS.—For the purposes of the construction, maintenance, or demolition of improvements or facilities, the United States shall be paid only on improvements or facilities that are owned in fee by the United States.

SEC. 5. SURVEY OF BOUNDARY LINE; PUBLICATION OF DESCRIPTION.

(a) SURVEY OF BOUNDARY LINE.—To accurately establish the boundary of the trust property not later than 180 days after the date of enactment of this Act, the Secretary shall cause a survey to be conducted by the Office of Cadastre of the Bureau of Land Management of the boundary lines described in section 2(b).

(b) PUBLICATION OF LAND DESCRIPTION.—

(1) IN GENERAL.—On completion of the survey under subsection (a), the survey by the representatives of the Tribe, the Secretary shall cause the full metes and bounds description of the lines, with a full and accurate description of the trust property, to be published in the Federal Register.

(2) EFFECT.—The description shall, on publication, constitute the official description of the trust property.

SEC. 6. ADMINISTRATION OF TRUST PROPERTY.

(a) IN GENERAL.—The trust property shall be administered in perpetuity by the Secretary as part of the Sand Creek Massacre National Historic Site, only for historical, traditional, cultural, and other uses in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 611 note; Public Law 106–465).

(b) ACCESS FOR ADMINISTRATION.—For purposes of administration, the Secretary shall have access to the trust property, improvements, and facilities as necessary for management of the Sand Creek Massacre National Historic Site in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 611 note; Public Law 106–465).

(c) DUTY OF THE SECRETARY.—The Secretary shall take such action as is necessary to ensure that the trust property is used only in accordance with this section.

(d) SAVINGS PROVISION.—Nothing in this Act supersedes the laws and policies governing units of the National Park Service.

SEC. 7. ACQUISITION OF PROPERTY.

Section 6(a)(2) of the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 611 note; Public Law 106–465) is amended by inserting "or exchange" after "only by donation".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. FORTUNO) and the gentleman from New Mexico (Mr. Udall) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. FORTUNO).

Mr. FORTUNO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 481, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico? There was no objection.

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

Mr. Speaker, H.R. 481, introduced by the gentlewoman from Colorado (Mrs. Musgrave) would authorize the Secretary of the Interior to hold 1,465 acres in trust, thereby allowing the National Park Service to formally establish the Sand Creek Massacre National Historic Site. The Park Service has worked in partnership with the State of Colorado, the Cheyenne tribe, and the Arapaho tribe to establish this site which was originally authorized in 2000.
and recognizes the national significance of the Sand Creek Massacre in American History.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, as the majority has explained, H.R. 481 will further the purposes of the Sand Creek Massacre National Historic Site by enabling a significant parcel of land to be added to the site.

The Sand Creek Massacre National Historic Site was authorized in 2000 to preserve, commemorate and interpret the location of the 1864 massacre of Cheyenne and Arapaho people camped along the banks of the Big Sandy Creek in southeastern Colorado. The effort to establish the historic site had been a cooperative one. The inclusion of the land authorized by H.R. 481 will be a significant step leading to the formal establishment of the site by the Secretary of the Interior.

Mr. Speaker, H.R. 481 will help advance the location and interpretation of the Sand Creek Massacre National Historic Site and we support adoption of the legislation by the House today.

Mr. Speaker, let me thank the staff of the Resources Committee, both the minority and majority staff, and especially Rick Healy, who worked diligently on this bill.

Mrs. MUSGRAVE. Mr. Speaker, I am pleased, to offer my bill H.R. 481, the Sand Creek Massacre National Historic Act. I want to thank Chairman Pombo of the Committee on Resources for the expedient way in which this bill moved through committee and onto the floor.

This bill is not only important to the Cheyenne and Arapaho Indian tribes, the citizens of the 4th district of Colorado and the entire state, but it is also important to help secure a permanent reminder in America of the tragic event that forever altered the course of Western frontier history.

On November 29, 1864, 700 Colorado Volunteers commanded by Colonel John Chivington attacked a village of Cheyenne and Arapaho Indians who were camped along Big Sandy Creek in what is now Kiowa County, Colorado—part of the district that I represent today. Approximately 920 people were killed in the attack, the majority of whom were woman and children. This event is now known as the Sand Creek Massacre.

On March 13, 1865, this event was addressed in Congress by the Joint Committee on the Conduct of the War. Today, 141 years after the Massacre and 140 years after the first congressional hearings, Congress is again discussing this tragedy. This time we are here to honor the victims and preserve a historic parcel of land in Southeastern Colorado where this event took place.

In 1998, Congress authorized a study to investigate the suitability and feasibility of designating the Sand Creek Massacre National Historic Site in the State of Colorado as a unit of the National Park System. In November 2000, after the completion of the site location study, Congress passed the Sand Creek Massacre National Historic Site Establishment Act. This Act instructs the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site as a unit of the National Park System once it is accepted to interpret and commemorate the massacre.

Today, we consider H.R. 481, to place 1,465 acres of tribally owned land inside the Sand Creek Massacre National Historic Site boundary into Tribal Trust. This would allow the Cheyenne and Arapaho Tribes to manage, within the Historic Site to be managed by the National Park Service in partnership with the Northern and Southern Cheyenne and Arapaho Tribes and consistent with the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

The passage of H.R. 481 is an important step in establishing this National Historic Site. With passage of this bill, the National Park Service would be given management responsibility over an additional 1,465 acres and would boost the acreage of the managed site to almost 2,400 acres. Many involved in this project believe the addition of 1,465 highly important acres to the Park Service’s previous holdings will amount to “a sufficient portion” to complete the establishment of this National Historic Site. The Secretary of the Interior finally designates this site an official National Historic Site, the Northern and Southern Cheyenne and Arapaho Tribes, the State of Colorado, Kiowa County and other stakeholders can begin the planning necessary to open this historic site to the public.

I truly believe this bill will help heal the wounds of the past. I ask for the support of my colleagues on this bill.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this bill. I congratulate my Colorado colleague, Mrs. Musgrave, for introducing it and thank the leadership of the Resources Committee for making it possible for the House to consider it today.

Enactment of the bill is a vital step toward formal establishment of the Sand Creek National Historic Site as authorized in 2000 by Public Law 106–465.

The purpose of the Historic Site will be to recognize the national significance of what we now recognize as a permanent stain on the history of our State of Colorado—the Sand Creek massacre—and its ongoing significance to the Cheyenne and Arapaho people and descendants of the massacre victims.

The Act authorizes establishment of the national historic site once the National Park Service has acquired sufficient land to preserve, conserve, interpret and memorize the massacre site.

The National Park Service has acquired approximately 920 acres, but the majority of land within the authorized boundary is privately owned and is not open to the public. The National Park Service has been working in partnership with the Cheyenne and Arapaho Tribes and the State of Colorado towards establishment of the Sand Creek Massacre National Historic Site.

This bill will authorize the Cheyenne and Arapaho Tribes to convey approximately 1,465 acres to the Secretary of the Interior to be held in trust for the tribes. Once these lands are conveyed, the National Park Service will be able to formally establish the Sand Creek Massacre National Historic Site.

Sand Creek was the site of an attack with terrible and long-lasting effects. Its history speaks to what can happen when military force is misused for political purposes.

A leader of the attack was John M. Chivington, who earlier had been hailed as the hero of the battle at La Glorieta Pass—sometimes called the “Gettysburg of the West”—which ended the efforts of the Confederacy to seize New Mexico and other western territory.

As history records, Chivington seemed destined for even greater prominence. He was a leading advocate of quick statehood for Colorado, and spoken of as a likely candidate for Congress. At the same time, tensions between Colorado’s growing white population and the Cheyenne Indians reached a feverish pitch. The Denver newspaper printed a frontpage editorial advocating the “extermination of the red devils” and urging its readers to “take a few Chivingtons off and institute a systematic mass murder.”

Finally, during the early morning hours of November 29, 1864, he led a regiment of Colorado Volunteers to where the band led by Black Kettle, a well-known “peace” chief, was encamped. Federal army officers had promised Black Kettle safety if he would return to this location, and he was in fact flying the American flag and a white flag of truce over his lodge, but Chivington ordered an attack on the unsuspecting village nonetheless.

After hours of fighting, the Colorado volunteers lost only 12 men in the process of murdering between 200 and 400 Cheyenne, most of them women and children. After the slaughter, they scalped and sexually mutilated many of the bodies, later exhibiting their trophies to cheering crowds in Denver.

Chivington was at first exonerated for the “battle” at Sand Creek, and honored with a widely-attended parade through the streets of Denver.

Attitudes began to change as tales circulated of drunken soldiers butchering unarmed women and children. At first, these rumors seemed confirmed when Chivington was arrested six of his men and charged them with cowardice in battle.

But the six, including Captain Silas Soule, were in fact militia members who had refused to participate in the massacre and now spoke openly of the carnage they had witnessed. Shortly after their arrest, the U.S. Secretary of War ordered the six men released and Congress began preparing for a formal investigation.

Soule himself could not be a witness at any of the investigations, because less than a week after his release he was shot from behind and killed on the streets of Denver.

Although Chivington was eventually brought up on court-martial charges for his involvement in the massacre, he was no longer in the U.S. Army and could therefore not be punished. No criminal charges were ever filed against him. An Army judge, however, publicly stated that Sand Creek was “a cowardly and cold-blooded slaughter, sufficient to cover its perpetrators with indelible infamy, and the face of every American with shame and indignation.”

H5201

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The massacre remains a matter of great historical, cultural and spiritual importance to the Cheyenne and Arapaho Tribes, and is a pivotal event in the history of relations between the Plains Indians and Euro-American settlers.

The effort to establish the Sand Creek National Historic Site was led by former Senator Ben Campbell of Colorado. It has gone through several stages:

The Sand Creek Massacre National Historic Site Study Act (Public Law 105–243) directed the National Park Service, in consultation with the State of Colorado, the Cheyenne and Arapaho Tribes of Oklahoma, the Northern Cheyenne Tribe, and the Northern Arapaho Tribe, to complete two tasks. First, the Act directed the Park Service to “identify the location and extent of the massacre area.” Second, the Act directed the Park Service to prepare a report that assessed the national significance of the Sand Creek Massacre site, the suitability and feasibility of designating it as a unit of the National Park System, and a range of alternatives for the management, administration and protection of the area.

Following completion of these studies, Senator Campbell introduced legislation to authorize the establishment of the Sand Creek Massacre National Historic Site as a unit of the National Park System. Enactment of this bill is an important step toward completing that effort. I urge its approval by the House.

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

Mr. FORTUNO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. FORTUNO) that the House suspend the rules and pass the bill, H.R. 481, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, H.R. 481, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING ESTABLISHMENT AT ANTIETAM NATIONAL BATTLEFIELD OF NEW HAMPSHIRE MEMORIAL

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1084) to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1084

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

SECTION 1. ESTABLISHMENT OF NEW HAMPSHIRE MEMORIAL, ANTIETAM NATIONAL BATTLEFIELD, MARYLAND.

(a) MEMORIAL AUTHORIZED.—The Secretary of the Interior shall authorize the establishment, at a suitable location approved by the Secretary within the boundaries of Antietam National Battlefield, of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862.

(b) AUTHORIZATION.—The Secretary shall select the persons who will be permitted to establish the memorial authorized by subsection (a).

(c) DESIGN APPROVALS.—The size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary.

(d) PROHIBITION OF USE OF FEDERAL FUNDS FOR ESTABLISHMENT.—No Federal funds may be expended to design the memorial authorized by subsection (a), to acquire the memorial, to prepare the site selected for the memorial, or to install the memorial.

(e) SUSPENSION FOR MISREPRESENTATION IN FUNDRAISING.—The Secretary may suspend the authority of the persons selected under subsection (b) to establish the memorial authorized by subsection (a) if the Secretary determines that fundraising efforts relating to the memorial have misrepresented an affiliation with the memorial or the Federal Government.

(f) ANNUAL REPORT.—Upon installation of the memorial authorized by subsection (a), the Secretary shall assume responsibility for the memorial and prohibit the use of Federal funds for the maintenance and progress on the establishment of the memorial.

(g) MAINTENANCE.—Upon installation of the memorial authorized by subsection (a), the Secretary shall assume responsibility for the maintenance of the memorial. The Secretary may accept contributions for the maintenance of the memorial and prohibited the use of Federal funds for the memorial.

H.R. 481

The massacre remains a matter of great significance of the Sand Creek Massacre site, the suitability and feasibility of designating it as a unit of the National Park System. Enactment of this bill is an important step toward completing that effort. I urge its approval by the House.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, as the majority has explained, H.R. 1084 authorizes the establishment of a Civil War Memorial to New Hampshire soldiers who fought at the Battle of Antietam in 1862.

Evidently, New Hampshire is the only State that participated in the Battle of Antietam that does not have a memorial to its soldiers at the site. The citizens of New Hampshire are proud of their ancestors’ participation in the battle and would like to commemorate their participation.

Mr. Speaker, we have no objection to the adoption of H.R. 1084, as amended, by the House today.

Mr. Speaker, I would like to thank the majority and minority staff of the House Resources Committee, and especially Rick Healy of the Resources Committee, for their diligent work on this bill.

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

Mr. PEARCE. Mr. Speaker, I also thank the staffs from both majority and minority to get this bill through.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 1084, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, H.R. 1084, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION ACT OF 2005

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1428) to authorize appropriations for the National Fish and Wildlife Foundation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.
Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material on H.R. 1428, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico (Mr. PEARCE), and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1428, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico? There was no objection.

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

Mr. Speaker, I am pleased to support H.R. 1428 introduced by the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

Mr. Speaker, I rise today in support of H.R. 1084, a bill I introduced regarding a defining historical event for my State of New Hampshire, the American Civil War. The American Civil War was the deadliest war in all of American history with casualties totaling over $900 million in private matching funds.

In this effort, Congressman BASS and I have introduced H.R. 1084, which would authorize the establishment of a Memorial at Antietam National Battlefield for the New Hampshire soldiers who fought in the historic battle. Importantly, this bill does not authorize any Federal appropriations, nor require any local municipality in Maryland to help finance the costs of the construction or maintenance of the monument. Any monument built and maintained at the Antietam National Battlefield Park would be entirely paid for by private sources. Additionally, the design, size, and location of any monument authorized under this bill would be at the total discretion of the Secretary of the Interior and any proposals that do not meet these criteria may be rejected. Citizens of New Hampshire have expressed to me, through both direct conversations as well as State passed legislation, that they would relish the opportunity to at last place a deserving monument on the battlefield at Antietam.

In closing, I would like to call to mind an excerpt from a report issued by a correspondent of the Manchester Daily Mirror on September 20, 1862, three days after the horrific battle:

For two hours there was never sharper musketry heard or seen, and New Hampshire blood flowed freely in the contest. The Ninth suffered terribly but never flinched, and every man stood before the awful carnage without one thought of yielding.

Mr. Speaker, these men exemplified the steadfast bravery that is a hallmark of American soldiers across generations. On behalf of the citizens of New Hampshire, I ask for the assistance of the House in helping to furnish a proper monument to these commendable Americans.

Mr. UDALL of New Mexico. Mr. Speaker, I yield back the balance of my time.
since the establishment of the National Co-
operative Geologic Mapping Program in 1992,
no modern, digital, geologic map exists for
approximately 75 percent of the Nation;".
(2) Paragraph (2) is amended—
(A) in subparagraph (A) by inserting "homo-
eland and" after "planning for"; and
(B) in subparagraph (E) by striking "pre-
dicting" and inserting "identifying";
(C) by striking "and" after the semicolon
at the end of subparagraph (I); and
(D) by redesignating subparagraph (J) as
subparagraph (K), and
(E) by inserting after subparagraph (I) the
following:
"(J) recreation and public awareness; and;
(3) Paragraph (9) is amended by striking "im-
portant" and inserting "available".

SEC. 4. PURPOSE.
Section 4(a) (43 U.S.C. 31a(b)) is amended
by striking "protection" and inserting "man-
age ment".

SEC. 5. DEADLINES FOR ACTIONS BY THE UNITED STATES GEOLOGICAL SURVEY.
Section 4(b)(1) (43 U.S.C. 31c(b)(1)) is amended—
(1) in subparagraph (A) by striking "not later
than", and all that follows through the
semicolon and inserting "not later than one
year after the date of the enactment of the
National Geologic Mapping Reauthorization
Act of 2005"; and
(2) in subparagraph (B) by striking "not later
than", and all that follows through "in ac-
cordance" and inserting "not later than one
year after the date of the enactment of the
National Geologic Mapping Reauthorization
Act of 2005 in accordance"; and
(3) in subparagraph (C) in the matter pre-
ceding clause (i) by striking "not later than
and all that follows through "submit" and
inserting "submit biennially".

SEC. 6. GEOLOGIC MAPPING PROGRAM OBJECTIVES.
Section 4(c)(2) (43 U.S.C. 31c(c)(2)) is amended
by striking "geophysical-map data base,
geologic-map data base, and a"; and
by striking "provide" and inserting "provides".

SEC. 7. GEOLOGIC MAPPING PROGRAM COMPONENTS.
Section 4(d)(1) (43 U.S.C. 31c(d)(1)(B)(i)) is amended
by striking "and" after the semicolon at the
end of subclause (I); and
by striking the period at the end of sub-
clause (II) and inserting "and after "Energy or a
designee," and;
by inserting "and the following:
"(III) the needs of the Interior
and the construction of even highways
and roadsides as well.
Now, sitting these types of facilities in
appropriate geologic settings is impor-
tant to avoid or mitigate for geo-
logic hazards such as landslides, earth-
quakes, and subsidizing soils, sinkholes, volcanic eruptions and
and geologists develop comprehensive geo-
logic maps of the United States and a
related database of environmental and
scientific information.

The mapping program contributes sig-
ificantly to our understanding of geo-
logic information such as the dis-
tribution of mineral energy and
groundwater resources.
Mr. Speaker, we should support H.R. 2362
and I urge its passage.
I would also at this time like to
thank the entire Resources staff, in-
cluding especially Debra Lanzone.
Mr. Speaker, I yield back the balance
of my time.
Mr. PEARCE. Mr. Speaker, I yield
such time as he may consume to the
gentleman from New Mexico (Mr. GIBBONS),
who has asked for permission to revise and extend his
remarks.
Mr. GIBBONS. Mr. Speaker, I ask
permission to revise and extend his remarks.

Mr. Speaker, I urge my colleagues to join me in
supporting H.R. 2362, a bill to reauthor-
ize the Geologic Mapping Act of 1992, for
allowing me time to speak on this
very important bill which I introduced
along with my very good friend and
colleague the gentleman from Wyo-
mimg (Mrs. CUBIN).
H.R. 2362 demonstrates a commit-
ment, a commitment by not only this
body, but by our country, to provide
timely geologic information in a dig-
tal format to a variety of users, in-
cluding our county health depart-
ments, State environmental agencies,
Federal agencies, and even the private
sector. Mr. Speaker. To date, no mod-
ern digital geologic map exists for ap-
proximately 75 percent of the country.

Geologic mapping has a variety of
important uses as we have already
heard. And understanding the sub-
surface soil, geology soil profiles
through the use of geologic mapping
can facilitate better planning, better
planning for a variety of community
projects including housing develop-
ments, schools and hospitals, septic
systems for rural and urban commu-
nities and water treatment facilities
and the construction of even highways
and roadways as well.
Mr. Speaker, I reserve the balance of
my time.
Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may
consuming.

Mr. Speaker, I urge all of my colleagues, understanding the
Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 38.

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

There was no objection.

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

Mr. Speaker, H.R. 38, as introduced by the gentleman from Washington (Mr. BAIRD), would designate 20 miles of the Upper White Salmon River as a component of the Wild and Scenic Rivers system.

This legislation would designate four different segments of the Upper White Salmon River and Cascade Creek, totaling 20 miles, as "wild and scenic." The segments are limited to Federal land, located in the Gifford Pinchot National Forest, and include 6.7 miles in the Mt. Adams Wilderness.

This designation is supported by the local community as well as the Forest Service. I urge support for this important measure.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

( Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, H.R. 38 designates the main stem of the Upper White Salmon River and Cascade Creek, totaling 20 miles, as a component of the National Wild and Scenic Rivers System. Congress added the lower White Salmon River to the National Wild and Scenic Rivers System in 1986.

The White Salmon River originates in the glaciers of Mt. Adams and flows through south central Washington to the Columbia River. The river is known for its remarkable scenery and abundant wildlife and is popular with white water enthusiasts.

The gentleman from Washington (Mr. BAIRD) should be recognized for his leadership on H.R. 38. My good friend, the gentleman from Washington (Mr. BAIRD), is one of our strong conservation leaders in the Northwest and has worked very hard in showing strong leadership in getting this bill to the point that it is today.

Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. BAIRD), the sponsor of the bill.

Mr. BAIRD. Mr. Speaker, I thank the gentleman from New Mexico (Mr. PEARCE) and my other colleague, the gentleman from New Mexico (Mr. UDALL).

I want to begin by thanking the gentleman from California (Chairman Pombo); the ranking member, the gentleman from West Virginia (Mr. RAHALL) of the Committee on Resources; the gentleman from Oregon (Mr. WALDEN); and the gentleman from New Mexico (Mr. UDALL), the ranking member of the Subcommittee on Forests and Forest Health, for their guidance. And I certainly appreciate the help of their staff throughout this process.

I also want to acknowledge the work of my good friend and colleague, Senator CANTWELL, who has introduced the companion legislation in that Chamber.

A number of people locally in our region deserve credit, including among them Phyllis Clausen of the Friends of the White Salmon River, Connie Kelleher from American Rivers, the SDS Lumber Company, the U.S. Forest Service, and local county commissioners from the region as well. This process has taken several years and represents a true collaborative local effort.

The Upper White Salmon River is literal world-famous. Located in south central Washington, it is known for its great white water, stunning scenery, and fish and wildlife resources. The designation before us today will preserve the river's free-flowing status as well as the natural and rural lifestyle in the surrounding area.

In 1986, the river's outstanding quality received national recognition when Congress designated the lower 8 miles of the White Salmon as a National Wild and Scenic River. Congress directed the Forest Service to study the Upper White Salmon for possible designation into the Wild and Scenic Rivers System.

H.R. 38 seeks to protect 20 miles of Upper White Salmon River segments within the Gifford Pinchot Forest as part of the National Wild and Scenic Rivers System by designating them wild and scenic. This designation has broad public support within the local community and throughout the region. It has been endorsed by a wide variety of environmental and recreational organizations, local community and business leaders.

The land to be designated as wild and scenic consists entirely of public land, no private land is included; the area is currently being managed as if it is already part of the Wild and Scenic Rivers System.

I want to reiterate my gratitude to the gentleman from New Mexico (Mr. UDALL) and the chairman of the overall committee, I thank Members for their support and urge passage of this valuable piece of legislation.

Mr. UDALL of New Mexico. Mr. Speaker, I would like to thank the entire Committee on Resources staff and especially Meghan Conklin for her work on this bill.

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

Mr. PEARCE. Mr. Speaker, I would recognize the staff of both the majority and minority and also congratulate the gentleman from Washington (Mr. BAIRD) on not only his performance in submitting this bill but his stellar performance in the congressional baseball game last Thursday night.
Mr. Speaker. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the bill, H.R. 38, as amended.

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

A motion to reconsider was laid on the table.

TAUNTON, MASSACHUSETTS
SPECIAL RESOURCES STUDY ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1512) to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes, as amended.

The Clerk reads as follows:

H.R. 1512

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 “Taunton, Massachusetts Special Resources Study Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The city of Taunton, Massachusetts, is home to 9 distinct historic districts, including more than 600 properties on the National Register of Historic Places. Included among these districts are the Church Green Historic District, the Courthouse Historic District, the Taunton Green Historic District, and the Reed and Barton Historic District.

(2) All of these districts include buildings and buildings with great historical, cultural, and architectural value.

(3) Taunton Green is the site where the Sons of Liberty first raised the Liberty and Union Flag in 1774, an event that helped spark a popular movement, culminating in the American Revolution, and Taunton citizens have been among the first to volunteer for America’s subsequent wars.

(4) Robert Treat Paine, a citizen of Taunton, and the first Attorney General of Massachusetts, was a signer of the Declaration of Independence.

(5) Taunton was a leading community in the Industrial Revolution, and its industrial area has been the site of many innovations in such industries as silver manufacture, paper manufacture, and shipbuilding.

(6) The landscaping of the Courthouse Green was designed by Frederick Law Olmsted, who also left landscaping ideas and plans for other areas in the city which have great value and interest as historical archives and objects of future study.

(7) Main Street, which connects many of the historic districts, is home to the Taunton City Hall and the Leonard Block building, 2 outstanding examples of early 19th Century American architecture, as well as many other historically and architecturally significant structures.

(8) The city and people of Taunton have presented many veterans, graves and important documents dating back to 1638 when Taunton was founded.

(9) Taunton was and continues to be an important destination for immigrants from Europe and other parts of the world who have helped to give Southeastern Massachusetts its unique ethnic character.

SEC. 3. STUDY.

The Secretary, in consultation with the appropriate State historic preservation officers, the Taunton City Council, the City of Taunton, and other appropriate organizations, shall conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System. The study shall be conducted and completed in accordance with section 10 of Public Law 91-383 (16 U.S.C. 1a-5(c)) and shall include analysis, documentation, and determinations regarding whether the historic areas in Taunton—

(1) can be managed, curated, interpreted, restored, preserved, and presented as an organic whole under management by the National Park Service or under an alternative management structure;

(2) have an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of conservation, interpretation, and continuing use;

(3) reflect traditions, customs, beliefs, and historical events that are valuable parts of the national story;

(4) provide outstanding opportunities to conserve natural, historic, cultural, architectural, or scenic features;

(5) provide outstanding recreational and educational opportunities; and

(6) can be managed by the National Park Service in partnership with residents, business leaders, non-profit organizations, the city of Taunton, and State and local governments to develop a unit of the National Park System consistent with State and local economic activity.

SEC. 4. REPORT.

Not later than 3 fiscal years after the date on which funds are first made available for this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study required under section 3.

SEC. 5. PRIVATE PROPERTY.

The recommendations in the report submitted pursuant to section 4 shall include discussions and concerns expressed by private landowners with respect to designating certain structures referred to in this Act as a unit of the National Park System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The SPEAKER. The gentleman from New Mexico (Mr. UDALL).

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1512.

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

There was no objection.

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

Mr. Speaker, H.R. 1512, introduced by the gentleman from Massachusetts (Mr. FRANK), would direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas of the City of Taunton, Massachusetts, as a unit of the National Park System. It memorializes the City of Taunton that the Sons of Liberty first raised the Liberty and Union Flag in 1774, an event that helped to spark the American Revolution.

I urge the adoption of the bill.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. UDALL of New Mexico. Mr. Speaker, the Taunton area to be included in the study authorized by H.R. 1512 is rich in cultural and historic resources. A comprehensive study of these resources will help determine if inclusion within the National Park System is appropriate.

The sponsor of this legislation, the gentleman from Massachusetts (Mr. UDALL), is to be commended for his tenacity and resolve in pursuing this important legislation.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the members of the committee who have brought this bill forward.

This is a bill that has particular meaning to me. The City of Taunton has been in the district I have been privileged to represent for just a couple of years. Prior to that, it was represented by one of our late colleagues; and when you talk about history, which this bill does, building as it does on the history of the City of Taunton, you could not talk about the history of this institution without some reference to the man who represented Taunton before me and that is our late colleague, Joe Moakley.

Joe Moakley represented Taunton for years. He was the one under whose representation the discussion of a national park began. I was privileged to take this over actually from his immediate successor, my colleague, the gentleman from Massachusetts (Mr. LYNCH). It is on behalf of both of us that we present this, and we do want to invoke the memory of Joe Moakley when we go forward with this bill.

The City of Taunton, Massachusetts, is a wonderful place. I am lucky to have one of my congressional districts offices right in the heart of this area. I have checked and I do not believe I will derive any particular benefit from it, so I do not have to vote “present” on the bill. What I do have is an interest right now to really be a part of this great history.

The Sons of Liberty Flag was first raised here. The Sons of Liberty raised
The flag Liberty Union in 1774. There were buildings that played an important role in the Revolution. They were there in Taunton. Taunton Green is a major place in our history. We would include here the Church Green Historic District. It has the Church Green National Register District.

One of the original settlers, and I think this is particularly relevant to talk about, the modern impact of this, Elizabeth Pole was the first woman we believe to have founded a community in America, and the city of Taunton the phrase “Dux Femina Facti” is included. That translates, I am reliably informed by better Latin scholars than myself, into “the person responsible for this was a woman.”

It was in early recognition of what we are still dealing with, namely, that we make a great mistake when we refuse to give individuals the full opportunity to engage their talents, no matter what their gender or whatever other characteristics that they have.

I realize that this does not mean that we get a park immediately. It begins the process of study. I am confident, Mr. Speaker, that an objective study of the sort we get from the excellent staff that serves the National Park Service will document the importance to the history of this country of this area of Taunton and the importance of making it a part of our National Park System. I thank the two gentlemen from New Mexico for their energy and work on this.

Mr. Speaker, the following is a list of some of the salient points of the City of Taunton.

The city of Taunton has a history of equality, patriotism, commerce and innovation that make the areas ideal candidates for inclusion within the National Park System. The area to be included within the study included the Historic District, which includes the Church Green National Register District, Main Street, and the Taunton Green National Register District.

Among the original settlers of Taunton, Elizabeth Pole is credited as being the first female to found a community in America. Her legacy is preserved at the Old Colony Historical Society Museum on Church Green. The role that Elizabeth Pole, a woman, played in founding Taunton is an important aspect of our colonial history that should be emphasized as part of the story. The National Park System has devoted many resources to the role of women in our nation and history. However, no other site presently in the System matches the unique circumstances surrounding Ms. Pole and her role as a pioneering colonial female.

The phrase “Dux Femina Facti” which translates as the person responsible for the deed or accomplishment was a woman’s adorn the Seal of the City of Taunton.

A statue of Robert Treat Paine symbolically faces away from the Church Green National Register District down Main Street towards the Taunton Green National Register District. With the transformation from a colonial port to an independent nation, the center of the city moved towards the Taunton Green. Robert Treat Paine, a Taunton resident, was a signer of the Declaration of Independence. He along with John Adams served as members of the First Continental Congress in 1774. Paine and Adams’ careers were linked again as Paine served as an Associate Prosecutor at the trial of the Boston Massacre. Paine went on to become the first Attorney General of Massachusetts and a Judge of the Massachusetts Supreme Judicial Court. While serving in the Continental Congress in October of 1774, Paine was not a party to the historic 1775 Massacre in Taunton. But when the Sons of Liberty raised the “Liberty & Union” or “Taunton Flag” on October 21, 1774 over Taunton Green on a 112-foot Liberty Pole. The Liberty Pole that still flies over the Taunton Green is recognized as the first flag of open defiance to the crown.

In addition to Robert Treat Paine, Taunton’s General David Cobb left his mark on the Revolutionary War. General Cobb served as aide-de-camp to General Washington and was instrumental with the duty of negotiating the evacuation of New York. After the war, General Cobb served as Judge of the Court of Common Pleas for Bristol County and was instrumental in bringing the town of Taunton into the National Park System. I thank the gentlemen from New Mexico for their energy and work on this.

The Taunton River is a significant river running through the city of Taunton. It is known by many as the “Silver City.” As such, the history of the revolutionary war as exemplified by Treat Paine, General Cobb, the Sons of Liberty and the Taunton Green are an important component of the study. The distance down Main Street from Church Green past the homes of Paine and Cobb and Elizabeth Pole to the Liberty & Union Flag are symbolic of our transformation from colony to independence.

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Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 188.

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

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of this resolution which reminds us that brave American men and women willingly risk their lives to defend the United States' interests and the freedom and values that we all enjoy as citizens. Such commitment imposes on the rest of us an obligation, an obligation to ensure that we do not break faith with those who serve, and that we respond to such commitment by resolving to provide the necessary resources for our military forces to successfully carry out the missions assigned to them.

Nine years ago this past Saturday, a truck bomb exploded outside the fence around the Khobar Towers compound in Dhahran, Saudi Arabia. The bomb, estimated at more than 3,000 pounds, detonated about 85 feet from a residential housing unit that housed U.S. troops, killing 19 U.S. Air Force servicemen, and wounding hundreds of other Americans.

The force of that explosion destroyed or damaged six high-rise apartment buildings and shattered windows throughout the residential compound. Today, we honor the 19 airmen who gave their lives, the supreme sacrifice, at the hands of terrorists 20 miles away from Dhahran. This Congress joins me in paying tribute to those men who are individually recognized in H. Con. Res. 188.

Mr. Speaker, I thought when I was drafting this resolution that it is ironic that just a month ago we celebrated Memorial Day, where we honored the men and women who have died in the pursuit, and subsequently the defense, of freedom in wars, domestic and foreign, since the founding of our country. One week from today, we will be celebrating the founding of America, our birth as a nation of Independents, upon which our Founding Fathers pledged their lives, their fortunes, and their sacred honor.

As we celebrate our Fourth of July or Memorial Day on their designated day, they are a constant reminder of the sacrifice of these men. Twelve of the 19 men killed were based at Eglin Air Force Base in my district and several, along with their families, were constituents. It is my hope that all of America will pause and give thanks to their sacrifice.

This week in Washington, D.C., the parents and loved ones of many of those who sacrificed their lives are the guests of the FBI, and some of them are here today in the House gallery as we present this resolution. I want to personally pay a word of deepest appreciation to the families of these heroes. We can never undo the tragedy that they have lived. We can never alleviate the pain that comes with the loss of them every day, but I would hope and I know my colleagues join me in this hope, that with the adoption of this resolution, they will take from our action some solace in the fact that we do not forget them and sacrifices of their loved ones. They are much more than men in uniform to them; they were their lives.

Bridget Brooks, mother of Airman First Class Joseph E. Rimkus, is a constituent of mine and works at Eglin. I urge all of my colleagues to join me and the 47 original cosponsors in support of this resolution.

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

Mr. SNYDER. Mr. Speaker, I yield my time to the gentleman from Florida.

Mr. Speaker, I rise in support of House Concurrent Resolution 186 introduced by the gentleman from Florida (Mr. MILLER). I appreciate all the work he has done on the Committee on Armed Services on which we both serve. He has been a valiant supporter of our men and women in uniform, our veterans, and our national security.

The gentleman from Florida (Mr. MILLER) outlined well the terrible tragedy that occurred at Khobar Towers. This was really brought home to me several years ago when I had the honor of participating in a Purple Heart ceremony at the Little Rock Air Force Base, a C-130 base in my district, one of those things that all of us Members at some point get the honor of doing.

During this ceremony, previous Purple Heart winners were introduced, and several of them were survivors of Khobar Towers, and it really brought home for me that for many of us Americans we hear these names, they sound exotic, they sound foreign, and yet for the families that are here with us today and the families of these men and women who died and were wounded, those names, those places, mean very much to them every day.

We are also reminded by the tragedy at Khobar Towers, the attack on Khobar Towers, of the other sacrifices that our men and women in uniform have made at places that are not all that well known to many Americans.

We recall the attack on Riyadh, Saudi Arabia, at the U.S. military headquarters, November 13, 1995, in which we lost five servicemembers.

Then 2 years following the Khobar Towers attack, we had the attack against two of our embassies on August 7, 1998, one in Nairobi, Kenya, and the other in Tanzania. The two truck bombs killed 11 Americans, including three servicemembers, and hundreds of Kenyans and nearly a dozen Tanzanians.

Then we had the attack October 12, 2000, on the USS Cole and finally the attacks on the World Trade Center, the Pentagon and the plane that crashed in Pennsylvania.

So this is a very important reminder today of the sacrifice that our men and women in uniform are called on to make, but also the sacrifice that their family and friends and all of us make when we lose such fine, fine Americans. Once again, I commend the gentleman from Florida (Mr. MILLER) for introducing this resolution, and I urge all Members to support it.

Mr. MICA. Mr. Speaker, Saturday, June 25th, marked 9 years since the tragic bombing of the Khobar Towers, the U.S. military housing facility in Saudi Arabia where 19 American servicemen were killed and hundreds wounded.
The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 188.

The Sergeant at Arms said: The rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE REGARDING THE MASSACRE AT SREBRENICA IN JULY 1995

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 199) expressing the sense of the House regarding the massacre at Srebrenica in July 1995, as amended.

The Clerk read as follows:

H. Res. 199

Whereas in July 1995 thousands of men and boys who had assembled for safety in the United Nations-designated “safe area” of Srebrenica in Bosnia and Herzegovina under the protection of the United Nations Protection Force (UNPROFOR) were attacked by Serb forces operating in that country;

Whereas beginning in April 1992, aggression and ethnic cleansing perpetrated by Bosnian Serb forces, while taking control of the surrounding territory, resulted in a massive influx of Bosniaks seeking protection in Srebrenica, at which the United Nations Security Council designated a “safe area” in Resolution 819 on April 16, 1993;

Whereas the UNPROFOR presence in Srebrenica consisted of a Dutch peacekeeping battalion, with representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the humanitarian aid agency Médecins Sans Frontières (Doctors Without Borders) helping to provide humanitarian aid and living conditions of mass overcrowding, destitution, and disease;

Whereas Bosnian Serb forces blockaded the enclave early in 1995, depriving the entire population of humanitarian aid and outside communication and contact, and effectively reducing the ability of the Dutch peacekeeping battalion to deter aggression or otherwise respond effectively to a deteriorating situation;

Whereas beginning on July 6, 1995, Bosnian Serb forces attacked UNPROFOR outposts, seized control of the isolated enclave, held captured Dutch soldiers hostage and, after releasing the local defender, ultimately took control of the town of Srebrenica on July 11, 1995;

Whereas an estimated one-third of the population of Srebrenica, including a relatively small number of soldiers, made a desperate attempt to pass through the lines of Bosnian Serb forces to the relative safety of Bosnian-held territory, but many were killed by patrols and ambushes;

Whereas the remaining population sought protection with the Dutch peacekeeping battalion and surrendered to a village of Potocari north of Srebrenica but many of these individuals were randomly seized by Bosnian Serb forces to be beaten, raped, or executed;

Whereas Bosnian Serb forces deported women, children, and the elderly in buses, held Bosniak males over 16 years of age at collection points and sites in northeastern Bosnia and Herzegovina under their control, and then summarily executed and buried the calves in mass graves;

Whereas approximately 20 percent of Srebrenica’s total population at the time—at least 7,000 and perhaps thousands more—was either executed or killed;

Whereas the United Nations and its member states have largely acknowledged their failure to take actions and decisions that could have deterred the massacre on Srebrenica and prevented the subsequent massacre;

Whereas Bosnian Serb forces, hoping to conceal evidence of the massacre at Srebrenica, subsequently moved corpses from initial mass grave sites to many secondary sites scattered throughout parts of northeastern Bosnia and Herzegovina under their control;

Whereas the massacre at Srebrenica was among the worst of many horrible atrocities to occur in the conflict in Bosnia and Herzegovina from April 1992 to November 1995, during which the policies of aggression and ethnic cleansing pursued by Bosnian Serb forces with the direct support of the Serbian regime of Slobodan Milosevic and its followers ultimately led to the displacement of over 2,000,000 people, the deaths of 200,000 killed, tens of thousands raped or otherwise tortured and abused, and the innocent civilians of Sarajevo and other urban centers repeatedly subjected to shelling and sniper attacks;

Whereas Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide (done at Paris on December 9, 1948, and entered into force with respect to the United States on February 23, 1989) defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group”;

Whereas on May 25, 1993, the United Nations Security Council adopted Resolution 827 establishing the world’s first international criminal tribunal for the former Yugoslavia (ICTY), based in The Hague, the Netherlands, and charging the ICTY with responsibility for investigating and prosecuting individuals suspected of committing war crimes, genocide, crimes against humanity, and grave breaches of the 1949 Geneva Conventions on the territory of the former Yugoslavia since 1991;

Whereas nineteen individuals at various levels of responsibility have been indicted, and in some cases arrested, in grave breaches of the 1949 Geneva Conventions, violations of the laws or customs of war, crimes against humanity, genocide, and complicity in genocide associated with the massacre at Srebrenica, three of whom, most notably Radovan Karadzic and Ratko Mladic, remain at large; and

Whereas the international community, including the United States, has continued to provide personnel and resources, including through direct military intervention, to prevent further aggression, including, most recently, to negotiate the General Framework Agreement for Peace in Bosnia and Herzegovina (initiated in Dayton, Ohio, on November 21, 1995, and signed in Paris, France, on December 14, 1995), and to help ensure its fullest implementation, including cooperation with the
and children of Srebrenica in Bosnia-Herzegovina. In a little over 2 weeks, it will have been 10 years since the massacre of approximately 8,000 men and boys from that small town.

Mr. Speaker, renewed attention is focused on the zone due to the recently released video showing members of the Serb paramilitary group, the Scorpions, executing young Bosnian men from Srebrenica. Many Members of this House have viewed this video, including an interview of a woman who never knew what actually happened to her young son at Srebrenica in July 1995 until she saw the footage on television that he was among those passing by. After this resolution, we are expressing solidarity with the thousands of women like her, and others, who a decade ago witnessed something so evil that it defies comprehension.

There are four basic motivations. Mr. Speaker, for passing this resolution today. First, there are those who, despite being indicted for genocide, continue to evade justice. Second, some continue to deny that the atrocity even occurred or they contend it was something other than genocide. Third, the international community must learn from its failure to stop slaughter from taking place in a declared safe area and let us all remember Srebrenica was called a safe haven, especially as we look at similar situations around the globe. Finally, 10 years after Srebrenica, Srebrenica survivors, including many who came to this country as refugees and are now American citizens, still feel the excruciating pain of losing so many of their innocent loved ones.

Mr. Speaker, I want to stress that the resolution notes the direct support that came from the Serbian regime of Slobodan Milosevic and its followers. This is no small circle of Milosevic henchmen, as some in Belgrade have claimed. We are referring to an entire regime, albeit an undemocratic one, and not just a few individuals in positions of authority. Moreover, followers of the regime existed in the military, the police and other state institutions, and it appeared that he was succeeding in a conflict against neighboring peoples. Milosevic actually garnered popular support.

Milosevic has rightfully been in The Hague, as we all know, Mr. Speaker, since 2001, but why have others like Radovan Karadzic and Ratko Mladic remained at large? Why until recently, if not to today, have they benefited from the protection not only from criminal networks but perhaps by segments of the military and the police? To me, the Milosevic era is over, and one of the questions we give to the world is that he gave to us.

He said, "My family, just like thousands of others, was simply handed over to the Serbs in the village of Potocari, 6 kilometers north of Srebrenica on 13 July 1995. They have never been seen since. The Dutch peacekeepers threw my family out of the camp right in front of my eyes. The people, especially the men and boys who were inside the camp, didn't want to leave the relative safety of it."

It goes on to say, "The Dutch refused to tell the refugees inside the camp what was going on with the people outside." He says, "They lied, saying that everything was all right and that the people from inside the camp were also going to be evacuated to the federation territory. The Dutch lied to the refugees inside the camp." He goes on, "The Dutch knew that the men and boys outside the camp were being separated from the women and children and that some of them were even killed right on the spot. We didn't think the Serbs take away and kill civilians. They did nothing to prevent it."

Mr. Speaker, this resolution remembers those 7- to 8,000 men and boys who were slaughtered in Srebrenica, and it says in a collective voice of the House of Representatives, Democrats and Republicans alike, that we care, we care deeply. We are sorrowful for those who lost their lives, and hopefully never again.

I will insert the Chronicle of Genocide in the RECORD at this point.

CHRONICLE OF GENOCIDE

PROLOGUE

The town of Srebrenica is located in eastern Bosnia’s Drina River Valley, about 15 kilometers from the Serbian border. In 1991, the town was home to 37,000 inhabitants, including roughly 27,000 Bosnian Muslims (Bosniaks) and 9,000 Serbs. Prior to the outbreak of Yugoslavia’s civil war, members of Srebrenica’s different peoples lived together for decades without major conflict. After the end of the Cold War, Srebrenica had its first encounter with conflict in April 1992. Serb paramilitaries gained control of the city for several weeks. One month later, Srebrenica was recaptured by Bosnian Muslim fighters from the Army of Bosnia and Herzegovina but Bosnian Muslim forces had succeeded in uniting Srebrenica with the neighboring town of Žepa and increasing the size of the territory under their control to 160 square kilometers. However, the enclave remained isolated from the main Army of Bosnia and Herzegovina and strategically vulnerable to advancing Serb forces.

In January 1993, Bosnian Serb troops (which logistically and financially were not...
entirely independent from and were supported by Serbian military and police forces) from the self-proclaimed Republika Srpska launched an offensive to retake the Muslim-controlled areas around Srebrenica. Months of fighting, the villages of Konjević Polje and Česka were captured, severing the connection between Srebrenica and Zepa and reducing the area under control of UNPROFOR to 150 square kilometers. Bosnians from neighboring areas streamed into the town of Srebrenica, increasing the population to as many as 60,000 people.

When the Commander of the U.N. Protection Force (UNPROFOR), French General Philippe Morillon, visited Srebrenica in March, he found an overcrowded city beset by siege conditions. The Bosnian Serb troops had destroyed the town’s water supply and the population was running short on food, medicine, and other necessities. Before his departure, General Morillon promised residents that Srebrenica was under U.N. protection and that he would never abandon the city’s inhabitants.

On April 16, 1993, the U.N. Security Council passed a resolution declaring that “...all parties and the international community are committed to preserving the area where the Dutch soldiers defending the city obtained their position. In March and April, months after that, Bosnian Muslim civilians had been tormented and threatened with extermination, leading to the creation of a safe area.”

On April 18, 1993, fresh troops were rotated into the city every six months. Bosnian Serb forces were not withdrawn from the territory controlled by the Dutch battalion in Srebrenica. After his departure, General Morillon promised residents that Srebrenica was under U.N. protection and that he would never abandon the city’s inhabitants.

The first group of UNPROFOR soldiers arrived on April 14, 1993, and troops were rotated into the city every six months after that. In January 1995, a battle from the Netherlands rotated into the enclave, and more Internationals were reaching the city. In March and April, the Dutch soldiers defending the city observed a build-up of Bosnian Serb troops in the surrounding area. The Drina Corps of the Army of the Republika Srpska (VRS) was preparing for a major attack on Srebrenica.

Chronology of Genocide
March 1995—Radovan Karadžić, President of the self-proclaimed Republika Srpska, issues a directive to the Bosnian Serb Army ordering the VRS to “complete the physical separation of Srebrenica from Zepa as soon as possible” and block aid convoys on their way to Srebrenica.

July 2, 1995—Republika Srpska Army General Milenko Zivlanović signs two orders outlining plans for attacking the enclave and issuing the order to various units of the Drina Corps to prepare for combat. The operation is codenamed “Kosor 95.”

July 6, 1995—Bosnian Serb forces launch their attack on Srebrenica. The Commander of the city’s Dutch battalion, Colonel Karremans, tells U.N. authorities in Sarajevo requesting NATO air support after refugee camps and U.N. monitoring posts are shelled.

July 9, 1995—Forces from the VRS Drina Corps surround the town of Srebrenica. President Karadžić issues a new order in which he approves the capture of Srebrenica.

July 10, 1995—The Bosnian Serbs shell Srebrenica and residents flee toward the U.N. base at Potocari.

Colonel Karremans makes an urgent request for NATO air support when Bosnian Serb forces shell his soldiers’ positions. The Commander of the U.N. forces, French General Bernard Janvier, initially rejects the request, but ultimately approves the use of air strikes. In the meantime, the VRS forces stop attacking U.N. soldiers and the air attacks are postponed.

Colonel Karremans assures Bosnian Muslims that NATO airplanes will execute a major attack on Bosnian Serb troops if VRS forces are not withdrawn from the Protection Zone by 6:00 a.m. the next morning.

July 11, 1995—Bosnian Serb forces conduct extensive shelling of Srebrenica.

9:00 a.m.: Colonel Karremans is notified that his request for air support was not submitted on the correct form. At 10:30 a.m., the re-issued request reaches General Janvier. However, the NATO warplanes that have been circling Srebrenica since 6:00 a.m. are low on fuel and have to return to their base in Italy.

2:30 p.m.: NATO planes bomb Republika Srpska Army positions threatening to kill captured Dutch soldiers and shell the U.N. base in Potocari. Plans for further NATO air strikes are abandoned.

General Radislav Krstić, together with General Kristić (then Deputy Commander and Chief of Staff of the Drina Corps), General Zivlanović (then Commander of the Drina Corps), and other VRS officers enter Srebrenica.

6:00 p.m.: Representatives of the Bosnian Serb forces meet UNPROFOR leaders at the Hotel Fontana in the neighboring city of Bratunac. General Ratko Mladić chairs the meeting, and the two sides discuss the mounting refugee crisis.

Around 10:00 p.m.: In Srebrenica, military leaders of the Army of Bosnia and Herzegovina and local civilians decide to must be separated from the two thirds of which were Bosnian Muslim civilians—with the goal of escaping from Srebrenica through the mountains toward Tuža. The column starts moving north around midnight.

11:00 p.m.: A second meeting at the Hotel Fontana results in a plan to transport Bosnian Muslim civilians out of the enclave.

July 12, 1995—VRS General Milenko Zivlanović signs an order directing the Drina Corps to secure all buses and mini-buses belonging to the Bosnian Serb Defense Ministry sends three orders to its local secretariats directing them to procure buses and to send them to Bratunac.

10:00 a.m.: A second meeting is held at the Hotel Fontana to discuss the fate of the Srebrenica Muslims. Ratko Mladić issues an order to transport Muslim refugees out of Potocari, stating that it is the only way to guarantee their survival. He also informs those present that all males between the ages of 18 and 70—essentially all military-aged men, (which however did not prevent boys of much younger age as well as much older men to be included in this group) were rounded up and screened to prevent the escape of “war criminals.”

1:00 p.m.: Dozens of buses arrive in Potocari. Women, children, and the elderly are driven by bus from Potocari toward Tuža, which is under the control of the Army of Bosnia and Herzegovina. Military-aged men are separated out and detained in Potocari before being transferred to Bratunac.

Bosnian Serb forces, including some military and municipal police, take positions along the Bratunac–Milikići road with the intention of intercepting the column. Equipped with heavy armor and artillery, the Bosnian Serb forces open fire on the column as it crosses the road between Konjević Polja and Nova Kasaba. Many survivors of the attack are taken prisoner.

The U.N. Security Council declares that the international community is “gravely concerned at the deterioration in the situation in and around the safe areas of Srebrenica, Republic of Bosnia and Herzegovina, and at the plight of the civilian population.”

July 13, 1995—The evacuation of women, children, and the elderly continues. Military-aged men are separated from the refugees and transferred to Orahovac.

As many as 6,000 men from the column headed from Srebrenica to Tuža are captured and detained by Bosnian Serb forces. Ratko Mladić is present at the Kukucica field close to Sandići and to the soccer stadium in Nova Kasaba.

July 14, 1995—Executions continue in Tuzla.


July 15–16, 1995—Executions continue at Branjevo Military Farm and the Pilića Cultural Center.

The scale of the decimated column of Bosnian Muslims success in reaching territory controlled by the Army of Bosnia and Herzegovina.

July 17, 1995—Executions continue at Kozluk and other locations.

September–October 1995—The Bosnian Serb forces engage in a concerted effort to conceal the mass executions by exhuming Bosnian Muslim mass graves, turning over the ground, and reburying human remains in smaller, remote grave sites.

EPILOGUE

Evidence presented at The Hague in the trial of Bosnian Serbs accused of war crimes established that during the month of July 1995, Bosnian Serb forces executed between seven and eight thousand Bosnian men and boys. The International Tribunal for the Former Yugoslavia (ICTY) found “beyond any reasonable doubt that a crime of genocide was committed in Srebrenica.”

Immediately after the massacre, Republika Srpska President Radovan Karadžić and VRS Chief Ratko Mladić, the highest political and military leaders of the Bosnian Serbs, were indicted by the Tribunal for their roles in the Srebrenica genocide. To date, they have successfully avoided arrest. The crimes in Srebrenica are also included in the indictment against former Yugoslav leader Slobodan Milošević.

Radislav Krstić and Vidoje Blagojević, the ranking officers of the Bosnian Serb Army, have been convicted of complicity in genocide. Dragan Jokić, Deputy Commander of the Zvornik Brigade, has been convicted of crimes against humanity in Srebrenica. Ratko Mladić, deputy commander of the VRS Drina Corps, has been convicted of genocide. Officers Momir Nikolić and Dragan Obrenović, and a helicopter pilot, were admitted their guilt and been convicted of crimes against humanity. Those convicted in connection with the genocide have received prison sentences ranging from five to 35 years. Dražen Erdemović, sentenced to five years in prison for the murder of at least 75 men from Srebrenica, has already been released.

Ljubiša Diković, Head of Security at the General Headquarters of the Bosnian Serb Army, has been charged with genocide and is awaiting trial.

Army and police officers Drago Nikolić, Ljubomir Borčanin, Vinko Pandurević, and Vujadin Popović, also indicted for genocide, have surrendered to the Tribunal. The Hague and are awaiting trial. Radivoje Miletić and Milan Gvero, Generals of the Bosnian Serb Army, have surrendered to the Tribunal and are charged with expelling Bosnian Muslims from Srebrenica. General Zdravko Tolimir, who is accused of the same crimes, is still at large.

The International Criminal Tribunal for the Former Yugoslavia used strong language to describe the Srebrenica genocide during the trial of General Radislav Krstić, the commander of the Drina Corps, as part of the Bosnian Muslims, the Bosnian Serb forces committed genocide. They
targeted for extinction the forty thousand Bosnian Muslims living in Srebrenica, a group which was emblematic of the Bosnian Muslims in general. They stripped all the male Muslims of their military uniforms and identification, and deliberately and methodically killed them solely on the basis of their gender. The Bosnian Serb forces were aware, when they embarked on this genocidal venture, that the harm they caused would continue to plague the Bosnian Muslims. The Appeals Chamber states unequivocally that the law condemns, in appropriate terms, the deep and lasting injury inflicted, and calls the massacre at Srebrenica by its proper name: genocide. Those responsible will bear this stigma, and it will serve as a warning to those who may in future contemplate the commission of such a heinous act."

To date, several thousand bodies and parts of bodies from victims of the genocide have been exhumed from mass graves. So far, 1,327 of these bodies, in each identified and buried in the Memorial Centre in Potocˇari near Srebrenica.

Of the 27,000 Bosnian Muslims who inhabited Srebrenica before the war, only a few hundred have returned to live in the city.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I base in strong support of this resolution.

Mr. Speaker, first I want to commend the gentleman from New Jersey (Mr. SMITH), my good friend and distinguished colleague, an indefatigable fighter for human rights across the globe, for introducing this resolution.

It is vitally important that we recall the brutal and tragic events that took place at Srebrenica in July of 1995, and seek justice as long as those responsible are still at large.

Mr. Speaker, in early July 1995, Bosnian Serb forces laid siege to the town of Srebrenica in eastern Bosnia where tens of thousands of Muslim civilians had taken refuge from earlier Serb offensives in the northeast.

The United Nations attempted to extend protection to the area, and some 600 lightly armed Dutch troops were dispatched there to establish a United Nations presence.

Serbian troops stepped up shelling the town, and thousands of Muslim refugees fled ahead of the advancing Serb forces. Serb soldiers then attacked the Dutch for human rights across the globe, for introducing this resolution.

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The court got it right, Mr. Speaker. This resolution gets it right.

And, finally, I just want to thank the gentleman to my left, Bob Hand, who has been with the Commission on Security and Cooperation in Europe since 1979. I first met him in 1991, when he was a junior staff member of the commission on all the areas of the former Yugoslavia and Albania, and I am deeply grateful for his work as well. And Dan Freeman, our expert parliamentarian, to my rear, I want to thank him for his work as well.

Mr. CARDIN. Mr. Speaker, I rise in strong support of this resolution and urge my colleagues to vote for its passage.
Article 2 of the Genocide Convention, quoted in the text of this resolution, defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group”. Genocide is defined as the commission of acts with that intention whether or not the acts succeed or are completed. The word “prevention” is also in the title of the Genocide Convention. While not specifying what could be done or obligating countries to do any specific thing, clearly genocide must be defined as something taking place and not as something necessarily accomplished. If accomplished, it is too late to prevent it.

When I look at this definition and then hear what has occurred in Srebrenica 10 years ago, I can only agree with the Appeals Chamber at the International Criminal Tribunal for the former Yugoslavia, which confirmed in April 2004 that the crime of summarily executing almost 8,000 men and boys at Srebrenica alone meets the legal definition of genocide. The Appeals Chamber, an American, the United States’ presiding judge, concluded in a decision appealing a conviction that “the law must not shy away from referring to the crime committed by its proper name . . . . The Appeals Chamber states unequivocally serious flaws condone, in appropriate contexts, the deep and lasting agony inflicted, and calls the massacre at Srebrenica by its proper name: genocide. Those responsible will bear this stigma, and it will serve as a warning to those who may in the future contemn the commission of such a heinous act.”

Twenty-three people have been indicted for genocide by the Hague. Regardless of individual guilt or innocence, the acceptance of the legitimacy of the charges is a recognition that genocide occurred. Indeed, if it is accepted that what happened was genocide, we must consider the 20–30,000 non-Serbs killed in the Prijedor region, which gets less attention mostly because it took place over a 6-month period rather than a week, especially given that the crime was committed perhaps by some of the same people and certainly under the same command. Similarly, we must consider the more than 10,000 killed and 50,000 wounded by the sniper fire and an average of over 300 shells per day fired into the city Sarajevo in the more than 3-year siege of that city committed by the authorities of some of the same people and certainly under the same command. We must consider what happened in Foca and Brcko. When we add all these and other places together, we must conclude that genocide occurred.

This, of course, does not mean that Serbs were not also victimized, nor does it mean that all Serbs are somehow guilty for what has been done in their name. But today, it is entirely appropriate that we focus on what happened in Srebrenica, and to put Srebrenica in the context of the larger Bosnian conflict. It is also almost too late to urge the authorities in Belgrade, who have made considerable progress this year, to finally complete their cooperation with the tribunal. Serbia must transfer Ratko Mladic and other at-large indictees to the Hague immediately, so that this issue no longer holds Serbia back from taking on a more prominent role in Europe.

I urge my colleagues to support the passage of this important resolution. Mr. HOYER and other colleagues strongly support this important Resolution expressing the sense of the House of Representatives regarding the massacre at Srebrenica in July 1995.

This summer is the 30th anniversary of the signing of the Helsinki Final Act, which established principles to be followed by participating states that include respect for human rights and fundamental freedoms. The Helsinki Final Act and the conference it established have since been institutionalized in the Organization for Security and Cooperation in Europe, or OSCE. This multilateral diplomatic effort was taken seriously by both Republican and Democratic Administrations over the years, and it helped tremendously in ending the Cold War division of Europe and in giving millions upon millions of people freedom from communist repression.

Those of us who have had the privilege to serve on the U.S. Helsinki Commission can recall the powerful impact the Helsinki Final Act had, as well as the hard work and sacrifice that helped bring its ideals so much closer to reality. Some of us, indeed, will be commemorating the 30th anniversary in about 1 week when the Organization’s Parliamentary Assembly convenes here in Washington.

One cannot honestly and credibly assess the accuracy of the Helsinki Final Act, however, without taking note of the gravest single violation of its provisions in those three decades. Srebrenica undoubtedly is that single greatest violation. Eight thousand men and boys, maybe more, were executed and thrown into mass graves. Their bodies continue to be exhumed and identified to this day. The surviving victims continue to feel the pain from the loss of their loved ones.

This tragedy is compounded by the truly horrifying fact that it could have been prevented. Indeed, it should have been prevented. Srebrenica was designated by the United Nations as a “safe area.” Attacks upon it were not to be tolerated. It was protected by U.N. peacekeepers. Yet, for months Serb forces prevented humanitarian convoys from entering Srebrenica; even the Dutch peacekeeping contingent was rendered ineffective by its isolation. When the Serb forces attacked, the air strikes necessary to repel them never came. The United Nations and its member states were not at all helpless, but they were indecisive and feckless in the face of a monstrous crime.

Many of us in the Congress at the time appealed for decisive action. Even after documenting the policy of ethnic cleansing in Bosnia since 1992, we admittedly did not know the scale and horrific nature of the acts to follow, but we certainly knew something evil was about to occur in Srebrenica. And it did occur, due to the simple fact that it was allowed to occur.

We can, if we choose, find some silver linings in that experience. For the first time since World War II, individuals have been held to account for their crimes, including genocide, before an international tribunal. NATO operated “out of area,” setting a stage for broadening the scope of the alliance to support the
URGING ALBANIA TO ENSURE ELECTIONS TO BE HELD ON JULY 3, 2005, ARE IN ACCORDANCE WITH INTERNATIONAL STANDARDS FOR FREE AND FAIR ELECTIONS.

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 155) urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held on July 3, 2005, are conducted in accordance with international standards for free and fair elections.

The Clerk read as follows:

H. CON. RES. 155

Whereas the United States maintains strong and friendly relations with the Republic of Albania and appreciates the ongoing support of the people of Albania;

Whereas the President of Albania has called for elections to Albania’s parliament, known as the People’s Assembly, to be held on July 3, 2005;

Whereas Albania is one of 55 participating States in the Organization for Security and Cooperation in Europe (OSCE), all of which have adopted the 1990 Copenhagen Document containing specific commitments relating to the conduct of elections;

Whereas these commitments, which encourage transparency, balance, and impartiality in an election process, have become the standards by which observers determine whether elections have been conducted fairly and fairly;

Whereas, though improvements over time have been noted, the five multiparty parliamentary elections held in Albania between 1991 and 2001, as well as elections for local offices held between and after those years, fell short of the standards for free and fair elections as defined by the Copenhagen Document to varying degrees, according to OSCE and other observers;

Whereas with OSCE and other international assistance, the Government of Albania has improved the country’s electoral and political institutions, including the North Atlantic Treaty Organization (NATO), as well as to Albania’s progress in addressing official corruption and combating trafficking, thereby, ensuring that the elections will be the people of Albania make the effort to vote.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 14 years ago, Albania was just emerging from decades of brutal isolation from Europe when they held their first genuinely contested elections in 1991. Not surprisingly, they fell short of the standards for free and fair elections as defined by the Organization for Security and Cooperation in Europe, or OSCE, as did subsequent elections for parliament and local government. The United States and other friends of Albania, however, remained engaged with Albanian people throughout their turbulent transition.

Today, Albania is at the point where the country can actually hold free and fair elections, something the citizens of that country deserve. Parliamentary elections have been scheduled, as Members of this House know, for July 3, and the campaign period is well underway. Staff in the U.S. Helsinki Commission, which I co-chair, will be serving on the international observer mission. I have come a far in reforming its election process and through these elections has the opportunity to jump a major hurdle not only towards completion of its transition to democracy, but in preparing for integration into European and Euro-Atlantic Institutions.

There is good reason to remain concerned, however, that the elections will fall short of international standards. By that I mean that they will have been adopted, such as the Code of Conduct adopted by key political parties, may not be carried out. The OSCE’s election observer mission has reported receiving an increased number of allegations of legal misuse of state resources by political parties and others to do the right thing so that the real winners in the elections will be the people of Albania.

Finally, I am hopeful these elections will meet international standards, because that is one of the first steps Albania will need to take on the path to full Euro-Atlantic integration.

The new Albanian government will also need to tackle problems relating to official corruption and organized crime. Fortunately, beyond a good election process, we must see the development of civil society in Albania, with the youth groups and others pressing elected officials to address the day problems that plague the lives of Albanian citizens.

I hope my colleagues will support this resolution.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, it was 15 years ago this month that I had the privilege of being the first American Government official to set foot in Albania after a 44-year hiatus. At that time, Albania was taking its first halting steps to end a half century of Communist dictatorship and self-imposed international isolation.

Wherever I traveled throughout the country, from formal meetings with

Resolved by the House of Representatives (the Senate concurring), That Congress—
top government officials to casual chats with students at the University of Tirana, crowds of Albanians gathered, looking on curiously and apprehensively, but hopefully. They were anxious to join the world community, but they were fearful of the consequences of transforming the political and economic system that they knew, despite its profound failings.

Since 1990, Albania has worked with the United States and has participated in NATO’s Partnership for Peace program. The Albanian Government has made it clear that it is very anxious to join NATO and to strengthen its relations with our Nation. Albania has indicated its desire to become a full member of the European Union with all of the economic and political obligations that that implies. Albania’s road to democracy and full international participation has not been easy. The country’s parliamentary and local elections during the 1990s were marred by electoral irregularities and fraud. This hampered its desire for closer links with the Euro-Atlantic community.

The Albanian election now scheduled for July 3 provides a new opportunity for the people of Albania to demonstrate their readiness for closer ties with the United States and the democratic nations of Europe. I have been encouraged by the commitment of Albania’s leaders, Prime Minister Fatos Nano of the Socialist Party, and former President Sali Berisha of the Democratic Party, to see that this election will meet international standards for free, fair, open, and democratic elections.

The July 3 election is one of the most important in Albania since the end of the Communist era. The United States and the international community will be watching this election very carefully to determine whether Albania truly meets international standards. For Albania to make the progress that it seeks in becoming a full member of the Euro-Atlantic community within NATO and the European Union, these elections must be free and fair beyond a doubt.

Our resolution expresses the support of the Congress and the American people for open and democratic elections in Albania. It also urges our President to express to the people and the political leadership of Albania the great importance our Nation attaches to the July 3 elections. It is certainly accurate to say that the way the upcoming Albanian elections are conducted will be a central factor in determining the future relationship between the United States and Albania.

I thank the gentleman from California (Mr. LANTOS) for this partnership resolution, as well as the gentleman from New York (Mr. ENGEL) and the gentleman from Virginia (Mr. WOLF), and others. We had 27 cosponsors of this resolution.

Last July in the Commission on Security Cooperation in Europe, we held a hearing in Albania. We heard from a number of important and prominent witness, including representatives of MJAFT! which is the youth organization that is doing some important pioneering and important work in Albania today. I want to thank them for their work as well. Mr. ENGEL, Mr. Speaker, I rise in strong support of H. Con. Res. 155, urging Albania to hold its July 3 parliamentary elections in accordance with international standards. I would also like to thank the lead sponsor, Chris Smith, for his work on this legislation. These elections are not only important as Albania works to develop its democratic system, but they will set the tone for the Balkan nation in the months and years ahead.

The United States and Albania have strong ties that go well beyond government relations. For that reason, we believe it is very important to support the people of Albania and their right to choose their elected representatives freely and fairly.

In the 15 years since Albania’s brutal communist dictatorship came to an end, the country has struggled in its transition. While some elections have been problematic, there have been improvements over time, and now the country has a real chance to achieve the same international election standards that the United States, Canada, and all of Europe adopted in 1990. Between now and election day, the real issue is whether the authorities, political parties and other stakeholders have the will to abide by the laws, regulations and a code of conduct. The active U.S. congressional interest expressed in this resolution can encourage all involved to do the right thing.

A good election process will have enormous benefits for Albania and Europe. It will enable the next government to take stronger measures to address the official corruption and combat the organized crime which together thwart stronger economic recovery. Internationally, it will enable Albania to take the next steps towards NATO and the European Union. Supporting Albanian elections today will only strengthen our relations in the future.

I will be in Albania for the July 3rd elections and will lead a National Albanian American Council delegation which will monitor that the elections are conducted in accordance with international standards. This resolution will help make the case for a good election.

As the lead Democratic sponsor of this resolution, I urge my colleagues to support H. Con. Res. 155. Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of this resolution urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held on July 3, 2005, are conducted in accordance with international standards for free and fair elections. This is an important piece of legislation that will notify the people of Albania that the United States is dedicated to safe, free, and open democracy in Albania and the region. It will let the people of Albania know that we are at their side as they strive for a more free and open society.

As the nation of Albania approaches its July 3rd parliamentary elections we must stand up for our support of free, fair, and transparent elections. As a member of the Organization for Security and Cooperation in Europe and a signatory of the 1990 Copenhagen Document containing specific commitments relating to the conduct of elections, Albania must maintain its commitment to these democratic ideals. Indeed, the Copenhagen Document, which encourages transparency, balance, and impartiality in the election process, is so sound that it has become the standard by which elections are judged.

Although Albanian democracy has strengthened over the past several years, it has nonetheless failed to live up to the standards of the Copenhagen Document. Over the past 10 years, Albanian elections have not been as free, fair, and open as the Albanian people deserve. As nations around Europe and the world have made considerable strides towards democracy, meeting the standards in the Copenhagen Document for free and fair elections is absolutely essential to Albania’s desired integration into Euro-Atlantic institutions, including membership in the North Atlantic Treaty Organization, NATO. Additionally, transparent democratic elections will inexorably lead to a more free and open society and government able to combat Albania’s problems with organized crime.

The Republic of Albania must demonstrate its commitment to the democratic process to take the next steps towards strong and stable democracy. This can only be achieved when the people of Albania choose their own representatives in parliament in free and fair elections. The Albanian government, political parties, and politicians must conduct this election in adherence to the laws that regulate all free and fair elections; transparency, free press, and unfettered access to electoral procedures by international and domestic observers.

I commend all the Albanian political parties for their commitment to adhere to campaign and election laws. If Albania becomes an active member of both the European and Euro-Atlantic community it must conduct elections that meet international standards. Failure to meet these requirements could have disastrous effects. Europe and the United States cannot ignore those consequences. Albania move towards stable, transparent, and free democracy. This legislation will take a great step towards that goal.

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

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion of the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 155.

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

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.
The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 155.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o’clock and 35 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

ANNOUNCEMENT BY THE COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 2864, WATER RESOURCES DEVELOPMENT ACT OF 2005

Mrs. CAPITO. Mr. Speaker, the Committee on Rules has announced that it may meet this week to grant a rule which could limit the amendment process for floor consideration of H.R. 2864, the Water Resources Development Act of 2005. The Committee on Transportation and Infrastructure ordered the bill reported on June 22, 2005 and filed its report with the House on June 24, 2005. Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in Room H–312 of the Capitol by 11 a.m. on Wednesday, June 29, 2005. Members should draft their amendments to the text of the bill as reported by the Committee on Transportation and Infrastructure.

Members are reminded that earlier in the year the Committee on Transportation and Infrastructure set forth a specific process regarding the submission of projects for inclusion in the Water Resources Development Act. The Rules Committee does not intend to accede to the request of amendments that have not gone through the aforementioned process.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109–155) on the resolution (H. Res. 341) providing for consideration of 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 House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mrs. CAPITO. Mr. Speaker, due to my attendance at a meeting with BRAC Commissioner Chairman Anthony Principi at the 130th Airlift Wing of the West Virginia Air National Guard in my district, I missed roll call votes 308 through 321 on June 24. Had I been present, I would have voted as follows:

- Rollcall 308, no; rollcall 309, yes; rollcall 310, no; rollcall 311, yes; rollcall 312, yes; rollcall 313, no; rollcall 314, no; rollcall 315, yes; rollcall 316, yes; rollcall 317, no; rollcall 318, no; rollcall 319, no; rollcall 320, no; rollcall 321, yes.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3058, TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109–156) on the resolution (H. Res. 342) providing for consideration of 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 House Calendar and ordered to be printed.

APPOINTMENT OF MEMBERS TO BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 2761, and the order of the House of January 4, 2005, the Chair announces the Speaker’s appointment of the following Members of the House to the British-American Interparliamentary Group:

- Mr. PETRI, Wisconsin, Chairman.
- Mr. BOOZMAN, Arkansas, Vice Chairman.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:
- H. Res. 199, by the yeas and nays;
- H. Con. Res. 155, by the yeas and nays.

Proceedings on H.R. 458 will resume on a later day.

EXPRESSING THE SENSE OF THE HOUSE REGARDING THE MASSACRE AT SREBENICA IN JULY 1995

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 199, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 199, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 370, nays 1, not voting 62, as follows: [Roll No. 322]

YEAS—370

- Ackerman
- Aderholt
- Akin
- Alexander
- Andrews
- Baca
- Bachus
- Baird
- Baker
- Baldwin
- Barrett (SC)
- Barrow
- Barrett (MD)
- Barton (TX)
- Bass
- Bean
- Beausagi
- Becerra
- Berkley
- Berman
- Berry
- Bergoglio
- Bilirakis
- Bishop (GA)
- Bishop (UT)
- Blackburn
- Blumenauer
- Binkley
- Bonham
- Bonilla
- Bonner
- Boren
- Boozman
- Boren
- Bowser
- Boucher
- Boustany
- Bradley (NY)
- Barr (TX)
- Brown (OR)
- Brown (SC)
- Brown-Waite
- Burrell
- Calvert
- Camp
- Cantor
- Capito
- Capps
- Carnahan
- Carter
- Castle
- Chabot
- Chandler
- Choctaw
- Clay
- Cleaver
- Clyburn
- Coble
- Cole (OK)
- Connaway
- Conyers
- Cooper
- Costa
- Costello
- Cox
- Cramer
- Crenshaw
- Crowley
- Cubin
- Cuellar
- Cummings
- Cunningham
- Davis (AL)
- Davis (GA)
- Davis (IL)
- Davis (TX)
- Davis (TN)
- Davis, Jo Ann
- Deal (GA)
- Delany
- Delahunt
- Delaney
- Dent
- Dicks
- Doggett
- Doglio
- Doyle
- Drake
- Duncan
- Edwards
- Ehlers
- Emanuel
- Emerson
- Engel
- English
- Evans
- Everett
- Farr
- Feeney
- Ferguson
- Fitzpatrick (PA)
- Flake
- Foley
- Fortenberry
- Foxx
- Foxx (MA)
- Frankel (AZ)
- Frelinghuysen
- Gallegly
- Garrett (NJ)
- Gerlach
- Gibson
- Gilchrest
- Gillmor
- Gingrey
- Gohmert
Mrs. NAPOLITANO changed her vote from "nay" to "yea."

So (two thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. PEARCE). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 155. The Clerk then read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 155, on which the yes and nays are ordered.

The vote was taken by electronic device, and there were—yeas 369, nays 1, not voting 63, as follows:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>——699</th>
</tr>
</thead>
<tbody>
<tr>
<td>——62</td>
<td></td>
</tr>
</tbody>
</table>

**NOT VOTING—62**

Abercrombie (Bishop (NY))
Boehlert (Brady (NY))
Brown, Corrine
Burton (IN)
Carrin
Carrion
Carmen
Cassarino
Cuberson
Davis (FL)
Davis, Tom
Diaz-Balart, L.

**NAYS—11**

**NOT VOTING—63**

Abercrombie (Bishop (NY))
Boehlert (Brady (PA))
Brown, Corrine
Burton (IN)
Carrin
Carrion
Cassarino
Cuberson
Davis (FL)
Davis, Tom
Diaz-Balart, L.
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So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 323, on H. Con. Res. 155, I was in my Congressional District on official business. Had I been present, I would have voted “yea.”

PERSONAL EXPLANATION

Ms. MATSU. Mr. Speaker, I was absent on Monday, June 27th and missed the rollcall votes ordered. Had I been present, I would have voted as noted below:

Roll call vote 322: “yea”; roll call vote 323: “yea”.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, due to illness I was regrettably delayed in my return to Washington, DC, and therefore unable to be on the House floor for roll call votes 322 and 323. Had I been here I would have voted “yea” for roll call vote 323 and “yea” with reservation for roll call vote 322 on House Resolution 199, which expresses the sense of the House of Representatives regarding the massacre at Srebrenica in July 1995.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, personal business prevents me from being present for legislative business scheduled for today, Monday, June 27, 2005. Had I been present, I would have voted “yea” on H. Res. 199, a resolution expressing the sense of the House regarding the massacre at Srebrenica in July 1995 (Roll call No. 322); and “yea” on H. Con. Res. 155, a resolution urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held on July 3, 2005, are conducted in accordance with international standards for free and fair elections (Roll call No. 323).

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, I was unavoidably absent from the House floor during roll call votes on H. Res. 199 (Expressing the sense of the United States House of Representatives regarding the massacre at Srebrenica in July 1995) and H. Con. Res. 155 (Urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held July 3, 2005, are conducted in accordance with international standards for free and fair elections). I was giving a presentation on the 179th Anniversary of the National Guard in Mansfield, OH at the Base Realignment and Closure Commission hearing in Buffalo, New York. Had I been present for the votes I would have voted “yea” for both measures.

PRIVATE PROPERTY RIGHTS

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

Mr. PRICE of Georgia. Mr. Speaker, the fifth amendment to the Constitution states that “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.” However, that was then.

Thanks to the recent Supreme Court ruling on eminent domain, the fifth amendment has been vastly expanded.

As one Supreme Court Justice stated in the dissent, “Nothing is to prevent the State from replacing a Motel 6 with a Ritz Carlton, any home with a shopping mall, or any farm with a factory.”

Property rights? There is nothing right about this decision. Now, tax revenues are more important than neighbors.

Mr. Speaker, with this decision, the rights of our citizens are now competing with tax revenue and private developments. The Constitution is meant to protect the rights of our citizens, not compete with the bottom line.

What is clear at this moment is that the Supreme Court has thrown the protection of individual property rights right out the window. These Justices need to be reinced in by both State action and loud condemnation of this outrageous finding.

Public use has been redefined so boldly by this Supreme Court decision that it’s no wonder citizens are concerned about their homes and property.

In the short term, all states are encouraged to adopt strict and narrow definitions of “public use.”

In the long term, we in Congress must determine whether more clarity needs to be brought to the court on this matter.

Remember Jefferson’s principle: “The true foundation of republican government is the equal right of every citizen in his person and property and in their management.”—Thomas Jefferson to Samuel Kercheval, 1816.

TRIBUTE TO REVEREND BILLY GRAHAM

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, the Supreme Court acted today, but if any of us want to know what real religious freedom and religious property is all about, I rise today to pay tribute to the Reverend Billy Graham.

Though many have said that the series of evangelistic sermons this past weekend in New York may be his last, he is a symbol of what America stands for and appreciates in freedom of religion. He spoke to all people.

I understand that in the early 1960s when it was not appropriate, he invited Dr. Martin Luther King to open one of his evangelistic meetings. He came to Nashville, Tennessee when it was not popular to do so.

In his audience of thousands and thousands over the weekend, we saw the faces of America, many colors, many different persons, many economic conditions. They came to hear the gospel said in an open and free society.

He pushes no agenda. He does not ask for the Ten Commandments to be placed in any place; but, he says, if you believe, then you should accept. That is what true religious freedom and liberty are all about.

That is why I am glad to be an American and believe in the first amendment. I salute the Reverend Billy Graham, a great American and a great patriot.
SAFER VEHICLES FOR SOLDIERS: A TALE OF DELAYS AND GLITCHES

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

Mr. DeFazio. Mr. Speaker, I am going to read a bit, which I do not usually do on the floor, from yesterday's New York Times front page, because I think it is so extraordinary and it goes so much to the incompetence and the indifference of Donald Rumsfeld and others in this administration regarding what is going on in Iraq and the lack of protection for our troops.

"When Defense Secretary Donald Rumsfeld visited Iraq last year to tour the Abu Ghraib Prison camp, military officials did not rely on a government-issued Humvee to transport him safely. Instead, they turned to Halliburton, the oil services contractor, which lent the Pentagon a rolling forklift, that is my own little addition to the Humvee to transport him safely. Officials did not rely on a government-for-forklift, or forklift, or anything else."

Mr. Speaker, I guess I should not be surprised that the Secretary of Defense who predicted that our troops would be greeted with flowers and candies and sweets; and that the occupation would last, that we would be down to 30,000 troops within 2 months and would not be there longer than 5; that he has been two, four, six, or a hundred steps all the way along the way. But to still deny the reality, because he is riding around in an armored Humvee provided by Halliburton, of our troops, the better reality of them in unarmored Humvees, as many Marines still are, and we still hear from time to time of Army units that are out there in unarmored Humvees, although they claim they never go off base anymore; and then to hear that State Department personnel from among us get superior vehicles that are not available to the regular troops, this is extraordinary.

More than 2 years into this war, and this new insurgency, and the Pentagon is focused on Star Wars and other fantasies; and the troops still lack basics, things for which we need no technological development. The technology exists, the manufacturers exist, but the will to purchase those vehicles to protect our troops does not exist in Secretary Rumsfeld's higher echelons of this organization.

But, again, he is riding around, he cannot even hear or see the explosions in the Rhino Runner. They probably have the music turned up loud and the AC is blasting away, and he does not have the slightest idea where he is. But the troops sure know where they are; they sure do.

Mr. Speaker, it is time for this embarrassment to end. He should have gone long ago, he should go now, and it is time to start providing the troops the basics they need to come home safe.

THE HIGH COST OF PRESCRIPTION DRUGS IN THE UNITED STATES

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

Mr. Gutknecht. Mr. Speaker, once again I rise to talk tonight about the unfairness of what Americans pay for prescription drugs compared to what consumers pay around the rest of the world. My chart here shows that the difference between the prices for these drugs in the United States is focused on Star Wars and other fantasies; and the troops still lack basics, things for which we need no technological development. The technology exists, the manufacturers exist, but the will to purchase those vehicles to protect our troops does not exist in Secretary Rumsfeld's higher echelons of the organization.

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Mr. Speaker, it is time for this embarrassment to end. He should have gone long ago, he should go now, and it is time to start providing the troops the basics they need to come home safe.
Now, I do not want price controls. In fact, I do not want people buying their prescription drugs over the Internet. But I think it should be legal. What I really want is American pharmacists to have access to what pharmacists in Europe have. It is called parallel trade. Because that pharmacist in Frankfurt, Germany can go ahead and order his drugs from Sweden or Norway or France or Spain, wherever they can buy them cheapest. You see, information was a President by the name of Ronald Reagan who said that markets are more powerful than armies. And it really is time that we use market pressures and market forces to help control the runaway prices of prescription drugs. I believe American consumers have a right to that. I believe American consumers have a right to world-class drugs at world-market prices. So I hope Members will join me in this great effort to make certain that we create markets that we create a competitive market so that Americans can buy Zocor for $30 rather than $85. We is not asking for a free lunch. We are just asking for a fair price.

NICS/GUN SHOW LOOPHOLE/NO FLY, NO BUY

The SPEAKER pro tempore (Mr. Kuhl of New York). Under a previous order of the House, the gentlewoman from New York (Mrs. McCarthy) is recognized for 5 minutes.

Mrs. McCarthy. Mr. Speaker, many here in this Chamber, each and every one of us, are Congress to make a difference, and each one of us are trying to make that difference.

I came to Congress to try and reduce gun violence in this Nation. And many people have heard me talk about this for close to 8 1/2 years now. What I want to talk about tonight are three pieces of legislation that I have and why I feel they are so important, especially in the climate that we have.

We know, from now, and I think what we need to do is start looking at our gun laws that are here today and how we can make this country safer, certainly being part of our homeland security.

One of the bills that I think is probably extremely important is the NICS Improvement Act. Unfortunately, I had a tragedy back in my district going back 3 years ago, where a person came into one of our local churches and ended up shooting the priest and a parishioner. On further investigation, we found out that New York State actually had a record where he should not have been able to buy a gun. But being that they did not give that information to the NICS system, and we all know that a computer is only as good as the system that has the information in it.

Now, with that we did legislation, it actually passed here in the House by a voice vote, and I think it is important that we get that again and get that improved.

And another reason why, many of us are experiencing high volumes of gangs in our community. And it was only a few months ago that some gangs that were caught by our local police, who did a great job, traced the guns that these young people had, and they were bought legally in Alabama. And I say that legally. But, again, if they had tried to buy them in New York, they would have been in the system. They were in the system and basically they would not have been able to buy the gun if the NICS system had the correct information.

Right now, 25 States have entered less than 60 percent of the convictions of why some people should not be able to buy guns. Thirteen States do not list domestic restraining orders and restraining orders. And unfortunately, that was one of the things with Mr. Troy, who did the shooting in the parish church. His mother actually had a restraining order on him.

Thirty-five states do not share mental health records. Now, I know there is an argument there that we are picking people on mental health problems. That is not it. We are saying that it is important that we get that this bill up on the system. This way we will be able to certainly prevent people that should not be able to buy guns, by law under the 1968 Gun Control Act, which is only deferring where there is already records on the books. We had terrific bipartisan support in the 107th Congress, and I think it is something that we should be doing to move around.

The gun show loophole. I know we had our bills on the gun show loophole, but even information again for post, 9/11, the FBI has found that over 40 “terrorists” on the terrorist watch list have gone into gun shows and been able to buy AK-47s and other guns.

Now, it is common sense that those that go buy a gun, and 13 States have already passed legislation, it has not stopped anyone from buying a gun. It has not closed down any gun shows, because I know that many of our friends in the Midwest, this is a family week-end. They go out and spend a day there and that is fine. I do not have a problem with that. But I think the major-ity of our guests are there, if you are going to buy a gun, you need to go through a background check. I think that is the basic law that we could do.

The other thing that really perturbs me, and by the way this actually goes into the area of the fly, no buy list. Right now we have a list, a terrorist list, and they are not allowed to get onto a plane. And yet they can go into any gun store, they can go to any gun show and are able to buy a gun. I do not think that makes too much common sense. We should be stopping these people from being able to buy their guns.

Think about what happened here in D.C. a few years ago. One person, two people with a gun, certainly kept D.C. and the surrounding area petrified, and millions of dollars was lost.

Imagine these terrorists. You know, people, I think, are starting to become, feel too safe. We know that terrorists will strike when no one is paying attention. And as long as we pay attention to detail, we can stop these terrorists from doing bodily harm. No fly, no buy.

I understand that when you look at foreign countries, sometimes people are prosecuted. That would not be the same here in this country. We know that there are political reasons why they might be thrown in jail. We have a way of being able to adjudicate that.

And also, the list that I chose for this bill is on a list where people can actually go to it and get off the list. And I think that is important because we certainly do not want to deny anyone. The three bills that I have introduced are not going to stop anyone from being able to buy a gun. Their second amendment rights are intact.

I made a promise when I came to Congress that I would reduce gun violence in this country. But I also am not here to try and take away the right of anyone to own a gun. That is a personal decision for many of us.

Some of us do not like guns. I used to do skeet shooting. It was not my sport. That is certainly up to me. Yet, I know there are many people around this Nation that like to go hunting. And we have always said, many of us, that they will be able to go hunting. We are not trying to take away the right to own the gun. But we must enforce the laws that are on the books and make this a safer country.

CLUB GITMO

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

Mr. Poe. Mr. Speaker, this past weekend I spent part of the weekend down in the Tropics. I went to an island down in the Caribbean. And the place where I went had an ocean view, and the facility is relatively new. Some of the rooms are air-conditioned and some are not. Some of the rooms actually would meet ADA standards for the physically challenged.

And also, there were there, they were not working. They are standing around talking. There is a lot of talking and I noticed that there are soccer courts. There are volleyball courts. There is table tennis, and they are building a new basketball court.

I ate lunch, the same meals that the guests had. The lunch that I had was marinated chicken with orange sauce, rice pilaf, steamed vegetables, plenty of rolls and butter. Some of the guests that are there have even gained up to 5 to 10 pounds while being there.

New medical facilities are there, new dental facilities. The people that are
there average four medical visits a week or, rather, a month. That is more than most Americans do in a year.

The medical personnel there performed 128 surgeries, and no one that has been there, of the 700 guests that have been there, not one has died from any cause. In fact, the medical personnel saved the lives of numerous ones.

They come from all over the world. 24 different countries: 520 of them are there; 2,200 of them have gone back home.

The rooms are very clean. I notice that there are no Gideon Bibles in any of the rooms, but every room has a Koran. You know, American troops do not get U.S.-funded taxpayer Bibles overseas. But all these guests get taxpayer-funded Korans. And of course the staff that is there cannot touch these Korans.

Of course I am talking about Gitmo, the Guantanamo Bay terrorist detention center. These people are prisoners of war and the guards that are there are doing an outstanding job.

Speaking of the Koran, the guards are not permitted to touch the Koran except under rare circumstances. And if they do, they have to wear linen gloves before they can move this Koran to a different cell.

The interrogations that took place, neither the interrogator nor the prisoner knew that we were observing. And if they did, they have to wear linen gloves before they can move this Koran to a different cell.

The people that are there are there for two purposes. They are suspected terrorists that are going to be tried for war crimes, like killing people all over the world, many of whom are Americans. The others that are there are being interrogated, those suspected terrorists.

Now I observed those interrogations, Mr. Speaker. There are no abuses. There are no dogs. There is no abuse.

The interrogations that took place, neither the interrogator nor the prisoner knew that we were observing. And numerous Members of Congress went this past week and observed these facilities.

One hundred fifty of these individuals have attorneys. Any prisoner that is there that wants an attorney is entitled to have one.

Two hundred of them have been released; in fact, maybe releasing some of them should not release, because 12 of the ones that have been released have been either recaptured or killed on the battlefield. One is of particular note. When he was first arrested and captured as a terrorist he had a leg that was in-...
Now, it is tempting to see this VA situation as simply an actuarial miscalculation, but it is indicative of something far more serious that we have been seeing over and over again from this administration, a robbing-Peter-to-pay-Paul mentality; a tendency to ignore problems until they become crises; a habit of embracing war without accounting for its costs, human or financial.

Mr. Speaker, this is just one example of the way our Iraq policy has been bungled. Not only do we need to bring our troops out of Iraq as soon as realistically possible, a position that the majority of the American people agree with; we need an overhaul of our approach to national security in general.

I have proposed a new plan called SMART Security. SMART stands for Sensible Multi-lateral American Response to Terrorism For the 21st Century. The guiding principle behind SMART is that it should be the absolute last resort. Prevention of war, not pre-emptive war, which we know from the Downing Street memo was not the thinking on Iraq.

So SMART includes an ambitious international development agenda, democracy building, human rights education, business loans, agricultural assistance and more for the troubled, under-developed nations of the world.

SMART is tough, pragmatic, and patriotic. It protects America by relying on the very best of American values: our commitment to freedom, our compassion for the people of the world, and our capacity for multilateral leadership.

HEALTH CARE FOR RURAL AMERICA

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

Mr. MORAN of Kansas. Mr. Speaker, my address is my message. It really was about what do I do to make certain that folks in Kansas, people across rural America have a quality of life, that they have the opportunity to put food on the family’s table, that they have enough money to save for their retirement and for their kids’ college education. But even perhaps more important than that, the goal for me as a policymaker has been what can we do to keep records and provide for their care in particular in a way that makes it possible for financially those health care providers to continue to provide the service and that we need to continue to make efforts to reduce the paperwork and bureaucratic burden that increase the cost of providing services, especially in communities where senior citizens comprise a significant component of the population.

Many of the hospitals in the First Congressional District of Kansas, 60, 70, 80, and sometimes even 90 percent of the patients admitted to a hospital seen by our physicians are over the age of 65; and, therefore, Medicare is responsible for payment at least in part of the hospital or physician bill.

During my time in Congress despite this continual focus on access to health care, other things has become clear to me. There is an overriding issue that should consume us all. I rise tonight to try to bring to my colleagues’ attention the necessity of beginning to address the ever-rising cost of health care.

I am in the middle of 69 townhall meetings. I represent 69 counties in Kansas, and every year I conduct a townhall meeting in each of those counties. I remember the townhall meeting in Hoxie, Kansas. During that townhall meeting I was from a teacher who said, Last year my premiums for my health insurance to the school district that I paid out of my pocket were $450. This year it is $700. What are you going to do about it?

The next question was from the farm implement dealer who said, We are trying to stay afloat here. It has been a difficult year. Drought on the high plains. You know how difficult the ag industry is, trying to keep our employees insured. We raised our co-payments, We raised our deductibles and our insurance premiums still went up 49 percent. And there was the question, What are you going to do about the medics and the EMTs?

The third question came from a lady who said, My brother has cancer. He has been in Texas in an experimental treatment program, and he has now returned home to Kansas and his treatment costs are $40,000 a year. My mom and dad and the other brothers and sisters, we are all trying to figure out how do we as a family come up with $40,000 a year to take care, to perhaps save my brother’s life. Again, the implied question, What are you going to do about it?

So from that townhall meeting several years ago, it has been a growing desire on my part to move the House of Representatives, the Senate, the policymakers in our Nation’s capital to re-examine and re-task the administration for their focus on community clinics. That is an important component of making certain that people who could not otherwise afford health care are not showing up at the emergency room, but could access a primary care physician or a nurse practitioner through our community clinics.

We need to focus more on wellness and prevention. I think perhaps the biggest bang for our buck in reducing health care costs is to encourage and to educate citizens of our country about nutrition, about life-style, about habits, about exercise.

Clearly our information technology system has to be overhauled. We have tremendous technology in the delivery of health care, but not in the way that we keep records and provide for their payment. It needs to be overhauled for better and easier data retrieval. We clearly need to make certain that our reimbursements for our hospitals under Medicare and Medicaid are adequate to cover the costs, otherwise there is simply a cost-shifting onto those who have insurance.

I have been supportive of health savings accounts and opportunities for small businesses to pool their purchasing power to access health care for their patients.

I have talked earlier about prescription drugs. We need to continue to work as a body, as a Congress and as policymakers in our Nation’s capital to reduce the ever-escalating costs of health care.

RENEGOTIATE CAFTA

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

Mr. BROWN of Ohio. Mr. Speaker, at a White House news conference earlier this month, President Bush called on Congress to pass CAFTA, the Central American Free Trade Agreement.

Also earlier this month, the most powerful Republican in Congress, the gentleman from Texas (Mr. DELAY), promised a vote by July 4. Actually, it is the third time the gentleman has promised a vote on CAFTA. The first time in 2001 he said there would be a vote on CAFTA. Then during the Free Trade Agreement by the end of the year, December of 2004. Then earlier this year he promised a vote on CAFTA
by Memorial Day, and now he is promising a vote by July 4.

Where I come from, 3 strikes means you are out. As a result, Congress is waiting and waiting and waiting for the CAFTA vote count down to begin. While we wait, the many of us who have been fighting out, against the Central American Free Trade Agreement have a message for the gentleman from Texas (Mr. DeLAY) and for the President, and that is renegotiate the Central American Free Trade Agreement.

President Bush signed CAFTA more than a year ago. Every trade agreement negotiated by this administration—Australia, Chile, Singapore, Morocco, every trade agreement negotiated by this administration was voted on by this Congress within 60 days of the President signing the agreement. CAFTA has languished in Congress for more than a year without a vote because this wrongheaded trade agreement offends Republicans and Democrats alike.

It offends small manufacturers. It offends labor unions. It offends environmentalists and ranchers and small farmers and food safety advocates. It offends religious leaders in Central America and many religious leaders in this country.

Most importantly, just look what has happened with trade policy in this country in the last 12 years. In 1992, the year I was elected to Congress, the United States had a $38 billion trade deficit. That means we imported $38 billion more than we exported. Today, a dozen years later, in 2004, last year, our trade deficit was $618 billion. From $38 billion to $618 billion in only a dozen years. It is hard to argue that our trade policy is working.

□ 2000

Some people say, well, those are only just numbers, that is the trade deficit; who really cares? What that means is that 20 percent of our manufacturing jobs lost; Pennsylvania; 224,000; Michigan, 210,000 manufacturing jobs lost; Illinois, 224,000; Pennsylvania, 200,000; Mississippi and Alabama combined, 130,000. In the gentleman from Georgia’s (Mr. Lewis) home State, they have lost between 15 and 20 percent.

These are the States in blue, 107,000. In the gentlewoman from California’s (Ms. Watson) and the gentleman from California’s (Mr. Berman) State, 354,000 jobs lost.

In State after State after State we have seen hundreds of thousands of manufacturing jobs lost in the last 5 years, not entirely because of but in large part because of failed trade policies. Each one of these jobs translates into the loss of a breadwinner, translates into less money for education in the community, less money for police and fire as the tax base shrinks with more and more industrial concerns shutting down.

These are faces of real people, what these numbers represent, and it is hurting an awful lot of families in every one of these States and our country.

As we see, the Central American Free Trade Agreement was negotiated by a select few for a select few. It was negotiated by the U.S. pharmaceutical industry. It is negotiated by big energy companies in the United States to help big energy companies in the United States. It was negotiated by insurance and financial institutions to help insurance and financial institutions. But it is not helping workers. It is not helping the environment. It is not helping small manufacturers. It is not helping small farmers and small ranchers in our country.

It is the same old story, Mr. Speaker. Every time there is a trade agreement, the President makes three promises. He promises there will be more jobs in the U.S., more manufacturing products that are exported to other countries, and it will help develop a higher standard of living for workers in the developing country. Yet, with every single trade agreement, their promises fall by the wayside.

Benjamin Franklin said, the definition of insanity is doing the same thing over and over and over and expecting a different result. The President makes the same promises about NAFTA, about PNTR with China, about CAFTA, about every trade agreement over and over and over, and the results are the same: more manufacturing job loss; more stagnation of wages in the developing world where their standard of living does not go up; more plant shutdowns in the community after community in our country.

In the face of overwhelming bipartisan opposition, the administration and the gentleman from Texas (Mr. DeLAY), the most powerful Republican in the House, have tried every trick in the book to pass this CAFTA. Mr. Speaker, CAFTA is a bad idea. Overwhelming opposition to this agreement says we should renegotiate the Central American Free Trade Agreement.

WIN IN IRAQ

The SPEAKER pro tempore (Mr. Kuhl, of New York). Under a previous order of the House, the gentleman from Nebraska (Mr. Osborne) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, there has been a great deal of debate on this House floor recently about the war in Iraq and no one more so than about Afghanistan, interestingly, but certainly about Iraq. Some in Congress are clamoring for us to pull out of Iraq immediately. Some want a timetable indicating a date certain when we will withdraw.

It means better wages and a higher standard of living for workers in the United States. It was negotiated by insurance and financial institutions to help insurance and financial institutions. But it is not helping workers. It is not helping the environment. It is not helping small manufacturers. It is not helping small farmers and small ranchers in our country.

It is the same old story, Mr. Speaker. Every time there is a trade agreement, the President makes three promises. He promises there will be more jobs in the U.S., more manufacturing products that are exported to other countries, and it will help develop a higher standard of living for workers in the developing country. Yet, with every single trade agreement, their promises fall by the wayside.

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In the face of overwhelming bipartisan opposition, the administration and the gentleman from Texas (Mr. DeLAY), the most powerful Republican in the House, have tried every trick in the book to pass this CAFTA. Mr. Speaker, CAFTA is a bad idea. Overwhelming opposition to this agreement says we should renegotiate the Central American Free Trade Agreement.

Number 1, we promised the Iraqi people that we would not pull out prematurely. Remember that back in the Gulf War in the early 1990s, we made a similar promise. We did pull out, and thousands of Iraqis died. We have had a difficult time regaining their trust since. I think to this point we may have regained some of that status and some of that trust.

If we have a date certain on which we will leave Iraq, it will encourage insurgents to hang on until that date and then intensify the attacks. I think the date certain of withdrawal will certainly be looked upon by many insurgents as a sign that they were winning, a sign of victory. I think they would claim victory at that point.

Also, I think it is important that a withdrawal without victory will dishonor the memories of those who have died and sacrificed, and, I, for one, do not want to have to face some of those parents and some of those husbands and wives who have lost soldiers in the war and try to tell them that basically their son, their daughter, their husband, or their wife died for no cause at all. That would be very, very difficult for them to swallow.

Then I think most of us who have been overseas, and a great many Members of Congress have, have been to Iraq and Afghanistan and Kuwait, and Landstuhl in Germany to the hospital, and up to Walter Reed, and one thing that we found almost universally is that our soldiers have tremendous morale. They have a very strong sense of mission, and they have a real sense of purpose. Almost to a person the military personnel that I have talked to would tell you that they absolutely do not want to leave this thing undone. They want to make sure that it is a sense of accomplishment and a sense of purpose.

Finally, let us address the issue of no plan, that there is no strategy, no exit plan at all. We might refer to this chapter of history, Operation Iraqi Freedom, one of the most difficult military battles that was trained and equipped. Now there are more than 100 battalions trained and equipped, and those are reflected over here on this 75,791 total of Ministry of Defense forces. Also, in addition, there are 90,883 policemen and other patrol and security guards that have been trained. So it is a total of 170,000 Iraqis who are currently trained and equipped.

I have been to Iraq where I have seen some of this training occur. I have been to Amman, Jordan, where a lot of the police academies are held. So at the present time we are aiming for 270,000, and we have most of the way there. We still have 100,000 to go, and we are training about 10,000 a month. So that means in about 10 months we will be at roughly 270,000.

General Petraeus says there is no shortage of volunteers; we have more people applying for this position than we have slots to fill them at the present time.
So I think we are in reasonably good shape. The exit strategy is obviously to draw down our forces as the Iraqis are able to take control of the situation, and currently, in almost every military action, Iraqis are out in front. There are many areas of Iraq at the present time where there are no American forces. Iraqi forces are totally in control, not a whole lot of those areas, but there are some. So the Iraqis are assuming more and more responsibility for their own protection. At the present time, there are 21,000 fewer Americans in Iraq than there were in January. So there has been some drawdown at the present time.

One of the wild card situations is the Sunnis. Recently, the Sunnis, it was reported, reached a resolution with the Shiias and the Kurds as to their role in government. I think if that can be accomplished, then we are in reasonably good shape for a resolution.

A constitution will be written by August and approved by October 15, and a new government will be elected on December 15.

So there is a strategy. Progress is being made. It is a very difficult situation. I really, truly believe all Members, the aisle, are very much in support of our troops. I think it is important that we support them with our votes, with money, with equipment, and also with our words, because our words that are spoken on this House floor and in the press certainly reverberate around the world and al Jazeera.

So I know our troops very much are hoping that we will show unqualified and tremendous resolution in resolving this issue.

INTELLECTUAL PROPERTY PROTECTION AND THE GROKSTER DECISION

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

Mr. SCHIFF. Mr. Speaker, today the United States Supreme Court, in a unanimous 9-0 decision, held that peer-to-peer file-swapping companies can be held liable if they promote the use of their sites to infringe copyright. The Grokster decision is a victory for all law-abiding Americans, especially the hardworking and talented individuals that make up our creative industries.

I am pleased that the Supreme Court struck the right balance between the protection of intellectual property and the desire to provide consumers with easy and lawful access to U.S. movies, music, and other content. Impressive advances in technology in recent years have produced a host of new and exciting avenues for consumers to access music and other content online. These new technologies, however, have also bred a culture of rampant pirating on the Internet.

Grokster and other peer-to-peer networks have become bastions of illegal activity, providing safe havens for pirates to swap copies of copyrighted material without paying a cent. Every day, millions of copyrighted protected movies, songs, computer games, and other pieces of intellectual property are stolen over peer-to-peer networks.

The statistics speak for themselves. Over 90 percent of the file-sharing activity on Grokster is illegal copyright infringement. Of the music files available online, 99 percent are unauthorized, leading to a substantial drop in shipments of music to retailers.

In the last year alone, the number of feature films posted on file-sharing sites more than doubled to 44 million. Some estimates show that as many as 400,000 movies have been downloaded in one day alone.

Last month, it took just a few hours after the latest Star Wars movie opened in theaters for a copy to show up online on a file-sharing site. While we have won legal access to movies and television shows, the illegal downloading of 99 percent of copyrighted content at affordable prices without infringing on copyright laws.

Our Nation's economy and creative industries that employ over 5 million Americans suffer a huge blow from the billions of dollars lost annually through illegal downloading. These networks that actively promote illegal activity continue to pose a serious threat to the livelihood of copyright creators and artists, many of whom live in my district.

One of our country's greatest exports, indeed the only area where we have a positive balance of trade with every Nation on earth, is in the area of creative content and our intellectual property, which is derived from the hard work of song writers, technicians, directors, actors, artists, independent filmmakers and scores of others who make their living from the lawful sale of these items.

The Supreme Court decision today strikes the right balance by protecting copyright holders from such illegal activity and promoting legal avenues for downloading movies, music, and other works by consumers.

Very simply, the Court decision today codifies an age-old principle: should an artist produce a work that another person's labor.

As the Court noted, their decision leaves breathing room for innovation, and a vigorous commerce and does nothing to compromise the legitimate commerce that will incorporate many user benefits common to the peer-to-peer file-sharing experience, and a number of sites have already been launched that offer Internet music downloads at affordable prices without infringing on copyright laws. These positive efforts provide a victory for both consumers and artists.

Today's decision will further encourage and spur even more technological innovation. As a result, consumers will be the ultimate winners as they will have more access to high-quality music, film, and other content on the Internet and elsewhere.

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

Mr. PRICE. Mr. Speaker, I ask to take my Special Order at this time.

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

There was no objection.

BRINGING TROOPS HOME

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

Mr. GOHMERT. Mr. Speaker, as the right honorable gentleman from Nebraska (Mr. OSBORNE), a good friend, former coach, had indicated, there are Members of this body who believe the solution in Iraq is to set a date certain by which we will begin removing or have our troops removed from Iraq. When asked recently if such a strategy would not have been devastating if used in World War II and would not have led to the victory. Hitler imprisoned, one Congressman said, well, World War II is not really an appropriate comparison. He believed the more appropriate model was that of Vietnam, where we set a time and then we got out.

I do not question anyone's motive here, but for freedom's sake, what in the world kind of a mission is that? The retreat from Vietnam created a vacuum that was filled by dead and mutilated bodies of those we ran out and deserted, and it is one of our darkest and most heinous hours in American history. It is rivaled, however, for its humiliating nature by the very war in Vietnam itself in which we sent soldiers to fight but tied one arm behind their backs and did not give them the equipment and backing to actually win. They were not authorized to win. They were told to just hold what they had. No war can ever be won unless there is a commitment by the government to win.

If we did not learn anything from the war with the 20th century, it would be obvious here, but in 1979, we had an attack on American soil. That is what it is when someone attacks an American
embassy, and they took hostages of our diplomats and we did nothing. We failed to defend our soil and our people and our diplomats and a terrible message went forward.

We failed to address the attacks properly of the first bombing of the World Trade Center and on the U.S.S. Cole and other attacks.

We have sent a terribly erroneous message in the past that America does not have the courage or the stomach to complete the defense of ourselves or to finish what we start. That is what Osama bin Laden has been saying for years. If we just keep attacking, keep up the insurgency, America does not have the stomach to win. We will wear them down.

And now I hear colleagues verifying they do not have the stomach to complete what we started. My colleagues, when I was in Iraq in March, one former general under Saddam looked me in the eyes, a Sunni, and said, If the U.S. will just stay behind us and back us until we get our constitution and have the next election, you will see most of the violence stop in Iraq. The terrorists know how critical it is that this battle go on. They know that if freedom and a free society take hold in Iraq, in a Muslim country in the Middle East, they lose.

Some of the people who now are calling for a date certain to withdraw are some of the same people in 1991 who screamed at former President Bush, stop, stop, do not attack, they are surrendering. Get out. Do not go to Baghdad. And shortly after that, after he did as they implored, they said well, he did not have the backbone to stay in there. We have a plan. We are training policemen, we are training soldiers. They will be able to compete with piracy profiteers. Conversely, services that breed a culture of contempt for intellectual property will have to answer for their ill-gotten gains.

In addition to providing us with movies, sound recordings, computer games and software, books and other creative works, the core copyright industry accounts for over 6 percent of the U.S. gross domestic product. Businesses that rely on copyright employ more than 11 million U.S. workers. Unfortunately, the copyright piracy taking place over peer-to-peer networks has become a great threat to the livelihoods of all copyright creators. Therefore, robust protection for creativity is necessary to protect the work of the most famous artists to the completely unknown set designer, from shareholders and executives of studios and R&D record companies and software companies to the many thousands of hourly-wage earners who work for them.

Piracy robs creators and owners of sound recordings and movies of their right to be first in the market. But most harmful, peer-to-peer networks have created a culture where too many consumers, including our children, are accustomed to receiving their choice of entertainment anytime, anyplace, in any format for free, without providing the creator his or her rightful compensation.

In a 9-0 opinion, the Supreme Court has told businesses that facilitate copyright infringement that they will be held directly accountable for their actions. It will model its success on the destruction of another's industry. To paraphrase Justice Kennedy's observation in the oral argument, unlawful expropriation property cannot be used by a business as part of its start-up capital. This decision "does nothing to compromise legitimate commerce or discourage innovation having lawful promise." It has merely found a balance between the legitimate demand of copyright owners for effective protection and the rights of others to engage in substantially unrelated areas of commerce. Just because the transmission of these files happened in the electronic environment, does not mean the protection should only be symbolic. Just because we are in a digital age, the definition of stealing does not change. If I go to a store and take a CD without paying for it, I am stealing. If I go to a peer-to-peer network and download a song for free, I am also stealing.

The Supreme Court has instructed businesses: "You may not entice individuals to commit a moral and legal wrong." It is willing to hold businesses responsible for the part they play in promoting theft. It has issued a loud warning that companies will not be allowed to gain from illegal distribution. Those that specifically design their business models and demand for copyright infringement will be stuck wearing the bull's-eye.

Shed no tears: these illegitimate peer-to-peer networks are not innovators; they are free riders. Their services make it hard to teach our children about right and wrong. They send adware, spyware, viruses, and pornography on to our computers and into our homes. There are a great many reasons for parents, teachers, creators, and others to rejoice about the message the Supreme Court sent today.

Both the content and tech industry must continue developing innovative and legitimate ways to distribute content so that consumers can access entertainment on a variety of devices. This decision will improve opportunities for legitimate music and movie distribution, putting out of business the black marketeers.

This decision has provided greater protection for intellectual property rights and has provided the tools to effectively combat copyright theft. In turn, it will keep an engine of America's economic growth thriving by promoting innovation and creativity in entertainment and the arts. The decision is also a win for legitimate technology companies. Those who have structured their businesses to distribute content in innovative and legal ways that compensate the creator while providing consumers quality in choice should laud this decision.

The Founding Fathers dealt with pirates on the high seas and had the intuition to address the pirates over the air. They afforded protection in the Constitution for intellectual property rights that serve as the cornerstone of American innovation. The Supreme Court today has helped carry out the mission of article I section 8 of the Constitution by promoting the progress of science and the useful arts.
between the protection of intellectual property rights and the need to expand our technologies.

As a representative of Hollywood, my district contains many movie and recording studios, which serve as the driving force behind the local economy and provide tens of thousands of jobs to many of my constituents. As Chair of the Congressional Entertainment Industries Caucus, one of my key concerns has been the continuing erosion of our copyright laws. Let me share some shocking statistics. According to recent FBI data, U.S. producers of movies, music, computer games, and software lost $23 billion to illegal copying. In Operation Digital Gridlock, the first Federal law enforcement action against a peer-to-peer network, regulators seized the equivalent of 60,000 illegally distributed movies last August. It is clear to me that piracy of our creative products has reached an epidemic level, both domestically and internationally, creating a huge drain on our economy, job creation, and technological innovation. We are forced to resort to legal action to help stanch this tide of intellectual property theft.

That is why today’s Supreme Court ruling was so important. In the unanimous opinion, the Justices held that “one who distributes a device with the object of promoting its use to infringe copyright is liable for the resulting acts of infringement by third parties using the device, regardless of the device’s lawful uses.” It is this unequivocal guidance from our Nation’s highest court that I believe will help enhance the effective enforcement of our Nation’s copyright laws and strengthen the public’s respect for the value of intellectual property rights.

Without addressing privacy should not inhibit the continuing growth and development of our digital economy. New technologies should benefit not just the content distributors but the creative forces as well. But as the courts, copyright owners and technology sectors work together to utilize file-sharing networks to create new innovative and legal forms of content distribution, I hope today’s decision will send a message to all pirates that winking and nodding at digital theft will not be tolerated any more than theft itself. I am confident that the lower courts will carefully apply this well-reasoned opinion in finding Grokster and other similar companies liable for activities that will induce their customers into illegal use of creative products.

GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. 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 subject matter of my Special Order.

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

There was no objection.

INTELLECTUAL PROPERTY AND THE GROKSTER DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes. Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise to applaud the United States Supreme Court for their ruling today in the case of Metro-Goldwyn-Mayer Studios, Incorporated v. Grokster. By a unanimous ruling, 9-0 in favor of MGM, the Supreme Court sent a strong message today that our courts will protect the work of creative artists.

I represent the 39th Congressional District in California. My State, region, and district are home to the motion picture industry, the music industry, and software companies. Many of my constituents work in these creative industries, and in all industries, I am told by them that piracy hits their companies hard and their pocketbooks harder.

Intellectual property is important to our economy as a whole, so copyright infringements also severely damage our national security. In fact, according to the International Intellectual Property Alliance, in 2002, core copyright industries accounted for over 6 percent of the U.S. gross domestic product. That is over $326 billion. When you look at all industries, they accounted for approximately 12 percent of the U.S. gross domestic product, or $1.25 trillion in 2002 alone.

Obviously, intellectual property is a vital part of our economy, and piracy robs our economy of billions of dollars from this important industry.

Conservative estimates say that counterfeiting of "businesses'" copyrighted goods cost our economy between $200-$400 billion each year. When our economy suffers like that, America’s workers suffer, too. The "core" copyright industries alone were estimated to have employed 4 percent of U.S. workers in 2002, a total of 5.48 million workers. But piracy causes 750,000 American workers to lose their jobs each year.

This is where intellectual property laws come in and why the Supreme Court decision in Grokster is so important. The Court drew a line in the sand in the Grokster case and said that peer-to-peer file-sharing networks that encourage illegal file-sharing should not be shielded by our laws. The ruling protects the creative community but also allows the public to retain access to the benefits of peer-to-peer file-sharing technology.

Mr. Speaker, I love movies and music as much as any consumer, and I use computer software every single day. I believe that technology should be used to enhance the quality of life and I want consumers to be able to use technology to get their favorite music and movies conveniently.

But stealing is stealing. Swapping copyrighted files online is illegal, and just because it is easy doesn’t make it right. We can have peer-to-peer networks that give every American access to the files they want online, and also provide creators with copyright protections.

As long as companies like Grokster are allowed to facilitate illegal file swapping, we will continue to lose hundreds of dollars and hundreds of thousands of U.S. jobs each year.

I am pleased that the Supreme Court took the first step today in Grokster towards ending illegal copyright infringement online, and protecting the industries that produce copyrighted works.

Mr. CONYERS. Mr. Speaker, today’s ruling is a victory for content creators and consumers. It is clear that those who encourage content theft are responsible for their conduct despite their claims that they are not stealing. With this ruling, creators will be encouraged to take advantage of the digital marketplace and provide consumers with even more digital content.

For years, consumers have been clamoring for access to digital content. Because content protection technology and content owners had not caught up with the Internet, music lovers turned to illegal download sites like Napster and Kazaa for digital content.

We have heard that the content industry would just create a legal avenue for obtaining digital music, consumers would embrace it. The premonition was largely true. The record industry and high-tech worked together to develop digital content protection, to clear the rights needed to get music online, and to get music on the Internet. According to the Pew Internet and American Life Project, the response to legitimate digital content has been overwhelming; in 2004, only twenty-four percent of music downloaders had tried legitimate download sites; in 2005, at the date, the number jumped to forty-three percent.

Internet sites like Apple iTunes, Napster, and Rhapsody offer consumers a variety of ways of obtaining music, from one-time downloads to monthly subscriptions. In just the past few years, over 300 million songs were sold on just one single website. No matter how you view it, the marketplace is working.

Today’s Supreme Court decision makes it clear that encouraging others to steal is as nefarious as stealing directly. I have no doubt that, with this added assurance, content creators will roll out even more digital content to consumers.

Mr. ENGEL. Mr. Speaker, I rise to join my Democratic colleagues in support of protecting our Nation’s intellectual property. For decades the theft of music and movies has been commonplace. But, with the explosion of the Internet, the theft of copyright material has become a crisis.

Just today, the Supreme Court, in an unanimous decision, stepped forward and protected Intellectual Property. In MGM v Grokster, the Supreme Court struck a fine balance that must exist to ensure consumers’ rights and protect music and video content. The Court clearly stated that “the record is replete with evidence that from the moment Grokster and Streamcast began to distribute free software, each one clearly voiced the objective that recipients use it to download copyrighted works,
and each took active steps to encourage infringement." Neither of these programs offered themselves as legitimate devices of copyright. A very great number of users knew and intended to subvert copyright and deny not just the record and movie companies' compensation, but the earnings out of the pockets of songwriters, studio personnel, camera men and make-up artists.

We are also undertaking an effort to move to digital television. In the future, if the Congress does not act, copying and uploading a broadband file will be too easy. Many of us have worked on the "Broadcast Flag," which is a technology that will allow consumers to continue to record a show for later viewing, but prevent the mass redistribution. The Federal Communications Commission had instituted a rule to this end, but the federal courts found the FCC lacked such authority. Thus, it falls on us in Congress to continue to update our laws in the digital era to stop copyright infringement. I hope we can do so quickly or, I fear, the best entertainment will have instituted a rule to this end, but the federal courts found the FCC lacked such authority. Thus, it falls on us in Congress to continue to update our laws in the digital era to stop copyright infringement. I hope we can do so quickly or, I fear, the best entertainment will take its place.

The Federal Communications Commission

broadcast show will be all too easy. Many of the record and movie companies' compensation, but take money out of the pockets of songwriters, studio personnel, camera men and make-up artists.

Eminent Domain Abuse

The Speaker pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentlewoman from California (Ms. WATERS) was recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I had not intended to be on the floor this evening speaking of this particular issue. As a matter of fact, I was hoping over the next few days I could concentrate all of my time on the On-time Iraq Congressional Caucus that we are working so hard on.

But this is National Homeowner Month, and I could not help but focus on the fact that in America owning your own home is one of the most ideal things that you can do. Americans aspire to own homes. We socialize in such a way that we teach our children to go to school, to get an education, to get a good job or have a good career, become an entrepreneur, and buy your home.

And so I focus on National Homeowner Month, I am outraged that the Supreme Court of the United States of America last Thursday made a decision that local entities could take American's homes in eminent domain proceeding other than public use. I am amazed that the Supreme Court of the United States on a 5-to-4 decision. I believe it was, decided that the law, the Constitution as we know it, I think it is the fifth amendment, that I want you may use eminent domain for good public use, is something other than what was intended. This ruling says you can take anybody's home for private use. In this case Susette Kelo, the woman from New London, Connecticut, who brought the case, was trying to protect her home from the desire by a huge corporation to build some condominiums.

And so now with this Supreme Court decision, the State, the city, the public entity, can take your home for private use. They can take your home and they can give it to private developers to build shopping centers. They can take your home and give it to developers to build condominiums. They can take your home for any reason that they decide is in the public interest, and they are trying to hide behind the idea that there are some cities and some entities that need to get rid of slums and they need to redevelop in the best interest of the citizens of that community.

Yes, it may go to a private company or to a private corporation and yes, they may get rich from that development. But if the city fathers get together and believe that that somehow is in the best interest and it is already all right, that flies in the face of the Constitution of the United States.

I do not think Members have to be a strict constructionist or a liberal constructionist. All you need to know is good sense to know that the Constitution of the United States did not mean for your city government or any other entity to be able to ride over your rights and take your private property and give it to somebody else.

As a matter of fact, I think this is dangerous. I think it is dangerous because your city fathers could get together with developers and take land in ways it has never been done before. We know too many stories about the influence of developers on county council members and on city governments. We know too much about the flow of money. We know too much about campaign contributions to those who would just as soon institute eminent domain as do anything.

As a matter of fact, without this interpretation that we got last Thursday, we have city fathers who have tried it, even though they did not have this ruling. You have communities that have to go to court. We have city fathers on city governments. We have city fathers who have tried it, even though they did not have this ruling. You have communities that have to go to court.

But now the Supreme Court has made it clear that they can take it for private use. I do not like it. Members do not have to be a Democrat or Republican, liberal or conservative. Members just need to be an American with good sense that says you will not stand for it.

Mr. Speaker, I am going to get together with some of my friends on the other side of the aisle and we are going to create a law that will undermine this decision of the Supreme Court and take back amendment 5 of the Constitution so we can redefine the meaning in the way it is supposed to be defined.

HONORING THOSE WHO MADE THE ULTIMATE SACRIFICE

The Speaker pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Illinois (Mr. EMANUEL) is recognized for 60 minutes as the designee of the minority leader.

Mr. EMANUEL. Mr. Speaker, last week my colleagues and I began a memorial tribute to read the names of over 1,900 men and women who gave their lives in service to our Nation in Afghanistan and Iraq. We read about 860 of those names. We recited the name and rank of each servicemember who fell in Iraq and Afghanistan theaters of war from 2001 through the beginning of 2004.

For the next hour we will continue this reading, honoring the fallen of 2004 and 2005. We will continue to do this reading on the floor of the House, the people's House, until we have recog-

ized all who have given their life in service of this Nation. In this Chamber we often invoke their sacrifice in general, but we seldom take the time to recognize them individu-

ally. By reading these names into the Congressional Record, it is our hope that our Nation will never forget their sacrifice. God bless and keep each of the brave Americans whose memory we now honor:

1. Private First Class Marquis A. Whitaker
2. Specialist Jacob R. Herrington
3. Staff Sergeant Kendall Thomas
4. Sergeant Adam W. Estep
5. Specialist Martin W. Kondor
6. Sergeant Landis W. Garrison
7. Staff Sergeant Esau G. Patterson Jr.
8. Staff Sergeant Jeffrey F. Dayton
9. Sergeant Ryan M. Campbell
10. Specialist James L. Becket
11. Specialist Justin B. Schmidt
12. Private First Class Ryan E. Reed
13. Private First Class Norman Darling
14. Private First Class Jeremey Ricardo Ewing
15. Petty Officer Second Class Jason B. Dwellie
16. Petty Officer lll Class Christopher M. Dickerson
17. Corporal Scott M. Vincent
18. Corporal Joshua S. Wilfong
19. Specialist Trevor A. Wine
20. Specialist Ramon C. Ojeda
21. Sergeant Joshua S. Ladd
22. Specialist Ervin Caradine Jr.
23. Private Jeremy L. Drexler
24. Staff Sergeant Todd E. Nunes
25. Petty Officer Second Class Michael C. Anderson
26. Petty Officer Second Class Trace W. Dossett
27. Petty Officer Second Class Scott R. McHugh
28. Petty Officer Second Class Robert B. Jenkins
29. Petty Officer Third Class Ronald A. Ginther
30. Captain John E. Tipton
31. Gunnery Sergeant Ronald E. Baum
32. Staff Sergeant Erickson H. Petty
33. First Lieutenant Christopher J. Kenny
34. Sergeant Marvin R. Sprayberry
35. Sergeant Ewing
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<td>Brian D. Shurtleff</td>
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<td>17</td>
<td>Robert A. Davis</td>
<td>Private First Class</td>
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<td>New York</td>
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**Legislative Body:**

Mr. Speaker, I yield to the gentleman from Georgia (Mr. LEWIS).
Mr. EMANUEL. Mr. Speaker, I yield to the gentleman from Washington State (Mr. BAIRD).

Mr. BAIRD.

210. Corporal Roberto Abad

211. Lance Corporal Jonathan W. Collins

212. Lance Corporal Nathan V. Satterfield

213. Civilian Rick A. Ulbricht

214. Captain Andrew R. Houghton

215. Staff Sergeant John R. Howard

216. Lance Corporal Tavon L. Hubbard

217. Captain Michael Yuri Tarlavskevich

218. Lance Corporal Nicholas B. Morris

219. Lance Corporal Mike H. Funke

220. First Lieutenant Neil Anthony Santoriello

221. Sergeant Daniel Michael Shepard

222. Second Lieutenant James M. Mitchell Goins

223. Private First Class Brandon R. Sapp

224. Private First Class Geoffrey Perez

225. Private First Class Fernando B. Hannon

226. Specialist Mark Anthony Zapata

227. Sergeant David M. Heath

228. Lance Corporal Caleb J. Powers

229. Specialist Brandon T. Titus

230. Lance Corporal Dustin R. Fitzgerald

231. Sergeant Harvey Emmett Parkerson III

232. Specialist Jacob D. Martir

233. Private First Class Henry C. Riner

234. Sergeant Richard M. Lord

235. Corporal Brad Preston McCormick

236. First Lieutenant Charles L. Wilkins III

237. Private First Class Ryan A. Martin

238. Corporal Nicanor Alvarez

239. Sergeant Jason Cook

240. Lance Corporal Seth Huston

241. Private First Class Nachez Washalanta

242. Private First Class Kevin A. Cuming

243. Gunner Sergeant Edward T. Reeder

244. Second Lieutenant Matthew R. Stovall

245. Corporal Christopher Belchik

246. Staff Sergeant Robert C. Thornton, Jr.

247. Staff Sergeant Donald N. Davis

248. Lance Corporal Jacob R. Lugo

249. Lance Corporal Alexander S. Arredondo

250. Specialist Charles L. Needly

251. Specialist Marco D. Ross

252. Private First Class Nicholas M. Skinner

253. Sergeant Barton R. Humihanz

254. Specialist Omead H. Razani

255. Lance Corporal Nickolous N. Aldrich

256. Private First Class Luis A. Perez

257. Sergeant Edgar E. Lopez

258. Airman First Class Carl L. Anderson, Jr.

259. Staff Sergeant Aaron N. Holleyman

260. Specialist Joseph C. Thibodeaux

261. Lance Corporal Nicholas Wilt

262. Lance Corporal Nicholas Perez

263. Captain Alan Rowe

264. First Lieutenant Ronald Winchester

265. Petty Officer Third Class Eric L. Knott

266. Sergeant Shawn M. Morrison

267. Specialist Charles R. Lamb

268. Private First Class Ryan Michael McCauley

269. Staff Sergeant Gary A. Vaillant

270. Staff Sergeant Elvis Bourdon

271. Specialist Tomas Garces

272. Specialist Brandon Michael Read

273. Private First Class Devin J. Grella

274. Captain John J. Boria

275. Private First Class David Paul Burridge

276. Lance Corporal Derek L. Gardner

277. Lance Corporal Quinn A. Keith

278. Lance Corporal Joseph C. McCarthey

279. Corporal Mick R. Nygardbekovsky

280. Lance Corporal Lamont N. Wilson

281. Specialist Clarence Adams III

282. Specialist Tore M. Aneiros

283. First Lieutenant Timothy E. Price

284. Specialist Chad H. Drake

285. Lance Corporal Michael J. Alired

286. Specialist Lauro G. DeLeon, Jr.

287. Private First Class Jason L. Sparks

288. Sergeant James Daniel Fowler

289. Specialist Michael A. Martinez

290. Specialist Edgar P. Daclan, Jr.

291. Petty Officer Third Class David A. Cedergren

292. First Lieutenant Alexander E. Wetherbee

293. Private First Class Jason T. Poindexter

294. Specialist Benjamin W. Isenberg

295. And I would like to conclude by acknowledging Regina Clark, who became the first Washington State woman to die in the war when a suicide bomber attacked her convoy in Fallujah. She was one of my constituents, a single mother who leaves behind an 18-year-old son. Our thoughts and prayers are with Regina’s son, the rest of her family, and with the families and loved ones of all our Nation’s fallen heroes.

Mr. EMANUEL. Mr. Speaker, I yield to the gentleman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY.

296. Staff Sergeant David J. Weisenburg

297. Lance Corporal Cesar F. Machado-Olmos

298. Lance Corporal Michael J. Halal

299. Lance Corporal Dominick C. Brown

300. Sergeant Laurence Guy Stanley

301. Sergeant Carl Thomas

302. Corporal Adrian V. Soltau

303. Corporal Jaycee Ngirimolod Mainten

304. Sergeant Jacob H. Demand

305. Major Kevin M. Shea

306. First Lieutenant Tyler Hall Brown

307. Lance Corporal Drew M. Uhles

308. Lance Corporal Gregory C. Howman

309. First Lieutenant Andrew K. Stern

310. Corporal Stephen A. Rintamaki

311. Corporal Christopher S. Ebert

312. Sergeant Thomas Chad Rosendalbaum

313. Private First Class James W. Price

314. Sergeant Brandon E. Adams

315. Specialist Joshua J. Henry

316. Lance Corporal Steven C. T. Cates

317. Sergeant Foster L. Harrington

318. Private First Class Nathan E. Stahl

319. Staff Sergeant Lance J. Koenig

320. Private First Class Adam J. Harris

321. Sergeant Skipper Soram

322. Sergeant Benjamin K. Smith

323. Lance Corporal Aaron Boyles

324. Lance Corporal Ramon Mateo

325. Sergeant Timothy Folmar

326. Second Lieutenant Ryan Leduc

327. Specialist David W. Johnson

328. Specialist Clifford L. Moxley, Jr.

329. Specialist Robert Oliver Unruh

330. Captain Eric L. Allton

331. Specialist Gregory A. Cox

332. Sergeant First Class Joselito O. Villanueva

333. Private First Class Kenneth L. Sickels

334. Sergeant Tyler D. Prewitt

335. Private First Class Joshua K. Titcomb

336. Staff Sergeant Mike A. Dennie

337. Specialist Rodney A. Jones

338. Staff Sergeant Darren J. Cunningham

□ 2100

339. Specialist Allen Nolan

340. Sergeant Michael A. Uyanni

341. Sergeant Jack Taft Hermessey

342. Sergeant Christopher S. Potts

343. Sergeant Russell L. Collier

344. Staff Sergeant James L. Pettaway, Jr.

345. Staff Sergeant Richard L. Morgan, Jr.

346. Specialist Jessica L. Gawley

347. Private Jeungsin Na “Nikky” Kim

348. Specialist Morgen N. Jacobs

349. Staff Sergeant Michael S. Voss

350. Sergeant Andrew W. Brown

351. Private First Class Andrew Halverse
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<td>378</td>
<td>Specialist Jonathan J. Santos</td>
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<td>379</td>
<td>Mr. EMANUEL. Mr. Speaker, I yield</td>
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<tr>
<td></td>
<td>to the gentlewoman from New York</td>
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<td></td>
<td>(Mrs. MCCARTHY).</td>
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<td>Lance Corporal Brian K. Schramm</td>
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Congressional Record — House

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The chart I have here, and I will have those displayed in a moment, but these charts that I have here tonight who have some very interesting thoughts and perspectives they would like to share with the American people on this most important issue. Homeland security is a matter of concern to all Americans irrespective of their political affiliation. This is especially true in the United States Congress. The Committee on Homeland Security, of which I am a member, reflects our national concern.

In the last 6 months, our committee has sent to the floor of the House some very important legislation designed to make America's borders, ports, and transportation facilities less vulnerable to terrorist attack or other catastrophe. One such bill is H.R. 1294, the Faster and Smarter Funding For First Responders Act of 2005.
In Washington, DC, Dale Carnegie public speaking training for sanitation workers, $100,000 was spent. These were homeland security dollars we are talking about. Again in Washington, DC, a rap song to teach children emergency preparedness, $100,000.

Santa Clara County, California, four Segway scooters to transport bomb squad personnel at a cost of $12,000.

Mason County, Washington, bio-chemical decontamination units left sitting in a warehouse for more than a year, with no one trained to use it, $63,000.

South Dakota, on-site paging system for the State agricultural fair at $29,995.

Converse, Texas, a trailer to transport lawnmowers to lawnmower drag races, $3,000.

Des Moines, Iowa, traffic cones, State of Missouri, 13,000 HazMat suits for every law enforcement official at $7.2 million.

Tiptonville, Tennessee, purchases totaling $3,000 including a four-wheel all-terrain vehicle at $8,700 and two defibrillators, one for use at high school basketball games, $5,200.

Washington, DC, computerized car towing service, $300,000. Again, we are talking about homeland security funds here.

Montgomery County, Maryland, 8 large screen plasma television monitors for $160,000.

Prince George's County, Maryland, digital camera system used for mug shots at a half million dollars.

Newark, New Jersey, air-conditioned garbage trucks at a quarter million dollars.

H.R. 1544 seeks to rectify this deplorable situation by awarding grant funds based on risk. It requires that moneys be disbursed to those areas where threat vulnerability and consequence of attack is the greatest. It provides priority assistance to those first responders and first preventers that in fact are facing the highest risk. It streamlines the process by which local authorities can apply for and receive terrorism preparedness grants. It establishes specific flexible and measurable goals for the Department of Homeland Security and promotes the development of national standards for first responder equipment and training. It encourages regional cooperation to increase emergency preparedness. It follows the recommendations of the 9/11 Commission which had this to say about the prior funding formula:

“Homeland Security assistance should be based strictly on an assessment of risks and vulnerabilities. Federal Homeland Security assistance should not remain a program for general revenue sharing. It should supplement State and local resources based on the risk or vulnerabilities that merit additional support. Congress should not use this as pork barrel.” That was the 9/11 Commission.

By directing grant funding to threatened areas without regard to politics, H.R. 1544 has become a key part of the national security reforms necessitated by the September 11 attacks.

The second piece of legislation that reflects the Homeland Security Committee’s bipartisan commitment to the preservation of homeland security is H.R. 1817, the Homeland Security Authorization Act for fiscal year 2006. This act promotes our national security in a number of different areas. To help secure our porous borders it authorizes funds for 2,000 new border patrol agents. In addition, it provides $40 million so that local law enforcement agencies have access to the training required to apprehend illegal immigrants, some of whom may be involved in terrorist activities. To safeguard the cargo coming into our ports, it provides money to promote risk-based screening of containers in transit to the United States. The Container Security Initiative, or CSI, is a Department of Homeland Security initiative or program that provides for the inspection of 36 foreign ports to target and inspect these containers before they can gain entry to the United States. H.R. 1817 not only funds the existing program, but also makes provisions to expand inspections of containers to additional ports.

Finally, with regard to deterring a nuclear or biological attack, the act promotes the improvement of the department’s intelligence-gathering capabilities that is necessary to detect and prevent weapons-grade materials from entering the United States. H.R. 1817 provides the authorization to maintain the funds necessary to keep the country secure, while H.R. 2360, the Homeland Security Appropriations Act for Fiscal Year 2006, appropriates the moneys required to do the job. Our committee has approved $30.85 billion for operations and activities of the Department of Homeland Security. This represents an increase of $1.37 billion over the President’s budget request of $29.48 billion above the President’s budget request. As with the authorization bill, border security is a high priority in this legislation. We have appropriated $1.61 billion for border security and an additional $3.2 billion for customs enforcement, which will allow the Bureau for Immigration and Customs Enforcement, or ICE, to hire an additional 150 criminal investigators and 200 immigration enforcement agents. We have appropriated $165 million to develop vehicle and cargo inspection technologies and we have given the Coast Guard $2.6 billion to perform its homeland security missions.

H.R. 2360 also helps local first responders perform their vital homeland security mission. Among other expenditures we have earmarked $200 million for a first responders training, $400 million for State and local law enforcement terrorism prevention programs and $500 million for firefighter grants. Speaking of which, Congress has also appropriated over $32 billion to first responders. Again, since September 11, 2001, Congress has provided over $32 billion to our first responders, including terrorism prevention and preparedness, general law enforcement, firefighter assistance, airport security, seaport security, and public health preparedness. And this year’s share of that funding continues at an approximate level.

Finally, H.R. 2360 goes a long way toward helping us to maintain security at our transportation hubs and places deemed to be critical infrastructure. We have directed moneys for air cargo security, rail security and trucking security. We have earmarked $1.3 billion toward research and development, including $651 million to develop radiological, nuclear, chemical, biological and high explosives countermeasures designed to protect power plants, other industrial properties, and the people that work in or live near those particular facilities. These programs are expensive, but no mission is more important than safeguarding the country against the threat of attack by chemical, biological, or nuclear weapons, or unthinkable attacks, and we are doing all we can to protect ourselves.

These three bills, taken together, the First Responders Act, the Homeland Security Authorization Act, and Homeland Security Appropriations Act, reveal that the gentleman from California (Chairman Cox), an extraordinary man who the President quite wisely nominated to become the head of the Securities and Exchange Commission, is doing a great job. Chairman Cox and the rest of the Homeland Security Committee possess the highest possible commitment to keeping our Nation safe from terrorist attack and from other catastrophic events. While all these measures were thoroughly debated in the committee, they all passed to the floor with relative ease, a testament to the timeless adage that so aptly characterizes our political process. In America, debates over homeland security, like those regarding partisan politics, end at the water’s edge.

And with that I would like now to turn to some of my colleagues who have joined me here tonight from the Homeland Security Committee, each of whom, many of whom, bring very interesting skills and background to this issue. And the first Member of the committee I would like to draw your attention to is a good friend, my Texas colleague, Mr. Jenkins.

My colleague is a former Texas deputy attorney general and chief of terrorism and national security in the Department of Justice for the Western Judicial District of Texas. Further, because of his expertise in homeland security affairs, the Governor of Texas...
appointed him to be the adviser to the Governor's office on homeland security. So with that, I would like to introduce to all of you my good friend from the 10th District of Texas (Mr. McCaul).

Mr. McCaul. Mr. Speaker, I would like to also thank the gentleman from Pennsylvania (Mr. Dent) for managing this important debate on probably what is the most important issue facing this Nation today. As we heard the names of the men and women who served in Iraq and Afghanistan who paid the ultimate sacrifice just a few minutes ago in this Chamber, I say to the families, we remember. We thank you. We will never forget.

Every day I meet, it is part of our job, we meet with the families who have lost loved ones over there. And they all tell me the same thing, and that is, finish the job; I do not want my son to have died in vain. And finish the job we will. We thank you for your sacrifice, your war on terror, and we appreciate that very much.

Back home, this Congress has moved faster than ever in passing legislation, which, among other things, fulfills the 9/11 Commission's recommendations by bolstering the security along our borders and sending the badly needed funding to those areas of our Nation that serve as targets. In deed, recently the Homeland Security Committee visited Ground Zero. The tragic events of 9/11 are still very much alive and well in that city. We met with the police commissioner. We met with the Liberty Street Firehouse, the fallen heroes, the families who survived that tragic day, who lost so many people. And I can tell you, you can feel it. It is as if it happened just yesterday.

And everything we do in this Congress is to provide the tools necessary to ensure that another 9/11 never happens again in this country. The need for this hard-hitting legislation comes from the United States grave and growing problem with undocumented aliens. An estimated 8 to 12 million undocumented aliens are here in the United States, and it is also estimated that two slip across the border for every one that is apprehended. That means that almost 3 million undocumented aliens enter our country every year; to put it in perspective, roughly the size of the city of Dallas. And in the post-9/11 world, these figures no longer represent just an immigration problem, but rather one of national security.

This Nation is being compromised by our inability to identify those who are coming into our country. And I am convinced that the first step we need to take to solve this problem is to secure our borders and to better enforce the laws currently on the books. Congress knows that this problem is not just a part in our national security. Accordingly, we have provided more than $1.5 billion in spending for border protection, immigration enforcement, and related activities in the 109th Congress.

When combining the homeland security authorization and appropriations bill that the House has passed, Congress has supplied funding for all 2,000 border patrol agents recommended by the 9/11 Commission and fully authorized by last year's intelligence reform bill. These agents will have greater authority to detain and incarcerate illegal immigrants, instead of sending them back into our communities with the ability to come in court, something very few abide by.

Indeed, we do not have to look too far back in history to see an example of this when Ramsey Yusef entered our country in 1992 and was apprehended. He too was given a notice to appear. He too failed to show up to the hearing, and instead he joined his fellow colleagues from the bin Laden academy to join the first al Qaeda cell in the United States. He then conspired to blow up the World Trade Center. Fortunately, he was not successful. But that day would come later and his dream would be realized with Osama bin Laden's dream to bring down the towers that fateful day.

But I say to you, the days of this catch-and-release policy are numbered. Congress has also worked hard to ensure that our Federal law enforcement officers are being stretched too thin and being asked to do too much. According to current law, immigration laws can only be enforced by Federal law enforcement officials. Couple that with existing policies in most of our big cities and one can easily see why our Federal officers have such a difficult time enforcing the laws on our borders.

This is why I offered an amendment to the Homeland Security Authorization Bill that would fund local law enforcement training at Federal facilities in order to create a force multiplier so that our Federal law enforcement gets the assistance it needs.

These additions will crack down on illegal immigration in between our borders and ultimately lessen the threat of terrorism. Congress has also passed legislation to make America's first responders more effective by improving the process by which they receive their resources. The Faster and Smarter Funding For First Responders Act guarantees that the States with the biggest risk and the greatest threats receive the necessary funding to pay their current unfunded liability. For instance, Texas, for example, currently ranks last in the amount of homeland security dollars received per person.

And that in a State which claims an international border, the Western White House, and a prominent State capital. Texas and other States like New York should be receiving more money than those other States with fewer targets. And by closing these gaps in the defense of our homeland, we have learned what our weaknesses are and how to better prepare for, defend against, and preempt a terrorist plot.

And that, like al Qaeda, we do no harm to America have a track record of being patient and conspiring until they succeed in their terrorist agenda.

In my former job, I was chief of counterterrorism in the Justice Department. I had the Mexican border, the State capital, I had the President's ranch. I can tell you the threat is very much still alive in this country, and we need to give law enforcement every weapon on the Committee in the Judiciary and the House to fight this war on terror not just abroad but at home.

And with that in mind, this body has moved to address that threat. The House passage of the Homeland Security Authorization and Appropriations Act and Faster and Smarter Funding For First Responder Act send a clear message to our enemies that we will not stand idly by while they plot to do harm to our Nation.

As the President stated, we will not waiver, we will not tire, we will not falter, and we will not fail. Peace and freedom will prevail.

Mr. Dent. The next speaker tonight will be joining us in this discussion on homeland security is another good friend who brings to us a great deal of experience. I would like to introduce to you now my colleague from the third district of California. In addition to working on the Committee on the Judiciary and the Committee on the Budget, he also serves with me on the Committee on Homeland Security where he is assigned to the Subcommittee on Prevention of Nuclear and Biological Attack and the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment.

My colleague is a former attorney general for the State of California, that State's top law enforcement officer, and he is strongly committed to enhancing the quality and depth of congressional oversight of our government's intelligence gathering and analysis in the provision of homeland security. I would like to introduce the gentleman from California, Mr. Daniel E. Lungren.

Mr. Lungren. Mr. Speaker, I thank the gentleman and commend him for having this Special Order.

When we talk about homeland security, we have to talk about those investigative techniques that are necessary for us to be able to forestall terrorism, terrorist attacks on our homeland; and the reason I would like to make this point is prompted by comments that aids to the ranking Democrat on the Committee on the Judiciary of the United
States Senate said that he would introduce legislation aimed at limiting the government’s ability to detain material witnesses indefinitely.

The reason I mention this is that this is just a part of an overall criticism of this administration’s investigatory community. As a matter of fact, the New York Times recently described it this way: that we, that is the Federal Government, are “thrust into a Kafkaesque world of indefinite detention with no charges, secret evidence, and baseless accusations.” Dozens of people, some were held for weeks and even months and the majority were never even charged with a crime. The Times seethes, “the Bush administration twist the American system of due process.”

An interesting article appeared in the National Review by Andrew McCarthy, who is a former Federal prosecutor who has actually prosecuted some of the major terrorist cases in this country. He applies the criticisms to these of this effort by the Federal law enforcement community.

He says, in point of fact, material witness detentions have been with us for decades pursuant to duly enacted law, section 3144 of title 18 of the U.S. Code. They were used countless times prior to 9/11. Hysteria aside, it should come as no surprise that these are detentions without charges since by definition the person being detained is being detained as a witness, not being charged with a crime.

What would require baseless accusations would be to hold such a person as a defendant, which is precisely what the government refrains from doing in detaining on material witness law. The proceedings, moreover, involve secret evidence only in the sense that all proceedings before the grand jury, whether the government refrains from doing in detaining on material witness law, that is, section 3144 of title 18 of the U.S. Code. They were used countless times prior to 9/11. Hysteria aside, it should come as no surprise that these are detentions without charges since by definition the person being detained is being detained as a witness, not being charged with a crime.

So here is the problem, says Andrew McCarthy, who is a former Federal prosecutor who has actually prosecuted some of the major terrorist cases in this country. He applies the criticisms to these of this effort by the Federal law enforcement community.

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What would require baseless accusations would be to hold such a person as a defendant, which is precisely what the government refrains from doing in detaining on material witness law. The proceedings, moreover, involve secret evidence only in the sense that all proceedings before the grand jury, whether the government refrains from doing in detaining on material witness law, that is, section 3144 of title 18 of the U.S. Code. They were used countless times prior to 9/11. Hysteria aside, it should come as no surprise that these are detentions without charges since by definition the person being detained is being detained as a witness, not being charged with a crime.

From the comments to aides of the ranking member of the Judiciary Committee on the Senate side, the government may not sweep innocent people up and hold them in secret.

While grand jury proceedings are supposed to be kept from the New York Times, it is not kept secret from the court. A prosecutor has to go to court and get a material witness arrest warrant. This means the arrest does not happen unless the government satisfies a Federal judge that there is a reasonable basis to believe A, the person at issue has information that would be important to an ongoing investigation and, B, the person might flee without providing that information to the grand jury or the court unless the person is detained until his testimony can be secured.

And that is not all. Mr. McCarthy goes on to tell us the arrested witness, even though he is not being charged with a crime, have the same kinds of protections that are afforded to actual defendants. The witness must promptly be presented upon arrest to a judge so that a neutral official can advise him of why he is being held. More significantly, counsel is immediately appointed for him at public expense if he cannot afford an attorney. Indeed, if he is a foreign national, the United States is obligated by law to advise him that he is right to have his counsel. And frequently the consul will not only obtain counsel on behalf of its citizen and will but will also closely monitor the case, including by demands for information from the U.S. State Department.

The lawyer is given information about why the witness is being detained. Counsel is permitted to be present at any interview of the witness by the government. And although counsel is not permitted to accompany the witness inside the Federal grand jury, no witness, material or otherwise, has that right, the government is not permitted to interview the witness outside the grand jury unless counsel allows it.

In addition, at any time during the course of the detention, counsel is permitted to make a bail application to the court; and if the judge is satisfied that the bail offered vitiates the risk of flight, the witness is freed on the promise to appear for his testimony.

Furthermore, if at any point the length of detention or the condition of the witness’s confinement actually offends the witness’s fundamental rights, counsel may submit a habeas corpus petition seeking the witness’s immediate release.

Mr. Speaker, I have to ask, how is that not responsive? How is that not putting people outside the bounds of law? How is that having this administration twisting the Constitution in some way?

It is, I would suggest, Mr. Speaker, this kind of hyperbole, this kind of misstatement which makes it more difficult for us to do our duty with respect to homeland security. We need to have those investigative tools that have been used against organized crime, that have been used against organized drug dealers and organizations. We need to be able to use those same investigative techniques, those same prosecutorial tools against those who would destroy us as a Nation, against those who have allied with those who would destroy us as a Nation. It is there anywhere in the world, combatant or non-combatant.

We are in a new world, a world of terror, in which we have to respond in ways that are consistent with our Constitution, ways that allow us to protect ourselves in a proper and forceful way. And these kinds of criticisms that come from the outside, whether it is with respect to Guantanamo or whether it is with respect to the use of laws which allow our application of the law against material witnesses, these kinds of attacks weaken our ability to do the job.

And with respect to my second point, let me talk briefly about what we have done here in the House of Representatives to respond to the demand for us to respond to this unique challenge that is the challenge of terrorism.

One cannot criticize a Congress for responding as best it could. It could do the direct aftermath of 9/11. One cannot criticize Congress for doing as Congress always do in attempting to respond to some problems, throwing money at it. But one can criticize Congress at the time it has to take a pause and look at what it has done and seen what it can perhaps do better. And that is what we have done with the various bills that we have passed out of the House that were mentioned by the gentleman from Texas (Mr. McCaul).

One of the things that we did in that was respond to the recommendations of the 9/11 Commission report when they said homeland security assistance should be based strictly on an objective, non-political assessment of risks and vulnerabilities. These assessments should consider the threat of an attack, localities vulnerability to an attack, and the possible consequences of an attack.

Secondly, they told us, Congress should not use this money as a pork barrel. Third, they said, Federal homeland security assistance should not remain a program for general revenue
sharing. Fourth, they told us, the Federal Government should develop specific benchmarks for evaluating community needs and require that spending decisions be made in accordance with those benchmarks. Fifth, they told us, each State receiving funds should provide an analysis of how funds are allocated and spent within the State.

Finally, they said, each city and State should have a minimum infrastructure for emergency response.

This is precisely what we have done with the two bills that have been mentioned before. We have said that rational risk assessment should drive our strategy, should drive our tactics and should drive our funding.

The House Committee on Homeland Security, with the leadership of the gentleman from California (Chairman Cox), has the Faster and Smarter Funding for First Responders Act. This bill will reduce the across-the-board formula for providing homeland security funds to State and local responders from .75 to .25 percent. Therefore, under this bill, a greater amount of funds will be disbursed solely based on risk assessment.

In April of this year new-Secretary Michael Chertoff testified before our committee regarding the need within DHS to adopt a risk-based prioritization and management. He said one of the goals before him is to “build a culture in which the disparate pieces of information are being transmitted to our analysts so that they, who have the benefit of the fuller picture, can properly analyze all of our information and inform our decision-making.” We do need to make informed decisions.

So, Mr. Speaker, I thank the gentleman for having this Special Order from Washington (Mr. R. REICHERT), my colleague, former sheriff and extraordinary member of the Committee on Homeland Security.

Mr. REICHERT. Mr. Speaker, I thank my good friend from Pennsylvania and commend him for sponsoring this hour tonight.

We have heard about the Faster and Smarter First Responder Act. We have talked about risk assessment. We have talked about the PATRIOT Act. We have talked about better cooperation and those things that we have done as a member of the Committee on Homeland Security to support first responders.

As a freshman Member and law enforcement officer of 33 years, as my friend has indicated, I am honored to be a member of the Committee on Homeland Security to represent the thoughts, ideas, needs and concerns of first responders across the Nation. The role of the first responder has changed since September 11, and it is important that we not only prioritize, but act accordingly. In the first months of this session, we have given them priority risk-based funding and brought them into important homeland security decisions.

What I want to do tonight is to really focus on where the rubber meets the road and to just take a moment to look back and then take a look forward.

Where were first responders in 1972 when I started out as a cop, as a 21-year-old, naive police officer? The things that we did back in 1972 through the 1970s and into the 1980s was to respond to crime, to operate from our police cars and answer burglary calls and respond to other crime needs in our community and work with local police departments and local school districts.

Then in the 1980s, we moved ahead and we actually ended up with some additional tools. We look back to 1972, and I think about what I did when I was a cop for tools? We had a police car, a gun and a badge essentially, and a pair of handcuffs. As we moved forward into the 1980s and into the 1990s, we ended up with tools like DNA, an automated fingerprint identification system, and I know it sounds funny, but computers started to come on the scene. So we added those tools to our arsenal of crime-fighting weapons.

Then we find ourselves in the 1990s, also in the middle of community policing and our efforts to work with the community to solve not only crime in the communities but to improve the quality of life, to interact with leaders of the community, to sit down and listen to their needs and concerns and coordinate some solutions for neighborhoods, even as far as painting over graffiti and towing away old cars. That was what police officers did in the 1970s, 1980s and 1990s.

Then came along September 11 and our world changed forever, and as my good friend, the gentleman from California (Mr. D. E. LUNGEREN) just said, we now live in a different world.

After September 11, the role of the first responder has changed. It still includes those things that I talked about, the stuff that cops do every day, helping people, arresting crooks, criminals on the streets of our cities across this country, but the added responsibility now of also being a part of the team and protecting our homeland, and they truly are on the front line of that effort.

In our local community in Seattle we have a Joint Analytical Center where police officers from local police departments are assigned to the Federal intelligence task force. We have a regional intelligence task force gathering information within our specific region in the Northwest and sharing with the FBI Joint Analytical Center. That information is analyzed, prioritized, and then assigned to the Joint terrorism task force where, again, local police detectives are a part of and member of and participate in investigating and following up those leads. We do have those things that I just talked about, those tools that cops do every day, helping people, arresting crooks, criminals on the streets of our cities across this country, but the added responsibility now of also being a part of the team and protecting our homeland, and they truly are on the front line of that effort.

We would have never thought years ago that police officers on the street would have to respond to calls or train in HazMat uniforms. We would have never thought 5, 10, 15 years ago that we would have had to worry about our police officers and first responders responding to a dirty bomb, a biothreat, or some other weapon of mass destruction, but these are the things today
that our local police officers are trying to deal with, and it is a tough, tough job.

So let us not forget them. Let us support them and we will continue to do our work on the Committee on Homeland Security, and I am proud to be a member of that committee.

I thank the gentleman so much for the time to speak tonight on the role of first responders.

Mr. DENT. Mr. Speaker, I would like to thank the gentleman from Washington (Mr. REICHERT) for sharing his thoughts and perspectives with us, again a 33-year first responder and police officer from the Seattle year.

Now, I yield to the gentleman from Alabama (Mr. ROGERS), another fine individual, member of the committee, from the Third District of Alabama. In addition to working on the Committee on Armed Services and the Committee on Agriculture, he also serves with me on the Committee on Homeland Security where he is assigned to the Subcommittee on Emergency Preparedness, Science, and Technology and chairs the Subcommittee on Management, Integration, and Oversight. As chairman of this subcommittee, my colleague is very concerned about making sure that the Department of Homeland Security operates in the most efficient and effective and transparent way possible.

With that, I yield to the gentleman from Alabama (Mr. ROGERS). Mr. ROGERS of Alabama. I thank the gentleman from Pennsylvania (Mr. DENT) for organizing this discussion tonight. It is vital we take the time to talk about these important issues, and I appreciate the gentleman's efforts to highlight some of our accomplishments this evening.

Mr. Speaker, this Congress has done many good things to help secure our homeland, some of which we are discussing tonight, but in other areas, we still have a ways to go.

Take, for example, the issue of border surveillance. About 2 weeks ago, the subcommittee I chair held a hearing to discuss the camera system that monitors our Nation's northern and southern borders. Known as the Integrated Surveillance Intelligence System, or ISIS, these cameras are a critical link for helping secure our border.

Unfortunately, this system is not working as planned. What began as a program to monitor the border crossing of illegal immigrants, drug traffickers, and even terrorists has morphed into what one of our witnesses called "a major project gone awry."

According to a 2004 GSA audit, the program went even further. For example, the initial $2 million contract was awarded without full competition. Just 1 year later that same contract ballooned to over $200 million, again without full competition, and the problems do not end there.

The GSA audit also reported significant issues relating to the surveillance system itself: 60-foot poles that were paid for but never installed; sensitive equipment that failed to meet electrical codes; an operations center where contractors and government employees did little or no work for over a year; and not surprisingly, numerous cost overruns. To top it off, in September 2004, the GSA abruptly ended the maintenance contract. This left approximately 70 border sites without monitoring equipment.

Mr. Speaker, the American people deserve better. What we have here, plain and simple, is gross mismanagement of a multimillion-dollar contract. This agreement has violated Federal contracting rules, and it has wasted taxpayers' dollars. Worst of all, it has seriously weakened our Nation's border security.

Before DHS spends another $2.5 billion on a replacement system known as the America's Shield Initiative, we need to first fix the system we have got. With Federal dollars scarce and budgets tight, it is vital that the American people know what they are getting.

Thanks to the work of this Congress and many of my colleagues here tonight, we are improving the safety of America. And as my friends all have ways to go. As we move forward, I hope we can continue to address these issues at DHS.

I thank my colleagues on both sides of the aisle for their support.

Mr. DENT. Mr. Speaker, I want to thank the gentleman from Alabama for his comments as well and appreciate his leadership on the Committee on Homeland Security.

I would now like to further this conversation tonight, this Special Order and this discussion with the American people, and I would like to say a few words about the interrelationship between immigration and homeland security.

While so many immigrants who come to this country do so legally and with the sole intention of seeking a better life, there are those who have links to terrorist organizations or who come here to do us harm. To be fully effective, then, the homeland security programs need to contain measures to curb illegal immigration and to prevent those who would seek to propagate acts of violence from crossing international borders.

The legislation that has passed in the House contains these kinds of measures. The Real ID Act is one such provision. It serves to protect the homeland in four distinct ways.

First, it establishes rigorous proof of identity for all driver's license applicants and strong security requirements for all licenses and State-issued identity cards. It further requires that Federal agencies only accept State-issued licenses and ID cards from those States that have confirmed by substantial evidence that the person is lawfully present within the jurisdiction. These measures are important because they make it more difficult for would-be terrorists to utilize phony or temporary licenses or secure cover for their nefarious activities here in the U.S. As the 9/11 Commission states: "It is elemental to border security to know who is coming into the country. Today more than 9 million people are in the United States outside the legal immigration system. All but one of the 9/11 hijackers acquired some form of U.S. identification document, some by fraud."

"Acquisition of these forms of identification would have assisted them in boarding commercial flights, renting cars, and other necessary activities." That is from the 9/11 Commission.

The REAL ID Act also makes it easier to deny asylum to and deport would-be terrorists. Prior to REAL ID, individuals who allegedly committed certain terrorist acts could be denied admission to the U.S., but an anomaly within U.S. immigration law provided that once here, individuals who had committed these same acts could not be deported. The REAL ID Act rectifies this situation.

In addition, terrorist organizations have been using front organizations and alleged charities to support and provide cover for their terrorist activities. As President Bush has stated, "International terrorist networks make frequent use of charitable or humanitarian organizations to obtain clandestine, financial and other support for their activities." Money given to a terrorist organization is fungible. Unfortunately, prior to the act, an alien could provide funding or other material support to many terrorist organizations and then escape deportation merely by claiming he did not know the funds would be spent on weapons or explosives.

The REAL ID Act, by contrast, directs that an alien who provides funds or other material support to a terrorist is deportable. If he knew or reasonably should have known that he was giving to a terrorist organization.

Finally, the REAL ID Act provides an important component to the physical security of the United States. In 1996, Congress mandated the building of a 14-mile border fence inland from the Mexican border in the San Diego area. The goal was to curb illegal entries into the almost heaviest border corner of the United States and to guarantee security at the U.S. naval base in San Diego. More than 8 years later, that fence is still not completed, in large part because the construction is tied up in litigation. In order to facilitate construction of this important security perimeter, the act waives all Federal laws necessary to ensure the expeditious completion of this structure.

Border security, as a security issue was also the subject of portions of the Homeland Security Authorization Act for fiscal year 2006. The act fully funded the hiring and training of some 2,000
Another comment I would like to make with respect to this whole issue of homeland security is this. We have heard from a number of speakers tonight about what the United States Congress is doing to make our homeland more safe and secure. We have heard about the PATRIOT Act, the Homeland Security Authorization Act, the First Responder Bill, and the appropriations act. But, really, the bottom line is, why are we going through this? The events of 9/11 should have woken up everyone. I believe they did. Many of us lost friends. I had a relative in the first tower on the 91st floor who escaped, luckily. The plane entered that 86th floor, and he lived to talk about it.

So we have all been touched by this in one way or another, and certainly as a freshman Member of Congress I spend a great deal of time going to orientation sessions and training on a lot of information. I have felt sometimes that being a Member of Congress is sometimes like drinking water out of a fire hose. A lot of information is thrown at you very quickly, and you do your best to absorb it all.

When I was up at Harvard University to be engaged in the orientation program, I met an interesting individual up there, a man named Graham Allison, who wrote a book called “Nuclear Terrorism: The Ultimate Preventable Catastrophe,” written by Graham Allison, but he quotes an individual named Suleiman Abu Gheit, who was Osama bin Laden’s official press spokesman. Nine months after the 9/11 attacks, Suleiman Abu Gheit made this announcement, and it was put out on al Qaeda Web sites. He says: “We have the right to kill 4 million Americans, 2 million of them children, and to exile twice as many and wound another million.”

What a frightening and extraordinary statement. He says he wants to kill, that al Qaeda wants to kill 4 million Americans. He did not say 1.5 million Americans, he did not say 8 million Americans. He said 4 million, 2 million children. How did he get to that number? He goes on to explain. He itemizes the number. He goes on and he says that for 50 years in Palestine he blames the Jews, and with the blessing and support of the United States government, our local officials are working so diligently to protect us from unspeakable criminal acts that our enemies would like to commit against us.

I will go to this book, again entitled “Nuclear Terrorism: The Ultimate Preventable Catastrophe,” and I highly recommend that everyone here today that 4 million Americans is a very big number. On September 11 we lost nearly 3,000 of our own. That would require 1,400 attacks of 3,000 people to get to 4 million.

Al Qaeda is quite clear in their intentions, and it is my belief that they intend to pursue whatever weapons are necessary to cause the maximum amount of damage they can upon the American people. And that is why our committee is so dedicated, is so committed to making sure that our folks at Homeland Security have what they committed to making sure that our folks at Homeland Security have what they need to do the job to protect us.

Finally, I want to turn to another man who is a great leader and a friend from my home State of Pennsylvania. I would like to introduce my colleague from the Seventh District of Pennsylvania. In addition to being a senior member of the Committee on Armed Services and the Committee on Science, he also serves with me on the House Homeland Security Committee, where he is vice chairman.

So, then, he asks the rhetorical question as to how should a good Muslim, in his case what he considers a good Muslim, which is not what most of us or most Muslims would consider to be a good Muslim, I am sure, but he said, “Citing the Koran and other Islamic texts among other things, he answers his question by saying, “anyone who peruses these sources reaches a single conclusion: the sages have agreed that the reciprocal punishment to which the verses referred to is not limited to a specific person, it is a valid rule for punishments for infidels, for licentious Muslims, and for the oppressors.”

He concludes: “According to the numbers in the previous section of the lives lost among Muslims because of Americans, directly or indirectly, we are still at the beginning of the way. The Americans have still not tasted from our hands what we have tasted from theirs. We have not reached paralysis of pride. It will require killing 4 million Americans.”

This is very frightening. And I would suggest to everyone here today that 4 million Americans is a very big number. On September 11 we lost nearly 3,000 of our own. That would require 1,400 attacks of 3,000 people to get to 4 million.

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He is also active on the Subcommittee on Intelligence, Information Sharing and Risk Assessment. He is a former first responder himself, an active student of international relations, and an expert on ballistic missile proliferation.

He, too, is an author of a highly acclaimed book, “Countdown to Terror.” I have been talking about books, so I might as well mention this one too. It has been talked about quite a bit in the press, and it highlights his concerns about terrorist failures and the spread of ballistic missile technology in Iran. So without any further discussion from me, Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my good friend and
Mr. Speaker, later on this evening I will be offering another Special Order that will reveal some absolutely amazing information for the American people. I will divulge tonight the information that prior to 9/11, not only did we know about the Mohammed Atta cell, but that the Special Forces Command in our military actually wanted to take action against that cell, and we did not take that action.

I will be discussing our intelligence in detail, and by following through on a special project that was initiated under the leadership of General Shelton focusing on al Qaeda. But at this point in time, I wanted to stop by and thank the gentleman from Pennsylvania (Mr. WELDON) of the ever-growing deficit. Guess what, we are going to have to pay it off, and I do mean all of us, some
Mr. RYAN of Ohio. Mr. Speaker, I think it is important as we start tonight and get things rolling here to talk a little bit about what the new proposal is. The 30-Something Working Group has taken a step in another direction as far as our billboards. We are going to do some more artwork. It is like we are in the locker room during half-time of the football game. I think it is important to know where we end up after the second proposal that is proposed in Congress. Democrats have not seen one plan yet, but the important thing for the American people to understand is the second proposal that is now circulating around Congress ends up at the same exact place that the first proposal put us.

So here we have on our little chart here everything broken down. The original Bush proposal is on the right, and the new proposal that is circulating in Congress is on the left.

Mr. Speaker, the gentleman from Florida (Mr. MEEK) may remember that the first proposal was out of the 12-plus percent, 12.4 percent you pay into Social Security half by the employer and half by the employee, the Bush proposal was saying that the employee could take up to 4 percent of that and put it in this side private account. Right out of your paycheck, you could go to 4 percent and put into a private account. The rest of yours, the 2.2 left from yours and I think the 2.2 left from the employer, would go into the Social Security trust fund. The employer was actually getting a break. They would not have to match. So the Wal-Marts of the world would not have to match their employees' 4 percent that they put in the private account. So the diversion into the side account is what led to the whole shortfall.

In the second proposal that is now being circulated around Congress, it is just a shell game. All they do, instead of allowing someone to divert the money right away from their paycheck, that is circular, and I think the second proposal that is now circulating around Congress takes a portion of it and puts it into a private account with your name on it. So it is just a typical Potomac two-step.

Mr. MEEK of Florida. Mr. Speaker, that is exactly what they are doing. Mr. RYAN of Ohio. It is a typical shell game in Washington. All of a sudden we have a new proposal. It is all different. The end result is the same thing. There is money not going into a trust fund that is being diverted into a private account. Here is the kicker. There is going to be a tremendous increase in administrative costs for people to have to do this and there is going to be a reduction in the benefits that people get. That is why we are here every week talking about the same issue over and over because we are not going to allow any privatization scheme to come into this body that is going to reduce the benefits.

In the first proposal from the paycheck to the private account, the rest goes in Social Security. The second proposal, here is the paycheck, and everything goes to Social Security and then Social Security will then divert it to a private account with your name on it. It is just a shell game to try to sell the new proposal. You can put lipstick on a pig, but it is still a pig.

Mr. MEEK of Florida. Mr. Speaker, the Members need to truly understand this. We know where we are as Democrats. We are solid on the side of the issue of dealing with the solvency of Social Security beyond the 40 years it will be solvent, and beyond 80 percent benefits that individuals will receive after that.

The gentlewoman from Florida (Ms. Wasserman Schultz) and I have been working on this issue. We have had town hall meetings throughout the country and will continue to have more to make sure that we fight against this issue of privatization and make sure that we make sure that Social Security is there for future generations.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I thank the gentleman for yielding to me.

It is wonderful to be here with the both of them, my two esteemed colleagues from the next generation in the United States Congress, and I have been able to listen to a little of what they have been saying on my way over here.

A few weeks ago when we were talking about this before the latest version of the privatization scheme was put on the table, we were talking about how interesting it is that no matter how many times they are told no, they still keep coming back with the same concept, just a different version. And I know I analogized it is like when I speak to my children and they keep asking me and asking me if they can do something that I do not think they should do for one reason or another, whether it is not responsible or they are not old enough, and they try a lot of different versions of the same thing, and the answer is still no because I have carefully reviewed what they want to do, as their parent, and decided it is not the best timing right now or...
for whatever reason I have concluded it is not a good idea.

It would be as if one’s teenager came to them and said Mom, Dad, I really want to go to this party, and I want to stay out until 2 o’clock in the morning, and the parent said no, that’s not a good idea. So as one comes back to them. This new proposal is like if one’s teenager came back to them and said I still want to go to the party, but I promise I will be home by midnight. The whole idea was that they did not want to come to the party in the first place.

And after 60 days initially on the road trying to sell his privatization scheme to the American people and essentially they have rejected it and an additional 60-day effort where the more the President talks about this, the less people like it, it is mindboggling to me. And I am the sort of baby of the group of the three of us, I am a freshman, I was just elected. It is mindboggling to me that they do not want to come to the table now, as we have been asking them to do, and come up with a bipartisan solution.

Privatization balloons the deficit. It cuts benefits; and yet every version of their promise of it is to privatize Social Security, and that pulls the safety net out from future retirees and, quite honestly, from people who are about to retire.

When I spoke at an electronic town hall meeting today at 4:30, which was amazing. We got tremendous feedback. But can I tell my colleagues that not one person who participated, and I had over 100 people participate live and 120 people signed on in advance of our beginning, and no one said, “You really need to consider private accounts. We really want you to do this.” I mean, it is time to sit down and put privatization aside, and like in 1983 when Tip O’Neill and Ronald Reagan and Daniel Patrick Moynihan and others who were part of that group sat down and in a bipartisan way came up with a solution. It is time.

Mr. RYAN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. RYAN of Ohio. Mr. Speaker, the gentleman just said in a State like Florida that the President won in the last election is not getting the kind of support. Here is an interesting statistic, group of statistics, asking rural voters: “Are Bush’s proposed changes to Social Security mainly consistent with the values of the people in your community or out of step?” And here is the pie chart. All rural voters, consistent with rural voters’ values, 27 percent; out of step with their values, 61 percent. And Bush cleaned Senator Kerry’s clock in rural areas, and 61 percent of rural America believe that the President’s proposed changes to Social Security are out of step with their values. And when we look at white fundamentalists, 55 percent; conservatives, 47 percent; white women, 65 percent; Bush voters, 44 percent; and Southerners, 58 percent.

Why are we having this debate? Why are we having this argument when we have all these other issues that need to be addressed in Congress and the President kept running against the wall, hitting his head against the wall, and the President thinking if he keeps running and keeps hitting his head that somehow it is going to change. And when this President in particular, who has done so well in rural areas, is losing support on this issue. This is really a very interesting dynamic.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, will the gentleman yield?

Ms. WASSERMAN SCHULTZ of Florida. I yield to the gentleman from Florida.

Mr. RYAN of Ohio. Mr. Speaker, the two of us are from a State and from a region of a State where it would be expected that there would be deep, deep concern about the potential privatization of Social Security. Obviously, we have a disproportionately high percentage of senior citizens in my district and the gentleman from Florida’s district. But like the gentleman from Ohio said, across all demographic groups, all regions of the country, there is no group that has bought this concept, supported this concept, and that is because people are uncomfortable at every level with the explosive of the deficit and this proposal’s potential to expand it even more.

When I asked at my live town hall meetings whether people were confident enough in their own investment ability to be assured that their own investment decisions would carry them all the way through their entire retirement years, no one except for two people in three town hall meetings with more than 600 people in attendance, no one raised their hand, because look at the ebb and flow of the stock market; and this proposal is not backed by the full faith and credit of the United States. If people hit a bump in the road, where one year the market price is not going so well, it is whatever is left when they retire in that account with a proportionate cut in their Social Security benefits.

Mr. RYAN of Ohio. Right. And if the gentleman from Florida will continue to yield, the new system, the new plan that they have where they give the money to Social Security and they put it in side accounts, they are going to invest it. And I do not think Social Security is. So there is no real advantage.

The argument in the first proposal was that we are going to put it in a private account and they are going to be able to gain all this extra interest. Now the new proposal is saying they are going to take it and put it in a private account and they are only going to be able to invest it in T bills just like Social Security is now. So it is just getting more and more ridiculous. It is like a comedy of errors. Every single single part of this proposal is worse than the last proposal. And I think they need to just work with us, work with our side, let us get a solution, make it more solvent, move forward, and start addressing poverty and health care and all the other issues here.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman from Florida will continue to yield, if he does not mind my adding one more thing, like I said earlier, he talked about the three of us, I have been in Congress for 6 months. I really expected there to be a lot more collegiality in this body. The gentlemen are veterans, now, of this process. I have talked to my Republican freshmen on the other side. We all expected there to be more of an opportunity to work together, less rancor. It is sort of astonishing, and it is astonishing, I think, to the average American that we are still bickering about this and that we are all sharpening our elbows and digging in and going to our respective corners instead of acknowledging, like we are willing to do, that there is a problem with Social Security.

It is not a crisis like the President has been portraying; but there is a problem, a long-term problem with Social Security, and we need to come together and make some changes. But, unfortunately, the leadership in this Congress is not willing to keep the American people just wants to be right, or somehow if they say it enough times, perhaps they think that they will be right when the American people are clearly telling them they are not.

Mr. MEEK of Florida. Or that they just want to win, Mr. Speaker. If the gentleman will continue to yield, this sometimes is not even about policy. It is about winning the argument, and they are losing; so they are trying to find a new way to win it, and it is just not working out.

Mr. MEEK of Florida. And, Mr. Speaker, that is the reason why we are here. It is not about winning or losing under the Capitol dome. It is about the future of the American people and the Senate. But in the other body, the leadership of the Republican leadership just wants to win. Mr. Speaker, if the gentleman will continue to yield, this sometimes is not even about policy. It is about winning the argument, and they are losing; so they are trying to find a new way to win it, and it is just not working out.

Mr. RYAN of Ohio. Or that they just want to win. Mr. Speaker. If the gentleman will continue to yield, this sometimes is not even about policy. It is about winning the argument, and they are losing; so they are trying to find a new way to win it, and it is just not working out.
other body that is from South Carolina.

Let me just share this with my colleagues. This is not school yard kickball here. This is Social Security, and this is serious business; and this is not about 1 or 2 days a month. This is about doing the right thing. And it really is stomach-turning when we see individuals taking an end zone dance and talking about what we can do because we can do it.

If I can, I would like to talk a little bit, because we have limited time here tonight, and we can talk about Social Security, but I have to address this issue of not only the Veterans Affairs but what is happening right now in Iraq and Afghanistan. Earlier tonight during the first Democratic hour, members of the Democratic Caucus read the names of those individuals who have fallen in the line of duty, and we honor and we respect them, and on behalf of a grateful country, we appreciate our members’ sacrifice. They paid the ultimate sacrifice, and so did their loved ones.

A lot of mothers and fathers are no longer with us because we asked them, this Congress asked them, to go into battle and defend their lives. And Mr. Speaker, this is the reason why we run not only for Congress. And I hate to hear the gentlewoman from Florida say 6 months. I mean, she spent double-digit years in the State legislature. She has dealt with many of these issues in the Florida house and the Florida senate, and many of those issues are the same here. Unfortunately, the inaction on behalf of the Republican leadership is very disturbing, and I say some of them because I know some are people of good will and want to make sure we do the right thing.

I want to point the attention of the Members, Mr. Speaker, to the June 27, today slide that was on page A13 of The Washington Post: “VA Gets the Picture, No Shortfall Here.” I just want to take some excerpts out of this article because we have limited time, but we have to make sure that we call a spade a spade, and that is the reason why I like the 30-something Working Group because we put it on the table and let it be known. If anybody wants to make an argument, it is democracy. Bring it on and defend the situations that they are making. But, unfortunately, school yard kickball. This is the United States Congress.

“Turns out that $1 billion shortfall for health care funding for our Nation disclosed last week by the House Committee on Veterans’ Affairs hearing is only based on many important and vexing dilemmas facing top officials at the Department of Veterans Affairs.”

I am going to go a little further down in the article. It talks about a conversation I had with a conference call, by the Deputy Under Secretary Laura Miller, who said on the May 27 call, “Many of our facilities, medical centers, community-based outpatient clinics, there are about 850 of them in the country, many in rural areas.” Mr. Speaker, “and some open only 1 or 2 days a month.,” “Not 1 or 2 days a week; 1 or 2 days a month in rural areas.” “And other offices have a picture of Secretary Jim Nicholson prominently displayed. Unfortunately, however,” Ms. Miller continued, “there are many facilities that currently do not have the picture displayed. I am aware that the mailings of the pictures occurred on April 25, 2005. And that’s more than 5 full weeks.” It goes on to say that “We are asking that you give this your highest priority.”

This is from Washington, DC. The highest priority, we will continue to ask daily on updates of the status until we are sure that all facilities have a current displayed picture.

In the defense of local VA officials, it turns out that Miller was wrong. Not all the photos went out on the 22nd. We are hearing that some officials disagree that the photos should be the highest priority. They are asking that it should not be. Also they are saying what they are focused on right now at these local VA facilities is they are trying to sell furniture to buy prescription drugs on behalf of veterans out there now.

Then it goes on, and, unfortunately, it gets worse. The Secretary, Mr. Nicholson, when he testified in a hearing last week, Nicholson was the author of an April 5 letter to Senators saying “I can assure you that the VA does not need additional funds to continue to provide timely and adequate service.”

Let me just share something with you. The bottom line here, Mr. Speaker, when we have a Secretary of the Department of Veterans Affairs that is more concerned about his picture being displayed in VA hospitals and community-based facilities, some that I must add are only open 1 or 2 days a month, these are the eyes that are teary-eyed here on the floor talking about what we need to do for the troops and for the veterans, but meanwhile, back at the ranch, we have a $1 billion shortfall. And Democrats have tried to do something about it.

All I have to say to the Secretary is, he wants his picture displayed. I am going to put his picture in my office. His picture will no longer be the priority on behalf of veterans. We will to the Hill and fight on behalf of veterans and make sure that they do not have to wait 6 months to be able to see the ophthalmologist.

Mr. Speaker, I know I am bending on the right line, think it is important that we make sure that the veterans know, I see veterans, and I am not concerned about their party affiliation. The bottom line is what they get and are not getting. What they are not getting, in my opinion, is appropriate representation that they need here in Congress to make sure that they get what they need.

Am I emotional about this? You are doing one right, I am, because I would not be here under this flag if it was not for individuals that have served this country, day in and day out. Many of them have to put on a prosthetic limb to walk around in the morning. Many of them individuals to them the kind of functions that they carried out prior to going into a conflict. So, I have no time and no tolerance for the Potomac Two-Step.

Once again, Democrats, people want to know the difference. I am sharing it with them right now. Once again, an amendment in the committee by one of our great Members, the gentleman from Texas (Mr. Edwards), increased health care funding above President Bush’s proposed budget by $1.9 billion, an estimate that the Republican budget plan for $798 million in veterans cuts over 5 years. Once again, a Democratic amendment to Texas supported by Democratic members of the Committee on Ways and Means, 15 to 20, and the bottom line is, one of two things needs to happen: Either some individuals on the Republican side have to step up and represent the people that sent them here, or the American people are going to have to make a difference. I will tell Members in closing that I am really, truly not concerned about
Mr. Speaker, we are wrapping up here; I think we just have a few minutes left. If you have any e-mails you want to send to us, the address is as follows:

30something.dems@mail.house.gov.

Again, the address is 30something.dems@mail.house.gov.

I received a letter today from a local veteran in Ohio. The Korean War veteran is really nice to stand on the floor and declare, I am patriotic. It is that the point tonight is, the arguments against mandatory funding for the Veterans Affairs Department. Iraqi Freedom veterans take note: as soon as you are discharged, you will begin a lifetime of care and treatment. A vote for the flag desecration amendment coupled with a vote against mandatory funding for the Veterans Affairs Department brings shame on the very symbol of liberty and freedom that my country gave life and more since it all began over 200 years ago. Not giving the care veterans earned and deserved is burning the flag.

That was from Bob Brothers, a Korean War veteran from my district who is an American patriotic Vietnam veteran. Mr. Speaker, I think that we have demonstrated here tonight, as we will in the future, that there are so many issues facing our generation, and we need to make sure that we take this country back in the right direction so that when our generation inherits the results of the decisions that we are making here, that we are not struggling to make sure that we can clean up the mess that was left for us.

Mr. Speaker, with that, we would like to not only thank the Democratic leader but the Democratic leadership for allowing us to come again.

U.S. INTELLIGENCE

The SPEAKER pro tempore (Mr. McHENRY). Under the Speaker’s announced policy of January 4, 2005, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 44 minutes.
Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to discuss for the next 45 minutes the most important topic that will allow us to protect the homeland, provide for the security of the American people and our allies and our troops around the world: our intelligence.

Last Thursday, Mr. Speaker, I had a meeting with the very able and distinguished chairman of the Permanent Select Committee on Intelligence, the gentleman from Michigan (Mr. HOEKSTRA). We discussed many things, one of which was a source that I had hoped that we could get some information to assist us in understanding the threats in Iraq and the Middle East, and especially in regard to Iran.

I said to the gentleman from Michigan (Mr. HOEKSTRA), I am going to make a prediction to you. Based on my source, I said, common wisdom tells us that the winner of the election in Iran that will take place on Friday and Saturday will probably be the Rafsanjani. He is the name that most pundits have said would be the likely winner in a two-person runoff against the more conservative and not well-known mayor of Tehran. But I said to the gentleman from Michigan (Mr. HOEKSTRA), based on information we had, the election was not going to be close; it will be a landslide. But the conservative mayor of Tehran, a relative unknown, had been anointed by Ayatollah Khomeini, and we would in fact win the Iranian election.

We all saw the results, Mr. Speaker, on Saturday night and Sunday morning as, in fact, the mayor of Tehran won the election with a margin of 62 to 38 percent, an overwhelming landslide. I raise this issue, Mr. Speaker, because good intelligence and good information is the most critical tool that we can have over the next several years and decades to protect our homeland.

Mr. Speaker, this information has come to my attention over the past several months that is very disturbing. I have learned that, in fact, one of our Federal agencies had, in fact, identified the major New York cell of Mohamed Atta prior to 9/11; and I have learned, Mr. Speaker, that in September of 2000, that Federal agency actually was prepared to bring the FBI in and prepared to work with the FBI to take down the cell that Mohamed Atta was involved in in New York City, along with the other terrorists.

I have also learned, Mr. Speaker, that when that recommendation was discussed within that Federal agency, the lawyers in the administration at that time said, you cannot pursue contact with the FBI against that cell. Mohamed Atta is in the U.S. on a green card, and we are fearful of the fallout from the Waco incident. So we did not allow that Federal agency to proceed.

Mr. Speaker, what this now means is that prior to September 11, we had employees of the Federal Government in one of our agencies who actually identified the Mohamed Atta cell and made a specific recommendation to act on that cell, but were denied the ability to go forward. Obviously, if we had taken out that cell, 9/11 would not have occurred and, certainly, taking out those three principal players in that cell would have, if not totally stopped, the operation that killed 3,000 people in America.

Tonight, I am going to provide some background to my colleagues, because I think this represents a major problem that needs to be focused on by the committees of the House and the Senate, by the leadership of the House and the Senate, by John Negroponte, the new person assigned by President Bush, and a very close friend of mine, to integrate the 33 classified systems overseen by the 15 Federal agencies.

I want to also start off by praising Porter Goss, the director of the CIA. Porter served us extremely well in this country and as chairman of the Permanent Select Committee on Intelligence; and he went over to the CIA with an aggressive agenda to change that agency, and he has begun that process. We, in this body, must rally the American people to support the efforts brought forward by Porter Goss and to allow John Negroponte to undertake perhaps the most difficult task in protecting the security of America, a task that will not be easy, given the history of our Federal agency system.

Let me take my colleagues back, Mr. Speaker, to 1999. It was, in fact, the spring of 1999 when I was first involved in this with five members of Congress, along with the State Department, the CIA, the FBI and myself, to integrate the 33 classified systems overseen by the 15 Federal agencies.

But at the time, Mr. Speaker, I was chairman of the Defense Research Subcommittee of the Armed Services Committee. My job was to oversee the funding, approximately $40 billion of defense research money on new systems and new technologies. One of the most striking technologies was the work being done by the Army’s Information Dominance Center at Fort Belvoir, formerly known as the LiWA, the Land Information Warfare Assessment Center. I had visited the LiWA several times and was tremendously impressed with not just the ability to provide security for our Army classified systems, but I saw a unique approach to doing well beyond that, data mining, data collection, cutting-edge software tools like Starlight and Spires, able to do profiling. Having plussed-up funding for this facility after talking to George Tenet, I called my friends at the Army’s Information Dominance Center and said, can you do something for me as a favor, off the record? And they said sure, Congressman, whatever you like. Would you run me a profile of this Serb, for the same reason I had asked the Director of the CIA. They said no problem, Congressman, but it will take a few hours. And they did. They gave me 10 pages of information, Mr. Speaker, about the Serb and his ties. Now, the information was not vetted but it was from a number of sources that the Information Dominance Center was able to pull together very quickly. I used that information as we traveled to Vienna to understand who we were meeting with. We had those meetings for 2 days and my colleagues, my five Reps and five Democrats, had worked aggressively to establish a framework that would begin the end of the Kosovo war. In fact, it was historic.

When we returned to Washington several weeks later I was contacted by the FBI and they said, Congressman, we would like to brief you. We would like you to tell us what you know about that Serb that you all met in Vienna. I said, no problem, but I will be happy to do it Monday afternoon in my office. The Friday before the Monday, I was called to the 911 page. When I called them they said, you have got to call CIA Congressional Affairs immediately, which I did. CIA
Congressional Affairs said, Congressman Weldon, we are going to fly two agents to Philadelphia this evening. They will meet you at the airport, at a hotel, at your home, wherever you want to meet them. And I said, I am sorry, I cannot do it. It is a weekend. It is a Friday night. I have got events already planned. What is the urgency of this meeting? And the CIA Congressional Affairs person said well, Congressman, we have been tasked by the State Department to brief our Ambassador, who is negotiating the final terms to end the war in Kosovo, and he needs to know something about this Serb that you met in Vienna. I said, well, the FBI has already called me for that. Can we not do it together? And finally, after pushing back for 10, 15 minutes, the CIA agreed. And so on Monday afternoon in my office I hosted four agents, two FBI and two CIA. These agents asked me four pages of questions about the Serb that I had met with along with our colleagues in the House.

When I finished answering all their questions and giving them all of the information I had, I said to them, now you got it from the Russians. I said, no. Well, you got it from the Serb. I said, no, I said, before I left Washington, before I left my office, I called the Army’s Information Dominance Center and asked them to do me a favor. They ran a profile and gave me 10 pages. The CIA rep and the FBI rep said, what is the Army’s Information Dominance Center, congressman?

It was then, Mr. Speaker, that I knew we had a problem; that our intelligence systems were not linked together, that the stovepipes were so great that we would never be able to deal with emerging transnational terrorist threats. So beginning in the spring of 1999, I began a process working with the Army, and their subgroup working with them, Special Forces Command down in Florida, which had a similar capability to develop a national prototype, a prototype that could be providing support for the President, the National Security Adviser, and all of our policymakers. In fact, working together over a multiewk period, we came up with a plan, a document. And Mr. Speaker, I would like to place this document in the RECORD at this point in time.

**NATIONAL OPERATIONS AND ANALYSIS HUB: NOAH**

Policy makers need an overarching information and intelligence architecture that will quickly assimilate, analyze and display assessments and recommended course of action from many national agencies simultaneously.

Policy makers need tools to aid them in developing courses of action against threats to U.S. policy, interests or security.

Policy makers need virtual communications with one another.

White House, Congress, Pentagon and at the agency levels should each have centers they can go to and receive, send, share, discuss, and collaborate on assessments before they act.


Tasks supported by NOAH’s overarching collaborative environment:

- Provide Multi Issue, Multi-agency Hybrid Picture to White House Situation Room, JCS;
- HUMINT Support;
- Peacemaking Missions;
- Humanitarian Aid;
- Battle Damage Assessment;
- Develop and Leverage new Technologies of importance to national security;
- Support Congressional Committees/Hearings;
- Apply Analysis of Foreign Threat to Policy;
- Provide Hybrid Situational Awareness Picture of the Threat;
- Incorporate Industrial Efforts of Interests to the Policy Maker;
- Link academia directly to policy maker; and
- National Emergencies.

NOAH can leverage existing networks to address diverse classified NOAH’s Hub Center if linked to other agency centers electronically;

Each key agency must possess a Pod Site and be connected to the NOAH network;

The Pod can consist of a large screen and appropriate connect for collaboration. Operations Centers can simply be converted into NOAH;

National Policy makers cannot control agency Pods, agencies must post replicated data on the NOAH system so that sister groups can see joint efforts;

Support multi-level security requirements and can sanitize and “push” data to many types of users to many levels;

NOAH can assign National, law enforcement and military needs. The situation will determine the mission;

Ties policy maker, military and law enforcement together;

Goals of the NOAH Hub Center is to apply agency operations, strategies analysis, tactical assessments to a course of action for the policy maker; and

Optimizes group of expertise within each organization—experts always on hand regardless of NOAH and Pod Site Network:

**Part of national policy creation and execution system:**

- Will existing sites and connectivities where available;
- Will share tools available at LIWA IDC so every agency has same tools;
- All agencies must post data on NRO highway in a replicated format sensitive to classification;
- NOAH’s Global Network will use NRO System as backbone;
- All centers connect to other centers electronically; and
- Mechanism for gathering, analyzing, displaying, tailoring, and disseminating all kinds of information quickly at the national level.

Overview—National Operations and Analysis Hub:

- Center dedicated to National Policy Makers at White House, Congress and National Agencies;
- Provides system of system advanced technological communications environment to harvest, analyze, display data as needed, coordinate and synchronize information among IC, S&T centers, military services;
- Provide near real time situational awareness at the national level;
- Link virtually via a pod site to every participating member agency; and
- Pod sites designed to pull together agency resources on single system of concern.

NOAH is staffed by members from participating agencies. The staff has a 24 x 7, high bandwidth, virtual connectivity to every agency Pod Site. This provides decision makers with real-time situational awareness of adversary picture and courses.

Steps to Achieve NOAH Capability:

- Establish baseline capability by building initial Hub Center and congressional virtual hearing room, Equip White House Situation Room to Collaborate with these sites;
- Staff the Hub Center with two reps from each of the key participating agencies;
- Link up NOAH internal and external collaborative environment;
- Hook in Back up Site for redundancy and begin training on collaborative tools;
- Build the 28 Key Agency Pod Sites along making the Information Dominance Center at Fort Belvoir, VA;
- Link all Pod Sites to NOAH hub center establish Protocols for Inter-agency data sharing;
- Exercise live ability to retrieve, collate, analyze, display disparate data and provide policymakers course of action analysis at the NOAH Hub Center; and
- Refine procedures and Protocols.

Agencies Represented in the National Collaborative Center:

- Central Intelligence Agency; Defense Intelligence Agency; National Imagery and Mapping Agency; National Security Agency; National Reconnaissance Office; Defense Threat Reduction Agency; Joint Chiefs of Staff; Army/LIWA; Air Force; Navy; Marine Corps; Joint Counter-Intelligence Assessment Group; ONDCP; and FBI.
- Drug Enforcement Agency; U.S. Customs; National Criminal Investigative Service; National Infrastructure Protection Center; Defense Information System Agency; State Department; Five CINCs; Department of Energy; Department of Commerce; Department of the Treasury; Justice Department; Office of the Secretary of Defense; National Military Command Center; and National Joint Military Intelligence Command.

Elements to be connected to the national collaborative center would include the White House Situation Room, a Congressional Virtual Hearing Room and a possible redundant, or back-up site.

This document, as you can see, Mr. Speaker, is entitled the NOAH, National Operations and Analysis Hub, Policy Makers’ Tool for Acting Against Emerging Transnational Threats and Dangers to U.S. National Security. This 9-page briefing, Mr. Speaker, was put together in the spring of 1999.

I asked the Deputy Secretary of Defense, John Hamre, to take a look at this capability. He went down to the LIWA and he came back and he said, Congressman, you are right. I agree with you, this capability is so bold. It offers unlimited potential. How about sending me a letter describing your interest, Congressman?
congressional record — House
June 27, 2005

So on July 30, 1999, I sent this 3-page letter to Deputy Secretary John Hamre, Deputy Secretary of Defense, at his request, talking about creating an integrated collaborative center for all of our intelligence. I would like to place this letter in the RECORD at this point in time, Mr. Speaker.

Hon. John Hamre
Deputy Secretary of Defense,
The Pentagon, Washington, DC.

Dear Dr. Hamre: I believe the time has come to create a central national level entity that can fuse and analyze disparate data from many agencies in order to support the policy maker in taking action against threats from terrorism, proliferation, illegal technology diversions, espionage, narcotics, information warfare and cyberterrorism. These challenges are beginning to overlap, thereby blurring their distinctiveness while posing increasing threats to our Nation.

Before we take action to counter these emerging threats, we must first understand their relationship to one another, their patterns, the people and countries involved, and the level of danger posed to our Nation. The Department of Defense has a unique opportunity to create a centralized national center that can do this for the country. It would be patterned after the Army’s Land Information Architecture (LIA) at Fort Belvoir, but would operate on a much broader scale. This entity would allow for near-time information and analysis to be sent to a central fusion center, which I would designate the National Operations Analysis Hub (NOAH). I think this title is fitting, as NOAH will provide a central hub built to protect our nation of threats.

NOAH would be comprised of a system of agency-specified mini-centers, or “pods” of participating agencies and services associated with growing national security concerns (attachment 1). NOAH would link the policymaker with action recommendations derived from fused information provided by the individual pods. NOAH would provide the automation and connectivity to allow the pods to talk together, share data and perspectives on a given situation in a near real-time, collaborative environment.

The NOAH center in the Office of the Secretary of Defense would be comprised of representatives of the major federal agencies and sites to include: CIA, DIA, National Imagery and Mapping Agency (NIMA), NSA, NRO, Defense Threat Reduction Agency (DTRA), JCS, Army, Air Force, Navy, Marine Corps, ONDCP, FBI, DEA, Customs, National Criminal Investigative Service (NCIS), National Infrastructure Protection Center, Defense Information Systems Agency (DISA), State, the five CINCs, DOE, INS, Commerce, Treasury.

Elements which would be connected into NOAH include the White House Situation Room, a Congressional Virtual Hearing Room and a possible redundant (back up) site.

The benefits of creating a NOAH include:

For national policy makers, a national collaborative environment offers opportunities for the Bush administration to pursue a comprehensive national security strategy. A single point of access to up-to-date intelligence analyses and assessments would help cut through much of the clutter and confusion that has characterized our government’s approach to combating terrorism and other national security threats. Administration leaders have indicated their commitment to using the tools of national power in response to threats from rogue and failed states, international terrorism, drug traffickers and cyberattacks.

Mr. Speaker, I would like to place this in the RECORD.

DEPUTY SECRETARY OF DEFENSE,
Washington, DC; October 21, 1999.

Hon. Curt Weldon,
House of Representatives,
Washington, DC.

Mr. Speaker, that was in October of 1999 at John Hamre’s suggestion on November 4 of 1999, almost 2 years before 9/11. I had John Hamre and the representatives of the CIA and the FBI in my office. And at John Hamre’s suggestion, we went through the 9-page briefing to create an overarching national collaborative center. When I finished the briefing which had been prepared for me with our intelligence officials off the record, the CIA said, Congressman Weldon, that is all well and good, but we really do not need that capability. It is not necessary. We are doing something called CI-21 and, therefore, we do not need to pursue that multi-system approach that you have outlined where we bring in all of these other classified systems.

I was very unhappy with that response because I knew full well the Army and our special forces commands were using that capability at that very moment in a special project against al Qaeda.

So, Mr. Speaker, in 1999 and in 2000 and in 2001, I put language in each of our defense bills calling for the creation of this collaborative center to bring together our disparate intelligence capabilities and systems for 3 consecutive years. And, in fact, one of
While Weldon continues to push for NOAH to be patterned after LIWA, he sees it operating on a much larger scale. Impressed by its ability to pull together huge amounts of both unclassified and classified data, Weldon noted LIWA’s Information Dominance Center can create in-depth profiles that could be useful to the CIA, FBI and the White House. Yet most federal agencies don’t even know LIWA exists, he added.

“Right now the military is limited to [its] own sources of information,” Weldon said. “They are siloed away from other terrorist group data that is more than likely going to be involved with terrorist nations. So the boundaries are crossed all the time. We don’t have any way to share that and get beyond the stove-piping.”

Meanwhile, officials within the Defense Department’s intelligence community have been considering another way to amass intelligence information through a concept called the Joint Counter-intelligence Assessment Group. A DOD spokeswoman said proponents of the idea, for now, are unwilling to disclose details about it. She was also unable to say whether a formal proposal to Hamre had been made yet.

In Weldon’s July 30 letter to Hamre, however, Weldon alludes to an ongoing “initiative to link counterintelligence groups throughout the government with federal enforcement agencies,” Weldon wrote. However, Weldon said in the interview he believes JCAG is simply more “stove-piping.”

“I also have seen what the Army has done at LIWA, which has created a foundation for creating a higher-level architecture collaborating all of these efforts,” his July letter states.

NOAH would link together almost every federal agency with intelligence capabilities, including the National Imagery and Mapping Agency, the Energy Department, the CIA and the FBI. Both Congress and the White House would be offered a “node” for briefing capabilities, meaning intelligence agencies could detail situations on terrorist attacks or wartime scenarios.

“It’s mainly for policymakers, the White House decision makers, the State Department, military, and military leaders,” he said.

Although information sharing among the intelligence community has yet to be formalized through NOAH or JCAG or a similar system, military officials have said they need some kind of linked access capability. Intelligence systems need to be included within the Global Information Grid—the military’s vision of a future global network that could be accessed from anywhere in the world, said Brig. Gen. Manlyn Quagliotti, vice director of the Joint Staff’s command and control, communications and computers directorate, during a Nov. 5 speech on information assurance at a conference in Arling- ton, VA.

“We need a more integrated strategy, including help from [the Joint Staff’s intelligence directorate] with Intelligence reports or warnings of an attack,” he said. Quagliotti said the challenge for achieving “information superiority” is the need to unite networks and network managers under one command structure with strong situational awareness capabilities across the board.

Part of [the challenge] is the overwhelming amount of information, the ability to access that Information, and the ability to release that information to those who need it, which means that networks become more crucial to the warfight,” he said.

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Meanwhile, officials within the Defense Department’s intelligence community have been considering another way to amass intelligence information through a concept called the Joint Counter-intelligence Assessment Group. A DOD spokeswoman said proponents of the idea, for now, are unwilling to disclose details about it. She was also unable to say whether a formal proposal to Hamre had been made yet.

In Weldon’s July 30 letter to Hamre, however, Weldon alludes to an ongoing “initiative to link counterintelligence groups throughout the government with federal enforcement agencies,” Weldon wrote. However, Weldon said in the interview he believes JCAG is simply more “stove-piping.”

“I also have seen what the Army has done at LIWA, which has created a foundation for creating a higher-level architecture collaborating all of these efforts,” his July letter states.

NOAH would link together almost every federal agency with intelligence capabilities, including the National Imagery and Mapping Agency, the Energy Department, the CIA and the FBI. Both Congress and the White House would be offered a “node” for briefing capabilities, meaning intelligence agencies could detail situations on terrorist attacks or wartime scenarios.

“It’s mainly for policymakers, the White House decision makers, the State Department, military, and military leaders,” he said.

Although information sharing among the intelligence community has yet to be formalized through NOAH or JCAG or a similar system, military officials have said they need some kind of linked access capability. Intelligence systems need to be included within the Global Information Grid—the military’s vision of a future global network that could be accessed from anywhere in the world, said Brig. Gen. Manlyn Quagliotti, vice director of the Joint Staff’s command and control, communications and computers directorate, during a Nov. 5 speech on information assurance at a conference in Arlington, VA.

“We need a more integrated strategy, including help from [the Joint Staff’s intelligence directorate] with Intelligence reports or warnings of an attack,” he said. Quagliotti said the challenge for achieving “information superiority” is the need to unite networks and network managers under one command structure with strong situational awareness capabilities across the board.

Part of [the challenge] is the overwhelming amount of information, the ability to access that Information, and the ability to release that information to those who need it, which means that networks become more crucial to the warfight,” he said.
analytical center. Instead, we need a national-level fusion center that can take already analyzed data and offer courses of action for decision making,” he insists.

Weldon explains that when working with officials from the FBI, CIA and the National Security Agency (NSA) convince him that policy makers are continuing to work in a vacuum and that there is no useful actionable data. “Once you get beyond the primary vehicles for transmitting information to leaders, the volume of information germane to national security issues is exploding,” Weldon contends. “It’s a huge challenge to assimilate, analyze and display assessments and recommend courses of action for many simultaneous national emergencies,” he declares. The concept of NOAH also calls for virtual communications among policy makers.

Weldon’s plan is for White House, Congress, Pentagon and agency-level leaders each to have a center where they receive, send and collaborate on assessments before they act. He calls NOAH the policy maker’s tool. In the collaborative environment, one would provide a miniature, multiagency hybrid picture to the White House situation room and the Joint Chiefs of Staff.

NOAH’s concept also includes support for HUMINT and peacekeeping missions along with battle damage assessment. The same system could later help brace congressional committees and hearings. The new capability would allow application of foreign threat analyses to policy, while providing a hybrid situational awareness picture of the threat. Industrial efforts of interest to the policy maker could be incorporated, and academia also could be directly linked.

In meetings with high-level FBI, CIA and defense officials, Weldon stressed the need to “acquire, fuse and analyze disparate data from many agencies in order to support the policy maker’s actions against threats from terrorism, [ballistic missile] proliferation, illegal technology diversions, espionage, narcotics production and cyberterrorism.” He is convinced that current collection and analysis capabilities in various intelligence agencies are stovepiped. “This involves too many layers of collection, but it clearly hinders policy making,” he says.

Weldon, who was a Russian studies major, offers some of his own recent experiences as examples of why there is a strong need for NOAH. He maintains close contact with a Russian friend, Ray Downey, the chief of all Russian operations at the National Security Agency (NSA). “I have a center where there is a huge amount of data and analysis capability until such a capability is specifically authorized by law.”

In other words, the CIA said, We can’t do it and fail to do it because we have no legal authority to do so. The president, however, through the national security strategy and the National Defense Authorization Act, 2002, approved such a program.

Mr. Speaker, during the recent U.S. combat action in Kosovo, Weldon was contacted by senior Russian officials. Weldon learned from the agents that they were seeking information on Karic to brief the State Department. When he explained that the information came from the Army and LIWA, the CIA and FBI agents had no knowledge of that organization, he confirms. Before this, he had a center where the “Russian government had a six-page LIWA profile of Karic and his family’s links to Milosevic.”

“Weldon contends, ‘LIWA’s Information Domination Center provides the best capability we have today in the federal government. We need to accomplish this and develop profiles. LIWA uses its contacts with other agencies to obtain database information from those systems,’” he explains. “Some is unclassified and some classified.”

Weldon cites an “extraordinary capability by a former CIA and Defense Intelligence Agency official to build LIWA, as one of the keys to LIWA’s success. She does the profiling and knows where to look and which systems to pull information from in a data mining and extrapolation process,” he proclaims. “She makes the system work.”

Weldon intends to use LIWA’s profiling capability for building NOAH. “My goal is to go beyond service intelligence agencies and integrate all intelligence collection. This must be beyond military intelligence; it must include civilian, to provide a governmentwide capability. Each agency with a pod linked to NOAH would provide two staff members assigned at the hub, which would operate continuously. Data brought together in ‘this cluster would be used for fusion and profiling, which any agency could then request,’” he maintains.

NOAH would not belong to the Army, which would continue with its own intelligence capabilities as would the other services. There would only be one fusion center, which would handle input from all federal agencies and from open sources, Weldon explains. “NOAH would handle threats like intelligence on operational capability in various regions of the world. We need this ability to respond immediately.”

During the recent U.S. combat action in Kosovo, Weldon and the Defense Intelligence Agency invited senior Russian officials to arrange briefings for the chairman of the Defense Intelligence Agency, Mr. Kehoe, the Speaker of the House and other key congressional leaders.

“Profiling is essential to creating a governmentwide capability under very strict control,” he adds. “This is an example of why an organization like NOAH is so critically necessary,” Weldon contends. “LIWA’s Information Domination Center provides the best capability we have today in the federal government. We need to accomplish this and develop profiles. LIWA uses its contacts with other agencies to obtain database information like NOAH is so critically necessary,” he concludes. "LIWA's Information..."
Zero when the first tower came down. It was Ray Downey who had taken me through the Trade Center in 1993 when bin Laden hit us the first time. It was Ray Downey who convinced me in the late 1990s to introduce legislation, even before the attacks, to get our commission to make recommendations to prepare for the next terrorist threat.

My legislation was passed, became law, and created what is now known as the Gilmore Commission, chaired by Virginia Congressman Jim Gilmore. Ray Downey was one of those commissioners. The Gilmore Commission and Ray Downey gave us three reports before 9/11 of recommendations of things we should be doing to prepare for the next terrorist attack. And they gave us those three reports before 9/11 occurred. In fact, almost 40 percent of the recommendations of the 9/11 Commission were actual recommendations of the Gilmore Commission. But because the attacks had occurred, it did not get as much visibility.

On September 11, Ray Downey was killed. I brought his wife and five kids to my district 1 month after 9/11, and 40,000 of my constituents came out to honor Ray as an American hero at a parade ending at our county park.

We also lost one of my neighbors. Mr. Speaker, a fellow graduate of Westchester University, Michael Horrocks who served our Nation in the Navy, was a pilot on one of the planes that was commandeered on September 11. Michael left behind a young wife, a teacher in my district, and two young children in the Rosemary Media School District. In fact, we built a playground in Michael’s honor at the school of the two children.

Mr. Speaker, September 11 touched all of us; 3,700 of us were wiped out. Two weeks after 9/11, my friends from the Army’s Information Dominance Center in cooperation with special ops brought me a chart. This chart, Mr. Speaker, this chart. Two weeks after 9/11, I took the basic information in this chart from the White House. I had asked for a meeting with Steve Hadley, who at that time was Deputy National Security Advisor. The chart was smaller. It was 2 feet by 3 feet, but the same information was in the center.

Steve Hadley looked at the chart and said, Congressman, where did you get that chart from? I said, I got it from the military, I said, This is the process; this is the result of the process that we worked on at the White House. I want to produce this document, who worked on this effort. And I found something out very startling, Mr. Speaker. Not only did our military identify the Mohammed Atta cell; our military made a recommendation in September of 2000 to bring the FBI in to take out that cell and Mohammed Atta. So now, Mr. Speaker, for the first time I can tell our colleagues that one of our agencies not only identified the New York cell of Mohammed Atta and two of the terrorists, but actually made a recommendation to bring the FBI in to take out that cell. And they made that recommendation because Madeleine Albright had declared that al Qaeda, an international terrorist organization, and the military units involved here felt they had jurisdiction to go to the FBI.

Why, then, did they not proceed? That is a question that needs to be answered, Mr. Speaker. I have to ask, Mr. Speaker, with all the good work that the 9/11 Commission did, why is there nothing in their report about able danger? Why is there no mention of the work that able danger did against al Qaeda? Why is there no mention, Mr. Speaker, of a recommendation in September of 2000 to take out Mohammed Atta’s cell which we have detained three of the terrorists who struck us?

These are questions, Mr. Speaker, that need to be answered.

Last week, I asked the gentleman from California (Mr. Hunter), the chairman of the Committee on Armed Services, my good friend, and the gentleman from Michigan (Mr. Hoekstra), the chairman of the Permanent Select Committee on Intelligence, my good friend, who I have the highest respect for both of these individuals, to allow us to proceed with an investigation that has not yet been brought forward to the American people and our colleagues in this body.

We need to know, Mr. Speaker, why those recommendations, if they, in fact, occurred, as my intelligence military friends told me that they occurred, why they stopped. Now, Mr. Speaker, I have been informed normally that they were stopped because the lawyers at that time in 2000 told them that Mohammed Atta had a green card and they could not go after someone with a green card.

I have also been told, Mr. Speaker, that it was because of the fear of the lawyers of the fallout that had occurred on the Waco attack in Texas a short time after the attack, that if that is, in fact, the case, that is an outrage and a scandal. If our reason for not going after the Mohamed Atta cell was because of the fear of the fallout from Waco, then someone needs to answer the question.

The bottom line process in all of this, Mr. Speaker, is that this capability, which the CIA said we did not need, which the CIA said was not necessary, which was, in fact, being used by the military, both the Army and Special Forces command did something the CIA did not do. It identified the key cell of Mohamed Atta prior to 9/11, and it actually gave us a suggestion to deal with that cell. It is now known as the story needs to be investigated. This information needs to be pursued.

Now, Mr. Speaker, in spite of the CIA’s refusal to implement a national collaborative center, thank goodness President Bush did reverse that decision in January of 2003, standing in this very chamber, in the State of the Union speech, he announced the TTIC, the Terrorism Threat Integration Center. Mr. Speaker, the TTIC is identical to the NOAH, the National Counterterrorism Center, but Mr. Speaker, I still have concerns, and I rise this evening to express those concerns.

This capability was produced in 1999 and approved by the President, the Information Dominant Center. I asked them to update me on al Qaeda, to show me what they can do today at the IDC. This, Mr. Speaker, is al Qaeda today. It is obviously impossible for anyone watching our television monitor to see what is on this chart. I have had this chart magnified by a large factor and have large copies in my office.

Each of these little individual people are cells of al Qaeda, clusters of al Qaeda around the world. In fact, Mohamed Atta’s cell is identified in this chart. This chart, Mr. Speaker, was prepared through the national collaborative efforts of our IDC, Mr. Speaker, open source data. That chart was produced with open source data.

What troubles me, Mr. Speaker, is in talking to my friends in the defense community who work with the NCTC, I have learned that quite possibly the NCTC cannot duplicate this capability. That is a question I plan to get answered this week because we have a
very new and very capable leader of the NCTC that hopefully will tell me I am wrong, that they can produce this kind of capability to understand a threat group like al Qaeda.

I rise tonight, Mr. Speaker, to raise the intelligence oversight problem. We can never allow ourselves to return to the days prior to 9/11, to the days where individual agencies or individual agencies that think that they have all of the answers in providing security for our country and intelligence agencies and policy-makers. Mr. Speaker, we can never return to the days of 1999 and 2000, and I hope this is not the case today, but back in those days where the agency bureaucrats were fighting with each other over who would take credit for the best information. Let me read a couple of excerpts, Mr. Speaker.

Back in 1999, when I was pushing the CIA to establish this collaborative capability and our military was actually using capabilities, focusing on emerging threats like al Qaeda, this conversation went back and forth, Mr. Speaker, September 1999. This is, by the way, written from military intelligence officers, a summary of notes to me.

At the military’s inception, the CIA drags its feet and limits its support to the effort. In an off-the-record conversation between the DCI and the CIA representative to this military unit, a man that I will call Dave and our military intelligence officer explains that even though he understands the military’s effort is against the global infrastructure of al Qaeda, he tells me that the CIA will, and I quote, never provide the best information on al Qaeda, end quote. Why would they not do that? Because of the effort that they were taking as part of a finding they had on bin Laden himself and if the military’s project was successful it would, quote, steal their thunder. Steal the CIA’s thunder.

Dave went on to say that short of the CINC, General so and so, calling the Director, George Tenet, directly, the CIA would never provide the best information to the military on al Qaeda. To my knowledge, that information was never provided.

Mr. Speaker, never again can America allow intelligence bureaucrats to argue back and forth over who is going to steal whose thunder, that you have fought for that capability to expand the CIA because a military intelligence unit got information that is supposed to be under their authority and jurisdiction.

Mr. Speaker, I am not going to read all these pages, but this classified information that I have to back up what I have given in unclassified format, will be provided and has been provided for the chairman of our intelligence oversight committee and our armed services oversight committee.

Again, I have to ask the question, why did the 9/11 Commission not investigate this entire situation? Why did the 9/11 Commission not ask the question about the military’s recommendation against the Mohamed Atta cell? Why did the 9/11 Commission not document the internal battles and disputes between agency personnel going after the same terrorist organization al Qaeda?

If we are truly going to have an understanding of the need to reform our intelligence system, then we have to be honest with the American people about the past.

Mr. Speaker, I rise tonight because I am very troubled by what I have seen and by what I have heard. I have interviewed and talked to some very brave military intelligence officers who, back in 1999 and 2000, were involved in protecting America. They knew what we needed, and they were trying to do it. As I have read to you, there were some in other agencies, especially the CIA and some in DIA, who were saying you cannot do that, that is not your area. That is our area. You cannot steal our thunder. That is our job, not your job.

Never again, Mr. Speaker, can we allow agency bureaucrats to argue over who is going to get the credit for solving the next attack or planned attack against us. I do not rise tonight, Mr. Speaker, to embarrass anyone. I rise tonight because of my own frustration. We knew 6 years ago that direction we had to go. The agency said we do not need that, Congressman, we know better than the Congress. Trust us.

Thank goodness President Bush put that system in place when he took office. If we had had that system in 1999 and 2000, which the military had already developed as a prototype, and if we had followed the lead of the military entity that identified the al Qaeda cell of Mohamed Atta, then perhaps, Mr. Speaker, 9/11 would never have occurred. Certainly, taking out the Mohamed Atta cell and two of the terrorists that were with him, would have had a profound positive impact in shutting down the major plan against us that moved forward on September 11, 2001.

Mr. Speaker, I have placed these documents in the RECORD because I want our colleagues to have a chance to read them. I want our colleagues to see the facts and the information, and I want to support our chairman, the gentleman from California (Mr. Hunter) and the gentleman from Michigan (Mr. Hoekstra) as they move forward with an investigation.

We have to ask the question, why have these issues not been brought forth before this day? I had my Chief of Staff call the 9/11 Commission staff and ask the question: Why did you not mention Able Danger in your report? The Deputy Chief of Staff said, well, we looked at it, but we did not want to go down that direction.

So the question, Mr. Speaker, is why did they not want to go down that direction? Where will that lead us?
There was no objection. 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 on consideration of further amendments and third reading of the bill.

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

LEAVE OF ABSENCE
By unanimous consent, leave of absence was granted to:
Mr. ABERCROMBIE (at the request of Ms. PELOSI) for today on account of business in the district.
Mr. BISHOP of New York (at the request of Ms. PELOSI) for today on account of business in the district.
Mr. BOYD (at the request of Ms. PELOSI) for June 22 and the balance of that week on account of medical reasons.
Mr. CARDIN (at the request of Ms. PELOSI) for today.
Mr. ISRAEL (at the request of Ms. PELOSI) for today on account of health reasons.
Ms. CARSON (at the request of Ms. PELOSI) for today on account of business in the district.
Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today on account of BRAC hearings.
Mr. HIGGINS (at the request of Ms. PELOSI) for today on account of official business.
Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today.
Mr. MICHAUD (at the request of Ms. PELOSI) for today and June 28 on account of official business.
Mr. RAHALL (at the request of Ms. PELOSI) for today on account of official business.
Mr. ROSS (at the request of Ms. PELOSI) for today on account of personal business.
Mr. ISTOP (at the request of Mr. DELAY) for today on account of official business in New York City.
Mr. MCHUGH (at the request of Mr. DELAY) for today and June 28 on account of official business in his district.
Mr. MCKEON (at the request of Mr. DELAY) for today on account of travel logistics.
Mr. WALDEN of Oregon (at the request of Mr. DELAY) for today on account of family business.

SPECIAL ORDERS GRANTED
By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:
(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)
Mr. DEFAZIO, for 5 minutes, today.
Mrs. McCARTHY, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.
Mr. SCHIFF, for 5 minutes, today.
Mr. BERMAN, for 5 minutes, today.
Ms. WATSON, for 5 minutes, today.
Ms. LINDA T. SANCHEZ of California, for 5 minutes, today.
Ms. WATERS, for 5 minutes, today.

(The following Members (at the request of Mr. GUTENREIT) to revise and extend their remarks and include extraneous material:)
Mr. MORAN of Kansas, for 5 minutes, June 29.
Mr. FRANKS of Arizona, for 5 minutes, June 29 and 30.
Mr. Jones of North Carolina, for 5 minutes, June 28, 29, and 30.
Mr. Price of Georgia, for 5 minutes, today.
Mr. FOXX, for 5 minutes, June 28.
Mr. GOMERT, for 5 minutes, today.

ADJOURNMENT
Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o’clock and 54 minutes p.m.), under the previous order, the House adjourned until tomorrow, Tuesday, June 28, 2005, at 9 a.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:

2466. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an Accountability Review Board to examine the facts and the circumstances of the loss of life at a U.S. mission abroad and to report and make recommendations at a U.S. mission abroad, pursuant to 22 U.S.C. 4831 et seq., to the Committee on International Relations.

2467. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting the Bureau’s final rule — Requirements for Reporting the Kimberley Process Certificate Number for Exports and Reexportations Document (RIN: 0607-AA44) received May 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2468. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment to the Government of Japan (Transmittal No. DDTIC 062-15), to the Committee on International Relations.

2469. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles or defense services from the Government of Japan (Transmittal No. DDTIC 062-15), to the Committee on International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS
Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 341. Resolution providing for consideration of 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 (Rept. 109–156). Referred to the House Calendar.

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 342. Resolution providing for consideration of 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 (Rept. 109–156). Referred to the House Calendar.

Mr. BORHLENT: Committee on Science. H.R. 426. A bill to encourage the development and integrated use by the public and private sectors of remote sensing and other spatial information for public purposes; with an amendment (Rept. 109–157). Referred to the Committee of the Whole House on the State of the Union.

Mr. BORHLENT: Committee on Science. H.R. 1022. A bill to provide for a Near-Earth Object Survey program to detect, track, catalogue, and characterize certain near-Earth asteroids and comets (Rept. 109–158). 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. CALVERT (for himself and Mr. BORHLENT):
H.R. 3070. A bill to reauthorize the human space flight, aeronautics, and science programs of the National Aeronautics and Space Administration, and for other purposes; to the Committee on Science.

By Mr. NEY (for himself and Ms. MILLER-MCDONALD):
H.R. 3071. A bill to permit the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term; to the Committee on House Administration.

By Mr. DAVIS of Illinois:
H.R. 3072. A bill to revive the system of parole for Federal prisoners, and for other purposes; to the Committee on the Judiciary.

By Mr. LEWIS of Kentucky:
H.R. 3073. A bill to allow Congress to reverse the judgments of the United States Supreme Court; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:
H.R. 3074. A bill to ensure and foster continued patient safety and quality of care by exempting health care professionals from the Federal antitrust laws in their negotiations with health plans and health insurance issuers; to the Committee on the Judiciary.

By Mr. PAUL:
H.R. 3075. A bill to amend the Internal Revenue Code of 1986 to provide for health care coverage more accessible and affordable; to the Committee on Ways and Means.
By Mr. PAUL:
H.R. 3076. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for the cost of insurance to extend to the outcomes from surgery, including against malpractice of a physician, to the Committee on Ways and Means.

By Mr. PAUL:
H.R. 3077. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for medical expenses for dependents; to the Committee on Ways and Means.

By Mr. PAUL (for himself and Mr. MILLER of Florida):
H.R. 3079. A bill to amend the Internal Revenue Code of 1986 to waive the employee portion of Social Security taxes imposed on individuals who have been diagnosed as having cancer or a terminal disease; to the Committee on Ways and Means.

By Mr. TERRY (for himself, Mr. BARTLETT of Maryland, Mr. FORTENBERRY, Mr. FUSSEY, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mr. DOOLITTLE, Mr. PENCE, Mr. GINGRICH, Ms. GINNY BROWN-WATTE of Florida, Mr. PETTS, Mr. SCHAPHURST, and Mr. MANZUZU):
H.R. 3080. A bill to amend the Internal Revenue Code of 1986 to increase tax benefits for parents with children, and for other purposes; to the Committee on Ways and Means.

By Ms. LEE:

By Mr. CROWLEY (for himself, Mr. BROWN of Ohio, Mrs. DAVIS of California, Mr. ENGLE, Mr. HIJOINS, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. KELLY, Mrs. BLACKBURN, Mr. HAMM, Mr. YOUNG of Alaska, Ms. WOOLSEY, Mr. BOUSTANY, Mr. PAYNE, Mr. GUTENKREUTHT, Mr. BARROW, Mr. DUNCAN, Mr. KUHL of New York, and Mr. LARSEN of Washington):
H.R. 2248: Mr. SCHAKOWSKY.
H.R. 2340: Ms. SCHAKOWSKY.
H.R. 2355: Mr. PAYNE, Mr. BARTLETT of Maryland, Ms. BOND, Mr. SAXTON, Mr. MOLLORAN, Mr. HASTINGS of Washington, Ms. HERSHKET, Mr. INSLIE, Mr. BOUSTANY, Mr. BARROW, Mr. MURDY, and Mr. CUMMINGS.
H.R. 2526: Mr. ANDREWS and Mr. CUMMINGS.
H.R. 2588: Mr. GEBLACH.
H.R. 2639: Mr. HASTINGS of Florida and Mr. AL GREEN of Texas.
H.R. 2646: Mr. CANNON, Mr. HINOJOSA, and Mr. CARDIN.
H.R. 2649: Mr. HERGER.
H.R. 2671: Ms. KAPTUR, Mr. HINCHY, Mr. PAYNE, Mrs. CHISTENSEN, and Mr. WAXMAN.
H.R. 2688: Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, and Mr. BORDALLO.
H.R. 2733: Mr. LOBENDO.
H.R. 2792: Ms. JACKSON-LEE of Texas.
H.R. 2794: Mr. MILLER of Florida and Mr. AL GREEN of Texas.
H.R. 2893: Mr. FITZPATRICK of Pennsylvania and Mr. CALVERT.
H.R. 2897: Mr. BARROW.
H.R. 2899: Mr. PRICE of North Carolina.
H.R. 2970: Ms. LOBENDO of Pennsylvania.
H.R. 2974: Ms. SCHAKOWSKY, and Mrs. CHRISTENSEN.
H.R. 2977: Ms. JACKSON-LEE of Texas and Mr. HINCHY.
H.R. 2929: Mr. GONZALEZ.
H.R. 2930: Mr. CONYERS, Mr. HASTINGS of Florida, Mrs. MILLER of Michigan, Mr. MCNULTY, Mr. NADLER, Mr. DEFAZIO, and Mr. SCHAPERA of Minnesota, Mr. GUTENKREUTHT, Mr. BROWN of Ohio, Mr. ENGEL, Mr. DELAHUNT, Mr. MCCOTTER, Ms. WATSON, Mr. CONYERS, Mr. McNULTY, Mr. MCCOTTER, Mr. CROWLEY, Mr. MEER of Florida, Ms. CARSON, Mr. THOMPSON of Mississippi, Mr. SERRANO, Mr. OWENS, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Ms. MOORE of Wisconsin, Ms. JACKSON-LEE of Texas, Mr. MORAN of Virginia, Mr. MCKINNEY, Mr. WYNN, Mr. LEWIS of Georgia, Ms. VELAZQUEZ, Mr. TOWNS, Mr. CUMMINGS, Mr. CLEAVER, Mr. BISHOP of Georgia, and Ms. BOUSTANY.

H. Con. Res. 181: Ms. JACKSON-Lee of Texas.
H. Res. 137: Mr. WOLF, Mr. DAVIS of Illinois, Mr. UDALL of Colorado, and Mr. WEXLER.
H. Res. 325: Mr. GALLEGLY.
H. Res. 332: Mr. ISRAEL, Mr. ORTIZ, Ms. NAPOLITANO, Mrs. DAVIS of California, Mr. POLKE, Mr. PAUL, and Mr. SCHULZE.
H. Res. 338: Ms. SLAUGHTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCCOTTER, and Ms. HURST.
H. Res. 340: Mr. MCCRENCHY, Mr. ADERHOLT, and Mr. SESSIONS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3057
OFFERED BY: MR. SIMPSON
AMENDMENT No. 1: To the end of the bill (before the short title), insert the following:

TITTLE VI—ADDITIONAL GENERAL PROVISIONS

PROHIBITION ON USE OF FUNDS BY THE EXPORT-IMPORIBANK TO SUPPORT EXPORTS TO THE PEOPLE’S REPUBLIC OF CHINA

SEC. 601. None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in the extension of credit in connection with the purchase or lease of any product by—

(1) the People’s Republic of China or any agency or national thereof, or

(2) any other foreign country, or agency or national thereof, if the product to be purchased or leased by such other country, agency or national thereof, is to be shipped from the Export-Import Bank of the United States, principally for use in, or sale or lease to, the People’s Republic of China.

H.R. 3057
OFFERED BY: MR. BONILLA
AMENDMENT No. 2: Page 4, line 9, before the period insert the following:

"Provided further, That, of the amounts provided under this heading, $7,000,000 shall not be available for obligation until the head of the Office of Inspector General in the Export-Import Bank of the United States is appointed and confirmed pursuant to section 3 of the Inspector General Act of 1978.".

H.R. 3057
OFFERED BY: MR. KUCINICH
AMENDMENT No. 3: Page 132, after line 13, insert the following:

AMENDMENT No. 4: Page 13, line 18, after the dollar amount, insert the following: “(increased by $7,000,000 (reduced by $7,000,000)’’.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 282: Mr. HULSHP and Mr. CALVERT.
H.R. 427: Mr. BERNAN.
H.R. 752: Mr. LAO of Connecticut.
H.R. 838: Mr. CLEAVERT, Mr. KENNEDY of Rhode Island, Ms. WOOLSEY, Mr. BARROW, and Ms. SCHAKOWSKY.
H.R. 887: Ms. SCHAKOWSKY.
H.R. 934: Mr. MCHUGH.
H.R. 939: Mr. Ryan of Ohio and Mr. STRICKLAND.
H.R. 1039: Mr. POMEROY.
H.R. 1337: Mr. Bishop of Utah.
H.R. 3057
OFFERED BY: MR. GARRETT OF NEW JERSEY
AMENDMENT No. 5: Page 132, after line 13, insert the following:
LIMITATION ON FUNDS RELATING TO ATTENDANCE OF FEDERAL EMPLOYEES AT CONFERENCES OCCURRING OUTSIDE THE UNITED STATES
Sec. 3. 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.

H.R. 3058
OFFERED BY: MR. McGOVERN
AMENDMENT No. 6: Page 31, line 7, after the dollar amount, insert the following: "(reduced by $100,000,000)"

H.R. 3058
OFFERED BY: MR. GINGREY
AMENDMENT No. 1: At the end of the bill (before the short title), insert the following:
SEC. 948. None of the funds made available in this Act may be used to provide assistance under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) for any private economic development project (including assistance for any project under paragraph (17) of section 105(a) of such Act) involving the obtaining of property by the exercise of the power of eminent domain.

H.R. 3058
OFFERED BY: MR. AL GREEN OF TEXAS
AMENDMENT No. 3: Page 91, line 8, after the dollar amount, insert the following: "(increased by $7,700,000)"
Page 91, line 9, after the dollar amount, insert the following: "(increased by $3,900,000)"
Page 92, line 23, after the first dollar amount, insert the following: "(reduced by $7,700,000)"
The Senate met at 1 p.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.

O God, our help and shelter, we look to You for defense. Defend us from temptation. Help us to say no to tempting voices and the things that lead to ruin as You teach us to follow Your blueprint for abundant living. Defend us from arrogance as You help us to esteem others as significant because we can see Your image in them. Defend us from ingratitude in the day of prosperity.

Today, defend our lawmakers from discouragement so that they will persevere in well-doing, with the knowledge that the harvest, though delayed, is not denied. Help them to remember that no time exists when You will fail them, and no moment comes when You will forsake them.

Lord, defend each of us from a stubbornness that refuses to be guided by Your light and sustained by Your grace.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

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

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 3 p.m., with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Kentucky is recognized.

GUANTANAMO BAY

Mr. BUNNING. Mr. President, today I rise to speak about our operation at Guantanamo Bay, in Cuba. There is so much information out there that is untrue, it must be corrected. Yesterday, I went to Guantanamo Bay with my colleagues, Senator CRAPPO and Senator ISAKSON. We went to see for ourselves what all the so-called fuss is about down there, and we want to help set the record straight.

While we were there we also saw Senator WYDEN and Senator BEN NELSON. I am sure they will tell you what they saw when they come to speak on the Senate floor.

Our soldiers assigned in Cuba are on an island within an island. The base is isolated from the rest of Cuba, and it is isolated from the rest of our military. Our troops do not just drive off post to go watch a movie or to go to the mall. All they have is on post, from shopping to entertainment to food.

Many serving at Guantanamo leave their families behind. Some are National Guard troops, far away from home. It is a tough life, and they have a job that is mentally and physically challenging.

As we toured the detention camps, our troops patrolled the buildings and open areas in full uniform. In the afternoon, the temperatures reached into the high 80s, and the humidity could not have gotten much worse. But those brave young men and women stood guard over the detainees to keep them in line and protect them from other detainees.

The weather and the Sun are the last things our troops are worried about. The people they are guarding are the terrorists. They are the worst of the worst. They are all dangerous. Many directly fought Americans on the battlefield, killing and wounding our soldiers, yet our young men and women watch over these terrorists and provide for them. They do this despite the terrorists having taken
up arms against fellow American servicemembers. The danger the terrorists pose to our military in Guantanamo is real and enduring.

While we were inspecting one of the detention facilities, the halls were filled with rows of detainees hanging on metal doors of their cells and yelling at anyone who could hear. Weapons have been found in the detainee’s cells and are often made from ordinary items they are provided.

Our tour in Guantanamo is putting their lives on the line to protect and provide for terrorists. Yet some of my colleagues and others, commentators, suggest that these brave young men and women are the criminals, and when they make such outrageous statements, there are many in the media willing to repeat the accusation without bothering to check the facts for themselves.

For example, almost any picture seen of detainees at Guantanamo is from Camp X-Ray. Does everyone is familiar with those pictures. They are the ones with men in orange suits, living in open-air cells made of chain-link fences.

I went to Camp X-Ray. Do you know what I saw? I saw wooden floors andsolver high and growing a chain-link fencing. Do you know what I did not see? People. Camp X-Ray has been closed since 2002. It is no longer used at all. But those images are the ones that continue to appear in print and on the news.

It is no secret that Camp X-Ray is closed, but pictures of the new and improved facilities are never shown.

I wish to talk about these new facilities. They have come a long way from concrete slabs surrounded by chain-link fencing. I cannot say I felt bad for any terrorist who had to spend the night in Camp X-Ray, but the new camps are significantly better. They offer the terrorists more privacy, space, and protection from the weather. They are surrounded by metal doors. There are recreation. Some even have air-conditioning and semiprivate showers.

The newest facility is modeled after the state-of-the-art prisons in the United States and is fully air-conditioned. New furniture is on the way, and an even newer facility is about to be built. But I have not seen any of those camps I just described on the news, and I am hopeful that those in the media will help clear up this issue.

But before the debate on the heart of this debate is, Are we serious about fighting terrorism or not? If we are, then these new detention facilities at Guantanamo will remain open until no more terrorists are plotting to harm innocent Americans. What goes on there is critical to our fight against terrorism and the war on terrorism. First and simplest, if the terrorists are locked up in Cuba, then they cannot kill Americans in Iraq or New York, in Afghanistan or even in Kentucky. Those terrorists at Guantanamo are the worst of the worst terrorists we have captured. The military has decided that they must be moved halfway around the world to keep them away from the battlefield. That is reason enough to keep Guantanamo open.

There are bomb makers who are no longer making bombs because they are in Cuba. Their training camp instructors are no longer teaching classes because they are being held next to a Caribbean beach. Others at Guantanamo were caught with heavy weapons, explosives, or anti-aircraft missiles, so it should not be surprising that some use those weapons to kill Americans because we are holding them in the detention facilities. One person being held there very well may be the intended 20th hijacker for September 11, but because he is locked in a cell in Cuba, he will not be able to fly a plane into a building anytime soon.

I could describe many individuals held at Guantanamo and give reasons they need to remain in our custody, but I only will mention a few more—12, to be exact. This is the number of those we know who have been released from Guantanamo and returned to fight against the coalition troops. Some have been killed and some have been recaptured. But we must not miss the point. We are dealing with the most dangerous people who will stop at nothing to kill innocent Americans.

But there is more to Guantanamo than locking up terrorists. As important as keeping the terrorists from carrying out more attacks, are gaining valuable information from the detainees. Those terrorists are one of our greatest sources of information into terrorist operations, financing, and personnel. Some of them were very close to Osama bin Laden at one time. Others were active in planning terrorist attacks. Still others worked on finance and personnel recruitment for terrorist groups. Think of the wealth of information they have.

The detainees identify people involved in terrorist groups. They have helped us understand the structure of terrorist organizations. They know locations and transportation routes. They can validate information gathered on the battlefield. To this day, they continue to provide us with critical information in our fight against terrorism.

We are not gathering information from them in any inhuman way. I saw first-hand thelime that goes on in Cuba. No terrorist was being beaten. There was no torture, and they were not being starved. Throughout the entire detention camp, terrorists were given clothes and bedding. They are given Muslim prayer rugs and Korans. They are not put inعين في الélégant prison camps, pointing to Mecca. We even witnessed a prayer call announcing to the terrorists that it was time for them to turn to Mecca and pray.

That, Mr. President, is a far cry from the oppressive regimes to which critics of Guantanamo have compared our military. Did the Nazis respect the Jewish faith? Did Stalin and Pol Pot practice religious tolerance? Absolutely not.

The detainees are being fed well. In fact, their meals often cost more than the meals served to our troops because of their cultural dietary restrictions. When Hitler imprisoned Jews, he did not go to much trouble to serve them Kosher meals that followed their faith.

The military has constructed a hospital for the detainees. While we were there, we saw a detainee being transported to the hospital for an examination. When needed, the terrorists have access to other doctors and medical facilities. If a specialist is needed, then he is brought in. In other words, we give the terrorists the same medical care our troops get.

Many get dental care and glasses for the first time in their lives. Others have been diagnosed with diseases and other medical issues and have received treatment. We have even given amputees new medical limbs.

The detainees are sometimes referred to as keeping the terrorists from carrying out more attacks. They are also periodically reviewed to make sure they really are an enemy combatant. They are also periodically reviewed to make sure they still need to be held at Guantanamo or if they should be moved elsewhere or even released.

The detainees are given a chance to explain their side of the story. International law does not require these combatants be given a review board. Our military is going out of its way to give these terrorists rights above and beyond the evil regimes the war’s critics have cited. After all, there were not review boards in the gulags or the concentration camps. The Nazis did not care if their prisoners had taken up arms against Germany. They locked them up into slavery anyway.

Anyone who compares our operations at Guantanamo to those ruthless killers is lying to the public and insulting our troops. No detainees at Guantanamo have died due to their treatment by our troops—none, zero.

Hitler murdered 6 million Jews and caused the death of tens of millions more on the battlefield. Stalin had tens of millions killed. Pol Pot was responsible for the death of about 1 million in his “killing fields.”

Of course, the detainees are not living in luxury. But these are dangerous killers we are talking about. They are terrorists. But we treat them with respect, which is much more than they have ever treated us with.

Conditions improve every day at Guantanamo. But as long as they are dangerous to America, we must continue to hold them and gather information. We have a determined enemy that wants to do nothing but harm us. The only way to beat them is to stand strong, fight longer, and not back down.
Mr. President, I stand and join my colleague, Senator BUNNING from Kentucky. I was one of those who was able to be on this trip to Guantanamo yesterday, along with Senator ISAKSON from Georgia, who were joined here by two other Senators, Senator WYDEN from Oregon and also Senator NELSON from Nebraska, who came in on a separate trip.

We had an opportunity to view exactly what is happening at Guantanamo. As I said, I am glad to be able to stand with my colleague, Senator BUNNING, and set the record straight about what the United States and the honorable men and women of our armed services are doing to serve the United States. This is the people of this country, and, frankly, the people of the world as we fight to defeat terrorism.

I want to thank my colleague, Senator BUNNING, who has given a very thorough and helpful review. I will try not to repeat too many of the things he went through, but he has identified the core points that need to be made as we discuss what is truly happening at Guantanamo.

I want to start out by going into a little bit of detail about who exactly is there. Secondly, I want to talk a little bit about the legal framework because, frankly, a lot of the debate we hear throughout the country and throughout the world today has to do with different points of view about the legal framework within which we are dealing with the circumstances at Guantanamo.

Then I want to talk about the question of transparency; in other words, do we really know what is happening there? There are a lot of debates and questions about what we will say: You went there and you visited, but did you really see the truth? I want to talk about that. I also want to talk about what we saw—how are the detainees being treated. Finally, I want to talk about our own troops. What is their morale? And what is their conduct? And then, actually, the last thing I want to talk about is: Of what? What is the United States and the world is Guantanamo?

I am going to go back now and talk, first of all, about who is there. I think there has been a bit of a misconception about who it is we are detaining at Guantanamo.

Since the effort began in defeating the Taliban in Afghanistan—and it has expanded to the war in Iraq—the United States has captured more than 70,000 detainees—70,000—in the conduct of the war in Afghanistan and Iraq. Among that number, the vast majority have been handled in other ways. Either they have been released or they have been turned over to other authorities, other nations, or they are being held in facilities in the area of the battle. But we are working with Iraq, Afghanistan, and other governments to make sure they take control of detainees to the maximum extent possible.

But there are some detainees who are so dangerous that we have made the decision to maintain control over them. They are also controlled because they have information that is critical to us in the battle against terrorism. And after a very thorough vetting process, if of 70,000 who have been captured in these battles and in other efforts to fight against terrorism, approximately 800 have been moved to Guantanamo.

My numbers are going to be kind of rounded here, but of that 800, about 235 have already been released or moved into the custody of other countries. My colleague, Senator BUNNING, indicated that is not always good news. At least 12 of those who have been released have been found again in the battlefield—some of them killed in battle, others captured again, and at least one was found to have ordered some very significant terrorist activities after being released from Guantanamo.

But about 235 of the 800 who we determined were so dangerous they needed to be moved to Guantanamo have been released or put into the custody of other countries. Approximately 520 remain at Guantanamo. Who are these 520? These are terrorist trainers. These are the leaders, recruiters, and facilitators for al-Qaida and other terrorist groups. These are terrorist financiers. These are bodyguards of Osama bin Laden. And these are would-be suicide bombers—to name just a few of the people we have identified and the activities we are stopping by keeping them detained.

I am going to come back a little bit later and talk about what we learn from these detainees. But I would like to talk, next, a little bit about some of the legal efforts from which we have identified. An elaborate process has been put into place, as I indicated, to identify whom we will return and take to Guantanamo to assess the threat they pose to the United States and the international community, and then to give regular review to this process to be sure they are still the threat that they were and deserve to be kept there. The other is the Guantanamo.

But as a result of this effort, we have collected the most dangerous, and the ones with the most information who can give us the most assistance, through the interrogation process, to help us pursue the war against terrorism.

These detainees include terrorists who are linked to a major al-Qaida attack, including attacks in east Africa, the U.S. Embassy bombings, and the USS Cole attack; terrorists who taught or received training teams on arms, explosives, surveillance, and interrogation resistance at al-Qaida camps in Afghanistan and elsewhere; terrorists who continue to express their commitment to kill Americans, terrorists who have sworn personal allegiance to Osama bin Laden; terrorists who have been linked to several al-Qaida operational plans, including possible targeting of facilities in the United States; members of al-Qaida’s international terrorist network including the financiers, the couriers, the recruiters, and the operatives and those who participated in attempted hijacking instances.

I give a couple specific examples. One al-Qaida explosives trainer is there who has provided information to the United States on the September 2001 assassination of Massoud and on the al-Qaida organization’s use of mines; another individual who completed advanced terrorist training at camps in Afghanistan and participated in an attempted hijacking and escaped while in custody that resulted in the deaths of Pakistani guards; another individual who was involved in terrorist financiers who provided information on Osama bin Laden’s front companies, accounts, and international money movements for financing terror. The list goes on and on. This is who is there at Guantanamo. These are the people whom we seek to detain and about whom the debate in this country revolves. They are dangerous, and they must be kept under control or they will kill more Americans and threaten people throughout the world.

These are the terrorists within which they are being detained. That is the crux, though it is not often stated that way, of the debate. I will get into this in more detail, but Senator BUNNING has already indicated, the treatment that is being provided to the detainees is probably the most humane, high quality treatment any nation that has ever captured detainees at war has ever provided to its prisoners. I suspect no other nation today or throughout history could claim to be treating its detainees better. But as a result of this effort, we have still the question arises, how and under what legal framework should they be handled? There is an irony here. These
detainees do not serve in a normal army. They do not wear uniforms. They do not serve a nation that is a signer to the Geneva Conventions. They do not honor Geneva Conventions, meaning they do not refrain from certain activities and not conducting terrorist activities. And because they do not qualify in these categories, they do not qualify under the Geneva Conventions as prisoners of war.

There is the irony. If they were prisoners of war, they wouldn't be entitled to the legal benefits about which we are now wrangling. They would be entitled to humane treatment, but they would not be entitled to get into the court system of the country that has captured them.

Many throughout this Nation and throughout the world are saying we should provide all of the legal benefits in a criminal law system, such as the criminal justice system in the United States, to these detainees. The United States has declined to do so, stating that these are enemy combatants under the Geneva Conventions. But they are not prisoners of war under the Geneva Conventions. And there is the irony that classify there as enemy combatants of war under the Geneva Conventions, we could avoid the debate about what their rights are and how they should be treated. Instead, since they are not a group entitled to participate in the criminal justice system and are not a group entitled to be considered prisoners of war under the Geneva Conventions, but are instead enemy combatants under the Geneva Conventions in a category for which nations have not yet agreed on how they should be treated, the United States is embroiled in a debate as to how to treat them.

How have we resolved this decision? On January 19, 2002, the Secretary of Defense gave specific guidance that all detainees are to be treated humanely. On January 21, the same year, the chairman of the Joint Chiefs of Staff issued executive orders to commanders that transmitted the Secretary of Defense order that these detainees be treated humanely. On February 7, 2002, President Bush determined that al-Qaeda and Taliban detainees should be treated humanely, consistent with the principles of the Geneva Conventions and the rules of military conduct. The detention of enemy combatants in wartime is not an act of punishment. It is a matter of security and military necessity. It prevents enemy combatants from continuing to fight against the United States or its partners in the war on terrorism. Enemy combatants before the end of hostilities and allowing them to rejoin the fight would only prolong the conflict and endanger our coalition and American forces.

Here is the point of the debate. The United States has classified these enemy combatants as an uncertain category, has provided to them all of the humane treatment required by the Geneva Convention and more legal rights than they would have if they were prisoners of war. Yet the United States continues to be criticized because there are those—and this is what everyone needs to understand—who will not be satisfied until there are procedures to treat these enemy combatants in the context of a war but instead choose to treat them as criminals in a criminal justice system and thereby change the legal framework under which they are being handled. The United States correctly handles these enemy combatants and properly refuses to do so. If we were to do so, we would not be able to defend the interests of the country against enemies who are conducting war against us as effectively as we can if we are able to treat them under the Geneva Conventions as enemy combatants. And when you hear the debate about how they are being treated, listen carefully, because most of the debate is not about their physical condition or whether they are being treated humanely, but now they are being categorized with regard to these legal battles that those who are engaged in the issue wish to see ensue.

Let's talk about what we saw, and then I will describe how they are actually treated and what the conditions are. And when you hear the debate about what we saw is true. I have already had those who knew that I went there ask me whether the opportunity we had is one which truly showed us what was happening at Guantanamo. To me this is an issue of transparency. What is happening there, and were shown what was truly going on?

First, we visited every facility there. Five Senators, with many other individuals with us from other government agencies, went through and visited every facility. My colleague Senator Bunning indicated that we even went to Camp X-Ray which has not been utilized for 2 or 3 years and which is literally overgrown. I walked into one of the facilities where, at Camp X-Ray. I had to brush away the weeds in order to move through the door and to go in and see what it looked like. We visited Camps 1, 2, 3, and 4. And they are numbered in terms of the order in which they were built. These are the newer camps that were constructed to provide better facilities for these detainees than were originally there at Camp X-Ray when we first started using the base. We were able to observe the facilities. We were able to observe literally everything at the base. And I can say that I don't think it would have been possible for them to have hidden from us what was happening.

We were able to observe the interrogations, to interview and discuss with the personnel present what was happening, right down to the troops who were conducting the specific guarding activities inside the cell blocks. If that is not sufficient, then the International Committee of the Red Cross has had 24-hour-a-day, 7-day-a-week access to the facility at its discretion. They have had a permanent presence, recently changing that only at their choosing. The media, both national and international, have had 400 visits to Guantanamo, representing over 1,000 members of the media who have been there to also observe. Lawyers for the detainees who would not be able to handle the enemy combatants we categorized as prisoners of war, have come and, in many of the habeas corpus cases, to observe and discuss with the detainees. And somewhere in the neighborhood of 15 to 20 Senators, and I could not name them, in addition to over 100 congressional staff, have been there to observe.

My point is that in terms of transparency, is the United States letting its own people, its Congress, and the world know what is being done there? I believe the answer is clearly yes.

My colleague Senator Bunning went through the numbers of deaths in the Nazi concentration camps, in the gulags under Stalin, and the numbers, you will recall, were in the millions. Not one detainee has died at Guantanamo. On the contrary, they have the best medical care that I believe any detainees in history have ever had. So as far as the question goes with regard to whether we are providing a true and unimpeachable picture to the public about what is happening there, the answer is unequivocally yes.

What is happening there? I would like to talk a little bit about what we saw. As I indicated, we issued an order that there are a number of facilities. They are called Camp 1, 2, 3, and 4. They are building Camp 5 and Camp 6. They are different in terms of the levels of security and in terms of the operations. Those who are detained there are able to be in one of the camps versus the other camps depending on how they respond to their detention. If they are the more violent kind who do not follow instructions, then they are often in individual confinement. This individual confinement does not mean seclusion. They may be confined in a cell with 40 or 50 others, and you can see each other through the cell. These are not enclosed. So they have the ability to play chess between cells and so forth. They have running water, sinks, and toilets in each cell.

They have religious paraphernalia so they can practice their religion. They are facilitated in the practice of that religion by being provided with prayer mats and with direction. Wherever in the camp you are, you can see an arrow that points toward Mecca so you know the directions. They are provided recreational opportunities, showers, and three, good, solid meals a day, as well as outside medical care. Those are the ones who are in the most closely confined circumstances. Those who are more willing to follow instructions and less willing to attack their guards are allowed to live in more communal circumstances where the rooms, in fact, are like hotel rooms. They are in units where ten or more can live together, and then those groups can go out in recreational facilities and have
a little bit expanded recreational opportuni- 
ty and the like.

Then there is the maximum security facili- 	ies which would be comparable to the kinds of similar facilities that are there that you could find anywhere in the United States. There are some facilities that are subject to extensive litiga- 
tion and oversight by attorneys and our own judicial system. Throughout this entire process, whether one is in the most extreme, highest maximum security circumstance or whether one is in some of those areas where the more responsible detainees are able to be, they are always provided with the best possible treatment. I don’t believe it would be possible for a valid argument of some type of physical abuse to be made because there is such care there to be certain that even when the detainees are being interrogated—and, by the way, the interrogation is a very humane and, frankly, easygoing proc- ess which does not create physical threat to the detainees—there are always more than one or two or three people observing what is happening so there cannot be a circumstance where something goes awry and someone abuses the relationship and the situa- 
tion.

Let me talk a little bit about the medical care. I said they are getting top-notch medical care. I asked many of those who were there with what the war would be without the medical care provided to these de- tainees and that provided to detainees by other nations in other wars or in other circumstances. Consistently no one could give me an example of better medical care ever being provided anywhere. I asked if it was equivalent to the kind of medical care that our own troops were being provided. The answer was yes. It is probably better medical care than these detainees have ever had in their lifetime. When they were first there, many of them had traumatic injuries from the battles in which they were captured. Those inju- ries were treated. Now they have reached a point that they have been there several years, some of them, where they are being treated for the kinds of problems you and I and others would want to have medical care for. They are getting annual checkups. They are being treated for diabetes, if they have back ailments or heart prob- lems, etc. They may be, if they have dietary needs, they are being treated for them.

A number of them have lost their limbs, not because they lost them in battle but because they lost them while they were building bombs to blow up Americans. And we have provided treatment for their loss of limbs and actually provided them with prosthetics and helped them with the phys- ical therapy so they can regain the use of their bodies to the maximum extent we can. We have provided them there to do major surgery. We have all kinds of other support. If they have medical needs that go beyond what we have there available, they are taken elsewhere to get that medical treat- ment.

In fact, I would like to move now to the discussion of what the morale of our troops is. I think as we met there with the concerns of the guards to those who ran the hospitals to the managers to everyone else, I could honestly say the morale of our troops is very high. But there is a concern that was consistently ex- pressed to me by them. I had the opportu- nity to have lunch with some of those who were literally on the front lines having to go into the cell blocks and to provide the guard service around the clock with these detainees. And they are concerned about what the American people and the inter- national public think about them and about what they are doing because they believe they are treating these de- tainees with the highest respect and with the most humane treatment pos- sible. They are doing it rigor- ously. If any of them steps out of line, they get handled and they get in trou- ble. Yet they are subjected constantly to threats and harassment and abuse from the detainees.

It is my perspective that if anyone is being abused at Guantanamo, it is not the detainees, it is the good young men and women guards who are there on the front line, who are themselves phys- ically threatened, verbally threatened, and in other ways abused. It has been reported what kinds of things are thrown at them through the cell blocks as they walk through. When they hap- pen to go through and a detainee throws urine or feces on them, they have to go out, be hosed off, and go back into duty. If anyone is being abused at Guantanamo, it is the treat- ment that is being afforded to our men and women of the military that is causing the abuse to them, rather than the reverse.

For those here in this body or any- where else to accuse our men and women of mistreating those at Guanta- namo is a great irony because any abuse or mistreatment that is hap- pening is the reverse.

I am proud of our men and women there. They are truly doing a great service for this country and for this world. Let me conclude by talking a little bit about what that is. By the way, I forgot one piece of in- formation. I have talked about the medical facilities and other kinds of support that have been provided to these detainees to make sure they are being properly cared for. In the newest facilities, the prisoners even get air conditioning, which is not something most of the troops get, at least during their working hours. But what does that cost us? What kind of investment has the United States made? To this point, the United States has spent over $241 million in providing these medical care. The annual cost will go on proba- bly at $100 million a year, until we are able to resolve this conflict. The United States has also spent over $40 million in existing or new detention facili- ties in Afghanistan and Iraq. So we are putting a tremendous amount in here.

What benefit does it provide to us? As I indicated, the purpose of this de- tention, to me, is twofold. First of all, it is to stop dangers from being put back into the field so they can go back out and continue to kill Americans and others and train and fa- cilitate other terrorists in doing the same thing. The first thing is to stop them from committing terrorist activ- ity. The second purpose is to be able to gain from them information that will help us better pursue or fight against terrorists around the world. The ques- tion of Guantanamo detainees, which I will again state is not the kind of in- terrogation that one thinks of when they think of a gulag, or what you might see on TV as a threatening in- terrogation. This is entirely nonthreat- ening interrogation. It improved the security of our Nation and coalit- ion partners by helping us to expand our understanding of the operations of the terrorists. It has given us an ex- panded understanding of the organiza- tional structure of al-Qaida and other terrorist groups. It has given us more knowledge of the extent of the terror- or presence in Europe, the United States, and the Middle East. It has given us knowledge of al-Qaida’s pur- suit of weapons of mass destruction, of methods of recruitment and location of recruitment centers, terrorist skill sets, general and specialized operative training, and of how legitimate finan- cial activities are being used to hide terrorist operations.

The intelligence we are gaining by the interrogations of those who are kept at Guantanamo has prevented ter- rorist attacks and has saved American lives not only there at Guanta- namo, not only has the highest health care possible been provided to them, but lives have been saved as a re- sult of our activities there. Detainees have revealed al-Qaida leadership structures and operating funding mech- anisms, training and selection pro- grams, travel patterns, support infra- structure, and plans for attacking the United Sates and other countries. In- formation has been used by our forces on the battlefield by signifi- cant military and tribal leaders who are engaged in or supporting attacks on coalition forces. Detainees have continuously provided information that confirms other reporting regard- ing the roles and intentions of al-Qaida and other terrorist operatives.

I could get into details, but I will not do that publicly. The fact is, we are getting extensive, detailed information from the terrorists who are kept at Guantamno, which is saving Ameri- can lives and helping us to protect our young men and women in the military and people in other nations.
I want to conclude my remarks by coming back to the beginning. There has been a lot of debate about what is going on at Guantanamo. What is the United States doing? Why is it doing it? Is the United States creating some type of a new detention circumstance in which what is going on is some of the most terrible examples that our critics have been able to throw up at us? I went down there wanting to know and wanting to see and to be able to report back to the American people about what truly is happening.

Mr. Bunning. I thank my colleague from Idaho for his great observation of our trip yesterday. I also know that Senator Isakson was unable to be here, but he will make a statement later this evening. I hope Senator Ben Nelson and Senator Ron Wyden will also come forward and report what they saw at Guantanamo.

I am happy to also thank, as Senator Crapo has, all of our men and women in the military who serve our great country.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. Reid. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Burr). Without objection, it is so ordered.

SOCIAL SECURITY PRIVATIZATION

Mr. Reid. Mr. President, soon after President Bush won reelection last November he mentioned that the top priority of his second term would be the privatization of Social Security. This is something the President had thought of long before his second term. In fact, when he ran for Congress in the late seventies, he talked then about the Social Security plan going broke and that it should be privatized. So this is something he has thought of a long time. But since he was elected the second time, he and other members of his administration have organized a massive campaign, given countless speeches, and crisscrossed the country all in an effort to sell the American people privatization.

It has been a tough sell, though. The polls show that people do not believe it exists. Unfortunately, the President has failed to bolster Social Security. To the contrary, he went all the way to West Virginia, arguing that the trust fund is nothing more than an accounting fiction. And I can’t argue with someone something if you don’t believe it exists.

No, the President’s goal isn’t to strengthen Social Security. His goal is to privatize it. Privatization, with its deep benefit cuts and massive debt, would undermine Social Security, and as a matter of principle we Democrats will never go along.

Social Security is based on the best of American values. It promises Americans if they work hard, contribute, and play by the rules, they can retire and live with dignity, and will be protected if they become disabled or pass away. A third of the benefits paid out by Social Security are not, as my grandmother referred to it, old-age pensions. They are for people who are disabled, widows, orphans. Social Security is not a handout. It promises benefits that people earn through their hard work. That is as it should be, and we need to do everything we can to make good on that promise.

Fortunately, the American people agree with us. Along with several of my Democratic colleagues, I have traveled the country on behalf of Social Security and against privatization. Everywhere we go, whether rural areas, suburban settings, or big cities, the response is the same: Americans don’t want Social Security. Middle class workers don’t want their benefits cut. They don’t want our Nation to get even further in debt in the Chinese and Japanese and Saudis. They don’t want to adopt a risky scheme that would undermine the retirement security they have worked so hard to earn.

According to one poll, as I have mentioned, only 25 percent of Americans support the President’s handling of Social Security. The opposition to privatization is as broad as it is deep. From those numbers, it is very obvious that it is not only Democrats throughout the country who oppose this. Republicans oppose it, also. Most Americans in rural areas who are especially reliant on Social Security voted for President Bush last year, but they strongly oppose his privatization plan. In fact, among those rural residents who know a great deal about the President’s plan, opponents outnumber supporters by almost 40 percent.

That certainly seems to be the prevailing view among my neighbors at home in Searchlight. Whenever I am home, folks tell me the same thing:
Protect Social Security and stop privatization. It is a message my colleagues are hearing from their constituents in every part of the country.

Because of this widespread opposition, some here in Washington have apparently concluded they could not pass this proposal on the Senate floor in open and public debate. Rather than give up on this unpopular proposal, they are, instead, adopting a stealth strategy. It has been widely reported that many in the minority party are now working to make a bill through the Senate without the private accounts or painful benefit cuts included in the President’s plan, not because the President has abandoned privatization or benefit cuts but, instead, because they recognize this is the only means available to them to get their flawed plan adopted by Congress.

Under this bait-and-switch strategy, what the Senate says or does on private accounts or benefit cuts during its consideration of legislation would be largely irrelevant. The Senate would pass a bill lacking private accounts or significant cuts and send it to conference with the House, which would be controlled by a handful of privatization supporters. These supporters would work behind closed doors to ensure that private accounts emerge in the conference report.

We will not allow that to happen. In recent weeks, we have seen new evidence that this is, in fact, the administration’s strategy. Last week, for example, bills were introduced in the Senate and the House that were advertised as establishing private accounts with no pain whatsoever. But these proposals are nothing more than political gimmicks. In truth, they still would threaten benefits, they still would require massive borrowing from foreign countries, and they would still fail, at one day, Social Security’s solvency. In fact, like the President’s plan, the private accounts they propose would make matters worse.

No one is going to be fooled by this type of gimmickry, and Democrats are not naïve or foolish enough to fall for a bait-and-switch strategy that has been widely advertised in advance.

So I call on the President and his supporters to face reality and give up on privatization. Rather than continuing to push for this radical and ideologically driven proposal, which is a buzzword for getting rid of Social Security, I propose they listen to the words of another Republican President, his dad. In 1987, the first President Bush called privatization, “nutty.” As he said at the time: “It may be a new idea, but it’s a dumb one.”

That is what two Republican Presidents said about privatization. They are right.

So I hope we can move beyond privatization, move beyond gimmicks, move past proposals that are not persuasive to our current President. I would propose he listen to the words of another Republican President, his dad. In 1987, the first President Bush called privatization, “nutty.” As he said at the time: “It may be a new idea, but it’s a dumb one.”

The assistant 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.

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.  

Amendment No. 1022

Mr. BURNS. Mr. President, I send an amendment to the desk. First of all, it is on behalf of the majority leader and minority leader. It relates to congressional security.

This issue relates to a recent DC Board zoning adjustment granting a building height variance for a developer here in the vicinity of the Capitol. Without going through some sensitive detail, let me simply say our two leaders have offered this amendment to prevent this variance from going into effect until the Capitol Police Board, with the consent of the Senate and House leadership, certifies that such a variance will not weaken our already weak posture on congressional security and increase Federal expenditures related to congressional security.

This amendment does not preclude development of the property, but it ensures that existing height regulations are honored and the security of the Capitol and all the people who work here is protected.

So I offer this amendment for the majority leader and minority leader. The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

Mr. BURNS. Mr. President, I have a very important little conference to go to at 3:15. I see the ranking member of the committee on the floor. He did a great job on Friday, I am told, flying solo. So I am going to go to that meeting and just kind of turn the reins over to Senator DORGAN, my good friend from North Dakota.

We will start going through some amendments and start working this bill out this afternoon. It is our intention not to keep the Senate open all that long today. We will start working on those amendments as soon as possible.

The PRESIDING OFFICER. The clerk will now report the amendment. The assistant legislative clerk read as follows:

The Senator from Montana [Mr. Burns] for Voinovich amendment No. 1010, to prohibit the use of funds to take certain real property.

(a) In General.—Except as provided under subsection (b) —

(1) The District of Columbia Board of Zoning Adjustments and the District of Columbia mayor’s Office of Planning may not take any action to grant any variance relating to the property located at 51 Louisiana Avenue NW,
Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment be set aside so I can offer an amendment. The PRESIDING OFFICER. The clerk will report. The bill clerk read as follows: The Senate from North Dakota (Mr. DORGAN) for Mrs. FEINSTEIN, proposes an amendment numbered 1024.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows: (Purpose: To authorize the imposition of fees for overnight lodging at certain properties at Fort Baker, California). On page 254, after line 25, add the following:

Mr. DORGAN. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll. Mr. 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.

AMENDMENT NO. 1023

Mr. DORGAN. Mr. President, I offer an amendment on behalf of Senator BARBARA BOXER, for herself, Senator NELSON of Florida, Senators CLINTON and SCHUMER of New York, and Senator OBAMA of Illinois, and send it to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows: The Senator from North Dakota (Mr. DORGAN) for Mrs. BOXER, for herself, Mr. NELSON of Florida, Mrs. CLINTON, Mr. SCHUMER, and Mr. OBAMA, proposes an amendment numbered 1023.

Mr. DORGAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows: (Purpose: To prohibit the use of funds by the Environmental Protection Agency to accept, consider, or rely on third-party intentioned dosing human studies for pesticides; or (2) to conduct intentioned dosing human studies for pesticides). At the appropriate place, add the following: (1) to accept, consider, or rely on third-party intentioned dosing human studies for pesticides; or (2) to conduct intentioned dosing human studies for pesticides.

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment be set aside so I can offer an amendment. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows: (Purpose: To require Federal reserve banks to transfer certain surplus funds to the general fund of the Treasury for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, a total amount of $1,080,000,000 in fiscal year 2006. (2) ALLOCATION BY FED.—Of the total amount required to be paid by the Federal reserve banks under paragraph (1) for fiscal year 2006, the Board of Governors of the Federal Reserve System shall determine the amount that each such bank shall pay in such fiscal year.

AMENDMENT NO. 1025

Mr. DORGAN. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I send an amendment to the desk for immediate consideration. The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The bill clerk read as follows: The Senator from New Hampshire (Mr. SUNUNU), for himself and Mr. BINGAMAN, Mr. MCCAIN, and Mr. FEINGOLD, proposes an amendment numbered 1025.

The amendment is as follows: (Purpose: To prohibit the use of funds to plan, design, study, or construct certain forest development roads in the Tongass National Forest) On page 254, after line 25, add the following: (1) to accept, consider, or rely on third-party intentioned dosing human studies for pesticides; or (2) to conduct intentioned dosing human studies for pesticides). At the appropriate place, add the following: (1) to accept, consider, or rely on third-party intentioned dosing human studies for pesticides; or (2) to conduct intentioned dosing human studies for pesticides.

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment be set aside so I can offer an amendment. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows: (Purpose: To require Federal reserve banks to transfer certain surplus funds to the general fund of the Treasury for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, a total amount of $1,080,000,000 in fiscal year 2006. (2) ALLOCATION BY FED.—Of the total amount required to be paid by the Federal reserve banks under paragraph (1) for fiscal year 2006, the Board of Governors of the Federal Reserve System shall determine the amount that each such bank shall pay in such fiscal year. 

AMENDMENT NO. 1025

Mr. DORGAN. Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I send an amendment to the desk for immediate consideration. The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The bill clerk read as follows: The Senator from New Hampshire (Mr. SUNUNU), for himself and Mr. BINGAMAN, Mr. MCCAIN, and Mr. FEINGOLD, proposes an amendment numbered 1025.

The amendment is as follows: (Purpose: To prohibit the use of funds to plan, design, study, or construct certain forest development roads in the Tongass National Forest) On page 254, after line 25, add the following: (1) to accept, consider, or rely on third-party intentioned dosing human studies for pesticides; or (2) to conduct intentioned dosing human studies for pesticides). At the appropriate place, add the following: (1) to accept, consider, or rely on third-party intentioned dosing human studies for pesticides; or (2) to conduct intentioned dosing human studies for pesticides.

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment be set aside so I can offer an amendment. The PRESIDING OFFICER. Without objection, it is so ordered.
simply: To place a restriction on the use of Federal taxpayer funds to be used to build logging roads in the Tongass National Forest on behalf of private companies. This is a case where we need to be very careful about providing Federal subsidies for private corporations.

This was a topic of discussion during some of the remarks I made on the Energy bill and I have raised this issue many times in the past. We need to be careful about using Federal resources to provide subsidies for private companies because it distorts the marketplace, promotes inefficiencies, and isn’t good stewardship of Federal resources.

In 2004, the Federal Government, through the Forest Service, spent between $45 and $50 million building logging roads in this segment of the national forest. They took in roughly $1 million in revenues. I would like to make sure we give the benefit of the doubt any time we are spending money. We want to have economic impacts, it can create jobs and the like, but to spend $45 or $50 million on programs that provide $1 million in revenues when there is a timber sale seems like an enormous inequity to me. And, of course, these shortfalls over 20 years, the losses amount to be between $750 and $850 million. I don’t think this is an appropriate use of Federal resources.

I am pleased to offer this amendment with Senator BINGAMAN. I hope it will prohibit logging in the Tongass or any other segment of our national forest. It doesn’t about using policy regarding logging in any substantive way. It doesn’t curtail uses in the national forest, again, in the Tongass or anywhere else in the country. I come from a State, New Hampshire, that has a great tradition of multiple use in our national forest system—recreational use, economic operations, timber program, hunting, fishing. It is a true multiuse forest. I believe that general approach to our national forest makes the most sense.

This amendment does not restrict the use of private funds to build logging roads. I don’t think that is inappropriate in any way. If we have a timber sale on any segment of the national forest, that should be conducted in an open, transparent way, but the market should dictate the attractiveness of a particular cut, the sale of that timber, the pricing, and the like.

People who speak to this amendment may well raise concerns about regulation, about legal barriers and legal obstacles, about subsidies that other timber concerns in other countries may enjoy. Those are all valid concerns. I have stepped forward to try to address those concerns to allow timber management, an important segment of our economy, to operate in a fair and reasonable way. But this amendment doesn’t address or solve or make worse any of those concerns. Those are issues that need to continue to be addressed. We should have reasonable regulatory processes that are understandable, that allow appropriate timber sales and logging operations to continue on national forest land. We should do everything in our power to avoid frivolous lawsuits throughout our economy but also those types of frivolous lawsuits that might necessarily hinder and raise the cost of the timber program. And, of course, there are subsidies being provided by other countries. New Hampshire and Canada share a border, and the issue of subsidies in the timber industry—placing operations in the United States at a competitive disadvantage—is something that I have dealt with time and time again. But all the does is say we will no longer use Federal funds to support the building, construction, and planning and development of roads for private entities in the Tongass. When you have a cost of $45 or $50 million for revenue of just $1 million, you don’t have to be an economist to understand why this amendment makes good, common sense for the taxpayer.

I encourage my colleagues to support this legislation. It has been endorsed by a number of people who are looking at it from a purely fiscal perspective and doing what is right for taxpayers. It reflects much more commonsense use of Federal resources. I yield the floor.

AMENDMENT NO. 1029

The PRESIDING OFFICER. The Senator from North Dakota [Mr. DORGAN].

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENTS Nos. 1029 and 1030

(Purpose: To modify a provision relating to funds appropriated for Bureau of Indian Affairs postsecondary schools)

On page 182, strike lines 20 through 25 and insert the following:

SEC. 110. (a)(1) For fiscal year 2006 and each succeeding fiscal year, any funds made available by this Act for the Southwest Indian Polytechnic Institute and Haskell Indian Nations University for postsecondary programs of the Bureau of Indian Affairs in excess of the amount made available for those postsecondary programs for fiscal year 2005 shall be allocated in direct proportion to the need of the schools, as determined in accordance with the postsecondary funding formula adopted by the Office of Indian Education Programs.

(b) For fiscal year 2007 and each succeeding fiscal year, $2,500,000 shall be allocated to the Indian Health Service and $2,000,000 shall be allocated to the Office of Indian Education Programs.

AMENDMENTS Nos. 1030 and 1031, En Block

(Purpose: To set aside additional amounts for Youth Conservation Corps projects)

On page 130, line 2, strike “$1,000,000” and insert “$1,250,000”.

On page 136, line 7, strike “$2,000,000” and insert “$2,500,000”.

On page 146, line 19, strike “$1,937,000” and insert “$2,500,000”.

On page 211, line 25, strike “$2,000,000” and insert “$2,500,000”.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CARLOS LAZO

Mr. DORGAN. Mr. President, on Friday I brought to the floor a picture of a wonderful young soldier. This soldier is a man who fled from Cuba on a raft in 1992. His name is Carlos Lazo.
Sergeant Lazo has not been able to bring his family to this country from Cuba. He kept in contact with them, visiting them a number of times under the rules that allow Cuban Americans to visit close relatives in Cuba once a year.

In 1998, Carlos joined the National Guard. They were mobilized in 2003, deployed to Iraq in March of 2004. In June of 2004, Sergeant Lazo came back to the United States from Iraq on a 2-week R&R. He hoped to use that time to make his annual visit to Cuba to see his sons. But just before Sergeant Lazo came home on leave, the President announced new regulations that would limit Cuban-American family visits to once every 3 years. Even though Sergeant Lazo got to the Miami airport a day before the new regulation went into effect, our State Department prohibited him from boarding a charter flight to Cuba to visit his children.

Mr. Lazo, in the country of Iraq wearing a uniform, won an award, the Bronze Star award. Let me show you the award, the Bronze Star medal given SPC Carlos Lazo, Charlie Company, 181st Support Battalion, for exceptionally meritorious service while serving as a combat medic with Charlie Company. It goes on to talk about his heroism and courage. Here is an American soldier who went to fight in Iraq because his country asked him to fight in Iraq. He was fighting for freedom. This American armed forces received the Bronze Star fighting in Iraq. He comes home to this country and his young child in Cuba has a very high temperature and is in the hospital, quite ill. He wants to go to Cuba to visit his child. After fighting in Iraq, he is told he doesn’t have the freedom to travel to Cuba except once every 3 years to see his family.

I called the State Department, asked for Condoleezza Rice. She didn’t return my call. As an aside, I observe that she was happy to return my call when she was up for confirmation on the floor of the Senate to be the Secretary of State. But she didn’t return my call when she was out of the country, her Deputy, Mr. Zoellick, returned the call. I have great admiration for him so I was pleased to talk to him.

I also called the White House and talked to Karl Rove on Friday afternoon. I visit back from the White House saying that Mr. Rove will not be contacting me today. In fact, Mr. Zoellick will be handling this. I have not yet heard from Mr. Zoellick, but he indicated he would be getting back to me.

When I talked to the Treasury Department, they said: The regulations that came into effect that President Bush has announced provide no humanitarian relief at all. It means that you can’t travel to Cuba except once every 3 years to see your family. I said: Surely there must be some humanitarian exceptions to that. This guy wins the Bronze Star fighting for this country but for someone whose father or mother is dying in Cuba, the regulations say: There are no exceptions.

I said what on Earth are you thinking about? You created the regulation. Don’t tell me the regulations prevent you from doing the right thing. You created them; change them. So here it is, on Monday afternoon, this Sergeant Lazo—Carlos Lazo—still asks the question: Why, when I fought in Iraq, demonstrated courage under battlefield conditions, won a Bronze Star, do I come home and find I don’t have the freedom to visit my sick child 90 miles away from the shores of America?

That is unbelievable. Not surprising to me, but unbelievable.

I will show you a picture of another young woman who visited my office. This is Joan Scott. Joan went to Cuba, but she didn’t get permission. She didn’t know she had to get permission. She went to Cuba because she wanted to distribute free Bibles. She took a supply of Bibles and went to Cuba to distribute them. Guess what this Government did. They tracked her down and slapped a $10,000 fine on her. Why? She didn’t have a license to go to Cuba. Fidel Castro has been sticking his finger in our eye for many years. But if we think we are slapping him around by restricting the rights of the American people to travel there, we are seriously mistaken.

The quickest way to get Castro out of office in Cuba—and he has lived through one President—and that is trade and travel. Just as we do with China and South Vietnam, both of which are also Communist countries. Trade and travel will rapidly advance the day in which Cuba will have a new government. To penalize and punish American citizens—someone who wants to distribute free Bibles in Cuba, or someone who wants to take his father’s ashes with his last request to distribute his ashes on the grounds of a church he once ministered in in Cuba, to punish these people—and this Government is doing that—is unbelievable.

In this case, it is Sergeant Lazo who is penalized. So this Monday afternoon when I went to the White House and I was going to call from the State Department saying, No, our rules in America are that you can fight for America and for freedom, but you don’t have the freedom to go see a sick kid? If that is the result, that is unbelievable.

Mr. President, we will see if I get a telephone call this afternoon. If they don’t find a humanitarian way to provide exceptions, not just for Sergeant Lazo but for someone whose father or mother is dying and they need to go to Cuba to see their child, that is unbelievable.

In 1998, Carlos joined the National Guard. They were mobilized in 2003, deployed to Iraq in March of 2004. In June of 2004, Sergeant Lazo came back to the United States from Iraq on a 2-week R&R. He hoped to use that time to make his annual visit to Cuba to see his sons. But just before Sergeant Lazo came home on leave, the President announced new regulations that would limit Cuban-American family visits to once every 3 years. Even though Sergeant Lazo got to the Miami airport a day before the new regulation went into effect, our State Department prohibited him from boarding a charter flight to Cuba to visit his children.

Mr. Lazo, in the country of Iraq wearing a uniform, won an award, the Bronze Star award. Let me show you the award, the Bronze Star medal given SPC Carlos Lazo, Charlie Company, 181st Support Battalion, for exceptionally meritorious service while serving as a combat medic with Charlie Company. It goes on to talk about his heroism and courage. Here is an American soldier who went to fight in Iraq because his country asked him to fight in Iraq. He was fighting for freedom. This American armed forces received the Bronze Star fighting in Iraq. He comes home to this country and his young child in Cuba has a very high temperature and is in the hospital, quite ill. He wants to go to Cuba to visit his child. After fighting in Iraq, he is told he doesn’t have the freedom to travel to Cuba except once every 3 years to see his family. He came to see me the other day and asked if I could help him because he has been involved in legislation in the Senate dealing with travel to Cuba. I happen to believe that we ought to just as we do with China and Vietnam, both Communist countries. Our official policy is that we will advance the interests of each through engagement. Travel and trade will be beneficial to moving China and Vietnam towards greater human rights. But we believe that is not the case with Cuba because we have clamped down on trips to Cuba.

Now a fellow like Carlos, an American soldier who is willing to fight for freedom in Iraq and wins a Bronze Star, is told, You can’t visit your children in Cuba except for once every 3 years. Even when your child is ill in a hospital, we won’t allow you to visit him.

He asked the question last week: What about freedom? I was fighting for freedom. I don’t have the freedom to go travel 90 miles off the shores of Florida to the country of Cuba to see a sick child who is in the hospital? I called the Department of the Treasury, as I do to the State Department, that would provide the licenses, and asked to speak to the Treasury Secretary. He didn’t return the call.
Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

WASTE, FRAUD, AND ABUSE

Mr. DORGAN. Mr. President, I have spent the last nearly 2 hours prior to coming to the floor chairing a hearing of the Democratic Policy Committee on waste, fraud, and abuse, dealing with the Halliburton Corporation with respect to contracting in Iraq. I don’t—along with my colleagues who joined me—take pleasure at holding hearings to expose waste and abuse and, I think, fraud. We do it because the authorizing committees in this Congress have decided they are not interested in having these kinds of hearings.

Let me just give you some idea of what we have learned at the five hearings that I have held on this subject. Today, at the hearing, an employee of Halliburton who was providing food service in a portion of Iraq to our troops, said something to me that was almost unbelievable. He said they were routinely serving food to American troops that had outdated stamps on it. When you go to the grocery store, you see that food is going to be good through a certain date. They were getting that kind of food that was out of date and serving it to American soldiers.

I understand greed because we see it enough of it in some of these circumstances at these hearings. I don’t understand the shameful behavior of somebody who is charging this Government for feeding our troops, and then would feed our troops food that is date stamped out of date. The Halliburton Corporation, by the way, said that it was feeding 42,000 troops a day in one contract, and it turns out that only 14,000 were eating. They were charging for 28,000 meals they were not serving. Now we discover, more than that—more than charging for 42,000 meals when only 14,000 meals—they were serving food that was out of date to American soldiers. That is unbelievable to me.

We send these soldiers to a war zone and we contract with that company to feed them, and they feed them food that is date stamped out of date. Nobody wants to investigate these things. No hearings. It is eerily quiet here. Normally, when you see fraud, waste, and abuse, we have people who are interested in investigating that and putting a stop to it right now. We have heard so many tales of waste, fraud, and abuse.

Halliburton orders 50,000 pounds of nails that are the wrong size, so they are laying on the sand in Iraq. Just another bit of waste. It is $40 for a case of pop or soda and $7,000 a month to lease SUVs. There are 853,000 trucks that are abandoned on the roads and are torching because they are having fire or they are running out of fuel. It is a plugged fuel pump. These are all stories we have heard at our hearings, which the authorizing committees won’t have. They have been asked to come, but they will not. I have chaired numerous committees. They said they won’t—even on these issues. It doesn’t serve American troops. It disserves American troops to allow this sort of thing to happen.

When we get involved in circumstances where our country has an obligation to the troops we ask to go into harm’s way, we have a responsibility to make sure there is not corruption and looting and thieving going on.

We had a woman testify today, Bunnatine Greenhouse. She was the highest civilian official in the Pentagon dealing with Corps of Engineer projects. She was called in at one point and told: Either you can retire or you are going to be demoted. We are not putting up with your objections anymore.

She was objecting to sole-source contracts being given to Halliburton—no bids. What is the result of that? Headline after headline about waste and fraud. Here is what she said today:

I can unequivocally state that the abuse related to contracts awarded to KBR [a subsidiary of Halliburton] represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

By the way, she had a meeting last week with the acting general counsel, I believe, of the Corps of Engineers, and she was told that it would not be in her best interest to speak publicly about these things. Don’t worry so much about the waste or the fraud or the abuse; worry about the people who are going to speak up, who have the courage to step out and say here is what is going on, and I am willing to risk my career to talk about it.

Good for this woman. It took courage for her to come forward today. She was one of the top senior officials in that whole pyramid. The old boys just worked around her and worked their whole pyramid. The old boys just told: Either you can retire or you will not. They have been asked to retire, but they will not. They have been asked to retire, but they will not. They have been asked to retire, but they will not.

I can unequivocally state that the abuse related to contracts awarded to KBR [a subsidiary of Halliburton] represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

Then we hear from a witness named Rory, who worked in the food facilities in Iraq, that Halliburton was routinely serving out-of-date food to American troops. I thought there wasn’t much more that could shock me after having my fifth hearing on this, but there is.

I just say this to the authorizing committees: There is a minimum you decide to do the kinds of accountability and oversight hearings Congress is supposed to do. I will not hold any more hearings. It was in 1941 when a Senator on the floor of the Senate, named Harry Truman, with a Democratic President in the White House, initiated a series of hearings that ended up being hundreds of hearings. They documented massive amounts of fraud in contracts, they documented massive amounts of corruption.

Unfortunately, these days, when you read the headlines and the audit reports, you discover that what this is all about is a slap on the wrist, a pat on the back, and then a continuation of the buddy system.

A fellow who testified today with respect to the food service in Iraq said that when Government auditors came, they were told: You are not to be available to speak to Government auditors. And if they were caught answering questions of auditors, they would either be sent to a base where there was active fighting, or they would be fired. So that is some of what is going on.

The question is, Does anybody care? Will they, after 2 years of our holding five straight hearings now—when I say ‘they,’ I mean the authorizing committees—perhaps begin to hold hearings in their districts? Will they ask the Department of Defense and the Contractors to provide oversight? When you have $10 billion or $12 billion lining the pockets of big contractors whose documented abuse of that money is legion—don’t take it from me, take it from the facts that are before the committees of the Congress do they have a responsibility to do? We will see.

I wanted to point out that this afternoon was spent by me—at least from 1:30 and for the first 2 hours—listening to things that I find shameful with respect to practices by some companies—notably Halliburton—in the country of Iraq, profiteering during a war.
Mr. President, the last time we held a hearing dealing with Iraq, we had one of the people there hold up a towel, and he said: My job was to buy towels, among other things. I was a procurement agent. I was to buy towels—the hand towels you would use in the bathroom.

He showed us the hand towel he was going to buy, and then he showed us the one he did buy. The one he did buy had a logo of the company on it—the contracting company. The contracting company wanted him to buy a higher-priced towel, a more expensive towel, so they could put their logo on it. Waste of the money? I think so. It is unbelievable when you see all that is going on and nobody is minding the store.

I hope perhaps one day this Congress, in a deep slumber about accountability and oversight responsibilities, will wake up and do what it is required to do. At that point, we will no longer have to do hearings in our policy committees. Until that point, however, we intend to continue such hearings.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the question be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORPORATION FOR PUBLIC BROADCASTING

Mr. DORGAN. Mr. President, there has been quite a controversy developing in recent weeks about the Corporation for Public Broadcasting. I have in my Senate floor a couple of times about the subject, and I wish to address it now, particularly because actions that were taken last week.

The Corporation for Public Broadcasting has a Board of Directors that is headed by a Mr. Kenneth Tomlinson. Mr. Tomlinson decided to take it upon himself to describe public broadcasting as having a liberal bias. Because it has a liberal bias, according to the Chairman of Directors, all appointed by President Bush, he hired a consultant, a fellow who had worked for 20 years at a journalism center founded by the American Conservative Union. He hired a consultant for just under $14,000 without the knowledge of the Board of Directors to evaluate particularly programming by the Bill Moyers show called ‘‘.’’ The Inspector General at the Corporation for Public Broadcasting is now investigating that expenditure of money.

It is the case that the American people, by a wide margin, believe that public television and public radio, National Public Radio, for example, and PBS, is not biased, is good information, provides good programming, balanced programming, and yet the Chairman of the Board, who is partisan, has made it his cause to tell the American people there is a liberal bias in public broadcasting over television and radio on NPR and PBS.

Most of us, of course, know public television by Big Bird, Ernie, the Cookie Monster, the Count, Grover. I was thinking, when I have heard the discussions about the appointment and the cleansing of the Corporation for Public Broadcasting, that the Chairman of the Board, Mr. Tomlinson, I was thinking of Oscar the Grouch, who complains about everything. I would not take the analogy so far because Oscar the Grouch lives in a trash can, but every time he peeks his head out something is wrong. He complains about everything, Oscar the Grouch.

Well, maybe we have an Oscar the Grouch running the Corporation for Public Broadcasting. After all, he is a partisan who has decided to allege that there is a political and liberal bias at the Corporation for Public Broadcasting. Then he hires a conservative to do an evaluation of that.

When he did that with public funding, I asked Mr. Tomlinson, by letter, to provide me the information gleaned from this consultant. He sent me the raw data, which was many pages of raw information. I have described that on the Senate floor. I will not do that again. He told me that it was not a summary of directors completing a summary. I have now been given the summary in the last couple of days—I believe last Friday.

In the intervening period, Chairman Tomlinson also decided that his candidate to become President of the Corporation for Public Broadcasting, a position that was open, should be assumed by a former Co-Chair of the Republican National Committee. Over the objections of some members of the Corporation public and the Corporation of Directors, all appointed by President Clinton, the President Tomlinson also decided that his candidate to become President of the Corporation for Public Broadcasting, a position that was open, should be assumed by a former Co-Chair of the Republican National Committee. Over the objections of some members of the Corporation public and the Corporation of Directors, all appointed by President Clinton, he hired, I assume there would be a howl that one could hear all the way to West Virginia coming from this Chamber and the Chamber across the hall because they would say: You are politicizing the Corporation for Public Broadcasting. Regrettably, that is exactly what Mr. Tomlinson is doing by hiring a former Co-Chair of the Republican National Committee.

If a former co-chair of the Democratic Party had been hired, I assume there would be a howl that one could hear all the way to West Virginia coming from this Chamber and the Chamber across the hall because they would say: You are politicizing the Corporation for Public Broadcasting. Regrettably, that is exactly what Mr. Tomlinson is doing by hiring a former Co-Chair of the Republican National Committee.

Public broadcasting does a real service in this country. There are some stories no other broadcaster will do. Do my colleagues think that ABC, CBS, NBC, or FOX will ever do a no holds barred, in-depth story about concentration in the media and about the rules that the Federal Communications Commission tried to foist on this country that would allow further concentration until they were stopped by the Federal courts? Do my colleagues think that that would ever be done with such passion as the people— and said it will be all right if in one major American city one company owns eight radio stations, three television stations, the dominant newspaper, and the cable company. That is just fine, according to the Federal Communications Commission. Well, it is not fine with me. That was the quickest and biggest cave-in to the special interests I have ever seen in my life, and the Federal court has at this point stopped it.

Guess who did the in-depth reporting, the hard-hitting reporting on the concentration of corporate interests in broadcasting. Was it CBS, NBC, ABC, FOX News? No, not on your life. They would not touch it because they make money continuing the concentration. It was public broadcasting. It was Bill Moyers. For that, he pays a price. The price he pays: Mr. Tomlinson and others accuse him of going astray, a liberal monster.

When I looked at the papers I was given that represented the raw data from the consultant, some of the listings evaluated programming on public broadcasting as either anti-Bush or pro-Bush. Is that what we are going to do in this country—run our evaluation of whether something is fair through a prism of whether it supports our President, whoever our President is? Is that the way one would have wanted to evaluate public broadcasting? When President Clinton was in office—anti-Clinton, pro-Clinton? I do not think so. That is not the way we have a responsibility to evaluate these things.

This country is still a democracy, a free country. It is not unpatriotic to be critical of our Government. In the case of the FCC rules, that would allow massive concentration of broadcasting properties so that only four or five people will determine what the American people will see, and that is the case. And that is not the way we have a responsibility to evaluate these things.

So the selection of the former Co-Chair of the Republican National Committee to be President of the Corporation for Public Broadcasting is a step that will injure public broadcasting. The board members who object have told me that they felt the process for the selection of the chairman was not fair, and I intend to ask the Inspector General to include that question in the
Mr. DORGAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify certain administrative provisions relating to the brownfield site characterization and assessment program)

On page 254, after line 25, add the following:

_Sec. 4. Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105–277), is amended by striking "fiscal year 1999" and all that follows through "2005" and inserting "for each of fiscal years 2006 through 2015"._

Mr. DORGAN. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I send two amendments to the desk on behalf of my colleague from Rhode Island, Senator JACK REED, and ask for their consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. REED, proposes an amendment numbered 1036.

AMENDMENT NO. 1036


Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENTS NOS. 1036 AND 1037, EN BLOC

Mr. DORGAN. Mr. President, I have come to the floor to briefly discuss this amendment that has been offered by the Senator from New Hampshire and others and tell the Senate this is opening the door to a whole series of agreements that were made in previous Congresses and approved by the President, and it is a subject I intend to debate at length. I will tell the Senate a little bit of history tonight and take an opportunity to more subsequently discuss this issue.

This amendment that has been offered will prevent the use of Federal funds to plan, design, study, or construct new forest development roads in the Tongass. The Tongass National Forest is our largest national forest. It has a southern division and a northern division. When I came to the Senate, the harvest level was about 1.5 billion board feet a year from the total Tongass. In subsequent years it has been under attack severely, until today I think it is less than 17 percent of the Tongass is available for harvesting timber.

This amendment discriminates against Alaska. There are national forests in many States and the Forest Service spends a lot of money on forest roads, but this would say that only in Alaska can the Forest Service be prohibited from spending money for forest roads.

Let me go back a little bit in the history. I am gathering the information we need to address the matter in depth tomorrow and subsequently. This area is not unique in the sense of timber harvest. The Forest Service follows about the same regulations in Alaska they would in any other national forest. The differences, and in 1980, the Alaskan National Interests Conservation Land Act which withdrew a great portion of this forest from any future harvesting of timber; then after that we had the Tongass Timber Reform Act which further limited the amount that could be harvested from the Tongass; and then we had the enormously dispute over roads in the Tongass. This is another way to limit the development of Alaska's timber because of the policies of our national Government with regard to harvesting the national forests.

The debate over forest roads also has included the question of the provisions
in the 1980 act which prohibited any further withdrawal of Alaska’s lands without prior approval of the Congress. This is an amendment that looks as if there is an economic concept involved, but really it is one of the goals of those who want to limit further use of the Tongass National Forest.

Regarding the roadless concept, they tried to apply it to our national forests, the Tongass National Forest. Because of the provisions in the 1980 act which prohibit further withdrawals of Alaska’s land without prior approval of the Congress, that concept did not get applied to the Tongass. The last President did issue an Executive order which purported to change that, but that has been rescinded as that was an error on the part of the last administration. We are operating under the basis that there could be roads built in the portions of the Tongass that have not been withdrawn.

The problem is this: The cost of developing Tongass, southeast Alaska are different from other States. In most States, there is a road infrastructure in the area that surrounds the national forest. As a matter of fact, most national forests have a Federal highway going right through them. Southeast Alaska has no roads. It is an island community. There is no connection between those islands. There is no attempt to build a highway system in southeast Alaska. As a matter of fact, our capital city, Juneau, on a part of that can be used to enter Juneau from another area, I think it is the only capital you can reach only by boat or air. There is no way to drive to our capital because it is on one of the islands I am talking about.

When we look at the situation of southeast Alaska, we have to realize one of the costs of developing a timber industry in southeast Alaska is building roads on islands on which there are no roads. It is not the only situa
tion. In most instances, the road is a temporary road that is going to be regrown to such an extent that it has been named a wilderness area. It is the only area in the country that is a wilderness area despite the fact that its timber was once cut.

As we get the information I am seeking from the Forest Service and from other agencies, I want to demonstrate to the Senate that the only way to be able to harvest the timber we are entitled to harvest is to follow the process the Forest Service itself has selected; that is, that it build the forest roads. As it selects an area for timber harvest, it will build the roads, and the purchaser of the timber will agree to pay the cost of those roads as part of the cost of the contract to harvest the timber. As time has passed and many of our areas have been selected for harvest in the area set aside for timber production now—I remind the Senate that well over three-fourths of the Tongass National Forest was set aside for the purpose of timber harvest. This means lit to the area was set aside for timber harvest. In the areas where it was agreed timber harvests would be permitted, the Forest Service builds these roads and uses the funds we appropriate for that purpose, and those funds are repaid by the person who harvests the timber.

As time has passed, the challenges from the environmental organizations of the country, the environmental impact statements, and often-repeated environmental impact statements, have added up to the fact that some assert that this is not a profitable endeavor, for the Federal Government to allow timber to be harvested. But they forget—and that is why I am here—they forget there was an understanding and a commitment that a portion of this area would be available for timber harvest. That is one of the local productions. The cutting cycle in our timber area is over 100 years. It means an area harvested this year will not be up for sale for 100 years. Under the circumstances, to have a provision that says the roads that are to be built would be built by an individual in advance of getting a contract for timber harvesting means that great speculation would enter into this industry.

It would also mean that the decision would be handled by the developers of the area, speculators. Currently our logging industry is a local industry. They are small logging companies. They log small areas on the islands at a competitive bid to obtain the right to harvest timber. This is not a case of wasting Federal money. Those who are approaching it from the point of view, saying the Federal Government should not spend the money, do not realize the best way to do it is to allow a private company to have roads built by a Federal agency, designed by a Federal agency, and constructed for the safety not only of the people who are going to be working in the area but also for the protection of other resources such as the fish and wildlife resources of the area.

The problem for a person who wants to harvest this area is overwhelming if they have to make the decision of where the road should go because there is so much inter-Federal-agency consultation going into the harvests, these roads for timber harvest, that it would be almost impossible for a private sector person to be able to get to the point where there would be approval for the location of the road. The design is determined by the Federal Government, the location is determined by the Federal Government, the safety features are determined by the Federal Government, and the purchaser of the timber has to agree to pay the cost of the road.

The way it is done right now is in the best way, in the interests of the environment, and the interest of the people of the area. Once the roads are built, it is the local people who are to be able to bid to harvest the timber and to make it available to the international community. By Federal law, we do not export this timber. It must be sold in the United States. This is from Federal land, and therefore is subject to the Federal law that prohibits the export of this timber.

It is a forest product that would be worth a great deal more if it could be exported. What about the forests of other areas of the country? I am considering offering a second-degree amendment—I understand second-degree amendments will be in order and are in order—to apply it to the whole country.

All, what about the commitment made to Alaska when so much of Alaska was withdrawn? In 1980, the law that was passed we called the Alaska National Interests Land Conservation Act which withdrew over 100 million acres. That was a huge battle that lasted 7 years in this Senate. We finally reached a conclusion that many of my constituents disagreed with, that in order to go forward with our economy and in order to go forward with our relationship with the Federal Government, we agreed to that act. It became law despite the fact that so many people disagreed with it because it did have some commitments to Alaska. This is one of the commitments, that the areas that were not set aside would be subject to harvest by the timber industry under the concepts that existed at the time.

Now if we come along and change the concepts and say you cannot use Federal funds in the beginning, it means we will have to go back and fashion a basic Federal law that deals with the investment of private funds in those roads before the decision has been made. It is possible for anyone to conceive building roads in an area before the final decision has been made that the timber can be harvested. The decision used to be made just by the Forest Service, but it is made by the courts now. Every single sale has gone to court repeatedly.

Two years ago, I had an amendment to limit the amount of time that could have been used to build the roads. It is now up to 12 years, and it is not possible to build the roads in 12 years.
be taken in those appeals. That is an issue that needs to be examined. But very clearly, the concept of using this approach that none of the funds available in this act may be used for the development of the roads that we are discussing will remain in the Tongass National Forest until we decide on a new type of road in Alaska. There is no way now for us to proceed with this type of road construction until we identify the purchaser of the timber, and there is no way really to get to the point of purchasing the timber until the roads are created. There are no roads available in the areas except the ones to be constructed by the logging company that will cut the timber.

I am sure the sponsors of this amendment do not realize what they are setting in motion. They are setting in motion a total block to development of the Tongass and a total reneging on the commitment that was made to our State that timber in this area would be subject to harvest. I hope to have an amendment that will make this apply to the whole country. I also have an amendment that I would want the Senate to consider, and that is that there should be a study made of the developing of these roads in the forest system, and that there be a report on the new process to develop roads in the units of the National Forest System if we are not to use Federal funds to build the roads.

Again I say, from the point of view of safety, from the point of view of consistency as far as environmental protection, having the Forest Service build the roads in the areas that they agree to be available for timber harvesting is the best way we have devised so far. This concept, if it is to be studied, I studied throughout the whole National Forest Service System, not just my State, not just our State. I do think there is a great deal more to this debate that needs to be brought up to the Senate. But above all, people have asked: Why don’t we just have a vote? The main reason is I think there are Senators here who really do not know the history of the development of this area between Alaska and the Federal Government with regard to the resources of our State.

If you look at the 1980 act that withdrew over 100 million acres, you will find that because of those withdrawals you cannot build a north-south road in Alaska. You cannot build an east-west road in Alaska. There is no way to get through the various passes and across the rivers where you should be able to do so, due to the new wilderness. This is for national parks, wild and scenic rivers. There are a whole category of withdrawals to prevent that kind of development.

There actually was a Senator on the floor of the Senate at one time who said our whole state should be made a national park and we should not be allowed to develop any portion of it. Our State is one-fifth the size of the United States, but the Senator represented 48 States of what we call the South 48.

We are entitled to a lifestyle. We are entitled to be treated as a State. We fought long and hard to become a State. What we are seeing here is this inching away from being treated as a State. This amendment applies to Alaska. Of all the units of the forest system in the United States, it would only apply to Alaska. I think that type of discrimination should be reason enough for any Senator to vote against this amendment.

But above all, I do hope the Senate will take time with us. My colleague, Senator Murkowski, will be with me tomorrow, and we will discuss this amendment at length.

Right now I just have to express my deep disappointment in an amendment of this type. I cannot conceive of offering an amendment to discriminate against another State. We sought to become a member of this Union because we thought we would be equal to other States. We have witnessed, time and time again, this attitude of people from other parts of the country that we are not entitled to the same rights as other Americans in terms of our relationship to the Federal Government. I think this is an area that needs examination. And it needs understanding. I cannot recall since I have been here holding up an appropriations bill. This one I do think is going to be held up. I want the Senate to know that I have a whole series of amendments that will be offered to this amendment. I do not take lightly the attack on our State, a discriminatory attack on Alaska.

There are few Senators who have been privileged of a battle for statehood for their State who end up on the floor of the Senate. I think one of my duties as a Senator for Alaska is to see to it that we are not discriminated against. And this is a discriminatory amendment, one that really disturbs me, as I have indicated, greatly. I do hope those who come from States that have national forests will examine the practices in their States.

One of the strange things about this is we have inquired from the Forest Service about the money they are spending for roads in each of the forests. The way they handle the money, it is not too easy to find out how much money is being spent in each of the forests. But clearly we know there are forest roads being built in the national forests in other States. I believe the Senate should understand the gravity of this kind of discrimination against our State.

I am not offering these amendments yet because I want to confer with my colleague who went home this past weekend since there are no votes today. I will be here tomorrow to try to explain further our amendments. But I do want to explain to my friends who are the managers of this bill, I hope they will not become overly disturbed with us. But we want to find some way to convince the Senate not to discriminate against our State. If there is some change that should be made to forest roads, it should apply to all forests. And if there is some concept of making a decision with regard to the economics of this aspect of this, let’s go forward with the Forest Service altogether, not just the Forest Service that applies to Alaska.

I close with what I started. Last year, I think we harvested less than 200 million board feet of timber, less than one-seventh of what was harvested the year I came to the Senate. Successive Congresses have found ways to whittle away, whittle away, whittle away at our ability to use the resources of our State. I think this is a time to ask the Senate to pause and consider that. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I ask unanimous consent that further reading and any objection, the clerk will report.

The assistant legislative clerk read as follows:

AMENDMENTS NOS. 1038 AND 1039

Mr. SALAZAR. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent that this amendment further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1038

(Purpose: To provide additional funds for the payment in lieu of taxes program, with an offset)

On page 171, line 13, strike "$87,627,000" and insert "$242,000,000".

On page 172, line 17, strike "$235,000,000" and insert "$42,000,000".

AMENDMENT NO. 1039

(Purpose: To provide that certain user fees collected under the Land and Water Conservation Act of 1965 be paid to the States.)

On page 254, after line 25, add the following:

SEC. 4. (a) Notwithstanding subsection (b)(3) of section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8), any user fees collected under that Act with respect to recreational and related activities in a State shall be paid to the State in which such fees were collected.

(b) Amounts paid to a State under subsection (a) shall be in addition to, and shall not reduce, the apportionment of the collecting State under section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(b)).
Mr. SALAZAR. Mr. President, I want to just spend a few quick minutes speaking about both of these amendments. The first amendment is an amendment relating to the payment in lieu of taxes. For those of us who come from the West, where so much of our land is owned by the Federal Government, payment in lieu of taxes is essential for our local governments to be able to function. In my great State of Colorado, most of the western half of the State is owned by the Federal Government. There are many counties in my State that rely on payment in lieu of taxes for up to 90, 95 percent of their budgets. The amendment I have sent forward that deals with payment in lieu of taxes is an amendment that would add an additional $7 million into the payment in lieu of taxes fund. That would bring the amount up to a level of consistency with what has come out of the House of Representatives.

I urge my colleagues in the Senate to support the amendment.

Mr. President, the second amendment deals with the Land and Water Conservation Fund. My proposal, in this amendment, is that the user fees that are collected in, for example, ski areas in places such as Montana or Wyoming or Colorado—that those amounts of money be returned back to the Land and Water Conservation Fund in those States in addition to the amount of money they already receive under the Land and Water Conservation Fund.

It seems to me it would be an appropriate investment of these dollars to be invested through the programs of the Land and Water Conservation Fund.

Again, we may be talking more about this in the days ahead, but the Land and Water Conservation Fund has had an exemplary record in the contributions it has made to preserve our water and our air and our land. I think this amendment will be helpful for us as we work on that agenda at a national level.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 1090

Mr. BURNS. Mr. President, I send to the desk an amendment offered by Senator BOND regarding the U.S. Geological Survey.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BURNS), for Mr. BOND, proposes an amendment numbered 1090.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for the University of Missouri-Columbia to establish a wetland ecology center of excellence)

On page 154, line 12, strike “That” and insert “That from the amount provided for the biological research activity, $300,000 shall be made available to the University of Missouri-Columbia to establish a wetland ecology center of excellence: Provided further, That.”

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I send to the desk an amendment offered by Senator CRAIG of Idaho regarding mineral rights in the Payette National Forest.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BURNS), for Mr. CRAIG, proposes an amendment numbered 1041.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To withdraw from mineral entry or appropriation under mining lease laws, and from leasing claims under mineral and geothermal leasing laws, certain land in the Payette National Forest)

At the appropriate place, add the following: Notwithstanding section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)), (5) and (6) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)), and all that follows through “said land in the Payette National Forest.”

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1042

Mr. BURNS. Mr. President, I send to the desk an amendment offered by Senator WARNER of Virginia regarding the National Park Service.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BURNS) for Mr. WARNER, proposes an amendment numbered 1042.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for the replacement of the main gate facility at the Filene Center, Wolf Trap National Park for the Performing Arts, Virginia.)

On page 149, line 7, after “acquisitions,” insert the following: “of which $4,285,000 shall be made available for the replacement of the main gate facility at the Filene Center, Wolf Trap National Park for the Performing Arts, Virginia.”

AMENDMENT NO. 1028

Mr. BURNS. Mr. President, I call up amendment No. 1028 regarding the Great Smoky Mountains.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BURNS), for Mr. FRIST, for himself, and Mr. ALIEN, proposes an amendment numbered 1028.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway)

On page 254, after line 25, add the following:

SUC 4. . . (a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) is amended by striking “and (i)” and inserting “and (i) (except for paragraph (1)(C)).”

(b) Section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 6801-6806(a)(1)(C)) is amended—

(1) by striking “Notwithstanding subparagraph (A)” and all that follows through “section 107” and inserting “Notwithstanding section 107”; and

(2) by striking “account under subparagraph (A)” and inserting “account under section 107”.

(c) Except as provided in this section, section 4(i)(1)(C) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801-6806(a)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) and the amendments made by that section had not been enacted.

(d) This section and the amendments made by this section take effect on December 8, 2001.

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1012

Mr. BURNS. Mr. President, I call up amendment No. 1012 offered by Senator ENSENCE regarding the sale of certain lands in Nevada.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BURNS), for Mr. ENSENCE, proposes an amendment numbered 1012.

Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway)

On page 254, after line 25, add the following:

SUC 4. . . (a) Section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) is amended by striking “and (i)” and inserting “and (i) (except for paragraph (1)(C)).”

(b) Section 4(i)(1)(C) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 6801-6806(a)(1)(C)) is amended—

(1) by striking “Notwithstanding subparagraph (A)” and all that follows through “section 107” and inserting “Notwithstanding section 107”; and

(2) by striking “account under subparagraph (A)” and inserting “account under section 107”.

(c) Except as provided in this section, section 4(i)(1)(C) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6801-6806(a)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6812(a)) and the amendments made by that section had not been enacted.

(d) This section and the amendments made by this section take effect on December 8, 2001.
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 ‘‘Land identified for Las Vegas Speedway Parking Lot Expansion’’.
(2) The term ‘‘map’’ means the map entitled ‘‘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 subparagraph (A) of subsection (b)(1), Nevada Speedway, LLC, submits to the Secretary an offer to acquire the Federal land for the appraisal 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) Uniform Appraisal Standards for Federal Land Acquisitions; and
(ii) the Uniform Standards of Professional Appraisal Practice.
(C) 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 appraisal 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 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 sale of Federal land conveyed 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)(2), as a condition of the conveyance, any Federal land, as determined under subsection (b)(2), 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).
Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.
The PRESIDING OFFICER. Without objection, it is so ordered.
AMENDMENT NO. 103
Mr. BURNS. Mr. President, I call up amendment No. 103 offered by Senator Ensign regarding structures at Lake Tahoe.
Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.
The PRESIDING OFFICER. Without objection, it is so ordered.
The assistant legislative clerk read the following:
The Senator from Montana [Mr. BURNS], for Mr. Ensign, proposes an amendment numbered 1033.
Mr. BURNS. Mr. President, I ask unanimous consent that 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 for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.) 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 the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.
Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.
The PRESIDING OFFICER. Without objection, it is so ordered.
AMENDMENTS Nos. 1002, 1003, 1015, 1019, and 1020
Mr. BURNS. Mr. President, I ask unanimous consent, on behalf of Senator Coburn of Oklahoma, to offer on bloc amendments Nos. 1002, 1003, 1015, 1019, and 1020.
Mr. BURNS. Mr. President, I ask unanimous consent on behalf of Senator Coburn of Oklahoma, to offer on bloc amendments Nos. 1002, 1003, 1015, 1019, and 1020.
The PRESIDING OFFICER. Without objection, the clerk will report.
The assistant legislative clerk read the following:
The Senator from Montana [Mr. BURNS], for Mr. Coburn, proposes on bloc amendments numbered 1002, 1003, 1015, 1019, and 1020.
Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.
The PRESIDING OFFICER. Without objection, it is so ordered.
AMENDMENTS Nos. 1002, 1003, 1015, 1019, and 1020
Mr. BURNS. Mr. President, I ask unanimous consent, on behalf of Senator Coburn of Oklahoma, to offer on bloc amendments Nos. 1002, 1003, 1015, 1019, and 1020.
The PRESIDING OFFICER. Without objection, the clerk will report.
The assistant legislative clerk read the following: The Senator from Montana [Mr. BURNS], for Mr. Coburn, proposes on bloc amendments numbered 1002, 1003, 1015, 1019, and 1020.
Mr. BURNS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.
The PRESIDING OFFICER. Without objection, it is so ordered.
AMENDMENT NO. 1002
(Purpose: To reduce total appropriations in the bill by 1.7 percent for the purpose of fully funding the Department of Defense.) At the appropriate place, insert the following: SEC. 4. Notwithstanding any other provision of this Act, each amount provided by this Act is reduced by 1.7 percent.
AMENDMENT NO. 1003
(Purpose: To require conference report inclusion of limitations, directives, and earmarks.) At the appropriate place, insert the following: SEC. 4. Any limitation, directive, or earmarking contained in either the House or Senate report must also be included in the conference report in order to be considered as having been approved by both Houses of Congress.
AMENDMENT NO. 1005
(Purpose: To transfer funding to the Special Diabetes Program for Indians and the Alcohol and Substance Abuse Program within the Indian Health Service from funding for federal land acquisition) On page 131, strike lines 16 through 22. On page 138, line 24, strike ‘‘40,827,000’’ and insert ‘‘9,827,000’’.
On page 150, line 22, strike ‘‘36,005,000’’ and insert ‘‘54,005,000’’.
On page 207, strike lines 4 through 12. On page 215, 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 $200,246,000 shall be made available for the Alcohol and Substance Abuse Program.
AMENDMENT NO. 1020
(Purpose: To transfer funding to Wildland Fire Management from the National Endowment for the Arts and the National Endowment for the Humanities) 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 310, line 24, strike ‘‘776,564,000’’ and insert ‘‘777,013,000’’.
AMENDMENT NO. 1019
(Purpose: To transfer funding to the Special Diabetes Program for Indians and the Alcohol and Substance Abuse Program within the Indian Health Service from funding for federal land acquisition) On page 131, strike lines 16 through 22. On page 138, line 24, strike ‘‘40,827,000’’ and insert ‘‘9,827,000’’.
On page 150, line 22, strike ‘‘36,005,000’’ and insert ‘‘54,005,000’’.
On page 207, strike lines 4 through 12. On page 215, strike ‘‘2,732,323,000’’ and insert ‘‘2,853,498,000’’.
AMENDMENT NO. 1019
(Purpose: To reflect the findings of the Senate that: (1) the on-budget deficit for fiscal year 2005 is estimated to be $541 billion according to the Congressional Budget Office.
(2) Total publicly-held federal debt on which the American taxpayer pays interest is expected to reach $6 trillion by 2011 according to the Congressional Budget Office.
(3) The United States and its allies are currently engaged in a global war on terrorism.
(b) SENSE OF THE SENATE.—It is the sense of the Senate that: (1) The servicemen and women of the United States Armed Forces deserve the full support of the Senate as they seek to preserve the safety and security of the American people.
(2) Activities relating to the defense of the United States and the global war on terror should be fully funded.
(3) Activities relating to the defense of the United States and the global war on terror cannot be underfunded in order to support increased federal spending on non-defense discretionary activities.
(4) Any additional emergency supplemental appropriations should be offset with reductions in discretionary spending.
Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside.
The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. BURNS. Mr. President, I suggest the absence of a quorum.
Mr. DORGAN. Mr. President, I send to the desk, on behalf of Senator Feinstein, an amendment.
AMENDMENT NO. 1043
Mr. DORGAN. Mr. President, I send to the desk, on behalf of Senator Feinstein, an amendment.
The PRESIDING OFFICER. The clerk will report.
The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. FEINGOLD, proposes an amendment numbered 1043.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To define the Forest Service"

On page 249, line 19, before the period, insert the following: "conducted in accordance with generally accepted full cost accounting principles".

On page 250, between lines 23 and 24, insert the following:

(e) AUDIT.—(1) In this subsection:

(A) The term ‘baseline organization’ means the organization performing the work to be studied prior to initiation of a competitive sourcing study under this section.

(B) The term ‘new organization’ means the private contractor, or the most efficient public organization, and associated management and oversight functions used at the conclusion of a competitive sourcing study under this section.

(ii) costs of maintaining and operating a competitive sourcing infrastructure, including office, salary, contractor, and travel costs associated with the Forest Service Competitive Sourcing Office and the cost to the Federal Government of Federal employees for the time for which the employees are managing the program;

(iv) changes in the availability of personnel to perform high priority fire suppression or other emergency response work on a collateral basis; and

(vii) costs of maintaining and operating a competitive sourcing infrastructure, including office, salary, contractor, and travel costs associated with the Forest Service Competitive Sourcing Office and the cost to the Federal Government of Federal employees for the time for which the employees are managing the program;

(C) recommendations on what accounting practices should be adopted by the Forest Service to improve accountability;

(d) an evaluation of the comparative efficiencies of the Forest Service competitive sourcing and business process reengineering procedures; and

(E) an analysis of—

(i) the A-76 study that resulted in the information services organization and the continuing Federal Government activity;

(ii) the A-76 study that resulted in the financial improvement project, accomplished by means of business process reengineering.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1044

Mr. DORGAN. Mr. President, I have an amendment on behalf of Senator BYRD that I send to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. BYRD, proposes an amendment numbered 1044.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for the White Sulphur Springs Fish Hatchery)

On page 139, line 5, before the period insert the following: “provided further, that of the total amounts made available under this heading, $350,000 shall be made available for the mussel program at the White Sulphur Springs National Fish Hatchery”.

AMENDMENT NO. 1045

Mr. DORGAN. I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for the White Sulphur Springs Fish Hatchery)

On page 139, line 5, before the period insert the following: “Provided further, that of the total amounts made available under this heading, $350,000 shall be made available for the mussel program at the White Sulphur Springs National Fish Hatchery.”

AMENDMENT NO. 1045

Mr. DORGAN. I ask unanimous consent that the amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside funds for a brownfields assessment of the Fortuna Radar Site)

On page 195, line 7, after “costs,” insert the following: “of which $200,000 shall be made available for a brownfields assessment of the Fortuna Radar Site.”

AMENDMENT NO. 1046

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail)

On page 254, after line 25, add the following:

SEC. 4. Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

“(4) The Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 661 note; Public Law 105-302), and the Chesapeake Bay Trust of the States of Virginia, Maryland, Pennsylvania, and Delaware and the District of Columbia that traces Captain John Smith’s voyages charting the land and waterways of the Chesapeake Bay and the tributaries of the Chesapeake Bay.

(B) The study shall be conducted in consultation with Federal, State, regional, and local agencies and representatives of the private sector, including the entities responsible for administering—

(i) the Chesapeake Bay Gateways and Watertrails Network authorized under section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267).”

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION

Mr. BAUCUS. Mr. President, in the book of Isaiah, the prophet wrote,
“[My people have gone into captivity, because they have no knowledge.]”

Francis Bacon wrote, “Knowledge itself is power.”

And when H.G. Wells summed up his history of the world, he concluded: “Hungrily, [he] has learned to read; and more a race between education and catastrophe.”

In the next two decades, America’s history will become more and more a race for economic leadership. For more than a century, America’s economy has set the pace. We have led all competitors. Year after year, we have become used to winning the race.

But now, over our shoulders, we can hear the footsteps of another runner. That competitor is China. And it is gaining fast.

If we wish not to go into economic subservience, if we wish to maintain our economic power, if we wish to avert economic misfortune, the answer is education.

America’s economic leadership has been a remarkable achievement. We Americans are just 4.6 percent of the world’s people. More than a fifth of the world’s people live in China. There are nearly 1/2 times as many Chinese as there are Americans.

Yet America produces 60 percent more goods and services than China.

That is how Americans can enjoy one of the world’s foremost standards of living. The average American’s share of our economy’s output is about $37,000 a year. The average Chinese’s share of theirs is $1,100 a year.

But from a slow start, China has picked up the pace. Starting with Deng Xiaoping in the late 1970s, China began to reform its economy. Deng was eminently practical, when it came to economic philosophy. He said: “It doesn’t matter whether the cat is black or white, as long as it catches mice.”

Today, you can find those capitalist cats everywhere in China.

Over the last two decades, China’s economy has been growing at an average of 9.5 percent, nearly three times as fast as America’s. And some project that within 20 years, China’s could become the world’s largest economy, ending more than a century of American leadership.

You can see how they do it at an American or Japanese factory in Shanghai. You see rows and rows of hardworking workers, in colorful uniforms, at well-lit work stations. The company pays them about $2,000 a year, plus food and housing benefits. But that is good money in a country with an average income of $1,100 a year. The workers want to keep their jobs.

And 200 million other workers stand ready to take their jobs if they do not.

The challenge for America in the decades to come will be: How can America compete with that factory in Shanghai? How can we get paid $37,000 a year or more for our work, and perform services, when there are Chinese workers willing to work hard for $2,000 a year?

The answer is not protectionism. We cannot build a wall around America. We cannot lift the drawbridge and flood a moat around our Country.

If American companies do not employ those willing workers at the Shanghai factory, companies from Japan and Italy and China will.

Then Japanese and Italian and Chinese companies will sell products more cheaply into America. And American consumers will gladly buy those products at lower prices. American consumers will be paying those products at lower prices.

If America raises tariffs on goods made in China, then American consumers will pay more for their cost of living than will people in other countries. Americans will have less money to spend on other things that they want, less money to spend on other things in America. The American economy will be smaller, if America raises tariffs.

If America raises tariffs, then American businesses will pay more for their industrial inputs than will businesses in other countries. American businesses will become less competitive, lose sales, and lose jobs. Once again, the American economy will be smaller, if America raises tariffs.

No, the answer to how America can compete with that factory in Shanghai is not protectionism.

The way that we can get paid $37,000 for our work—while Chinese workers are willing to work for $2,000—is for Americans to add more value. Americans earn more because we produce better. Americans produce smarter.

And that means that for us to remain economic leaders of the world, Americans need to stay smarter. We need to educate our children and our workers so that American workers can add more value in an hour of work than workers in any other place in the world.

Knowledge will be economic power.

Ensuring that we continue to have more knowledge than the Chinese will not be easy. China has worked on its education system. Nine out of ten Chinese can read.

It is very Chinese to take the long view. More than 2,600 years ago, the master Kuan Chung said:

If you plan for a year, plant a seed. If for 10 years, plant a tree. If for a hundred years, teach the people. When you sow a seed once, you will reap a single harvest. When you teach the people, you will reap a hundred harvests.

We need to plant those seeds of education and tend those young saplings, in our children’s instructional field. Low-income students are taught by more teachers’ aides than credentialed classroom teachers. Four out of five aides do not have a 4-year college degree.

Columnist Tom Friedman wrote recently:

We are heading into an age in which jobs are likely to be invented and made obsolete faster and faster. The chances of today’s college kids working in the same jobs for the same companies for their whole careers are about zero. In such an age, the greatest survival skill you can have is the ability to learn how to learn. The best way to learn how to learn is to love to learn, and the best way to love to learn is to have great teachers who inspire. And the best way to ensure that we have teachers who inspire their students is to recognize and reward those who clearly have done so.

We need to give good teachers the recognition that they deserve. Friedman told how every year, Williams College honors four high school teachers who made a difference. Every year, members of its senior class nominate their best high school teachers. A committee at Williams then goes through the nominations, does its own research, and chooses the four most inspiring teachers.

Williams gives each of the teachers $2,000, plus a $1,000 donation to the teacher’s high school. And Williams flies the winners and their families to the college to honor them at graduation.

Williams’s president, Morton Schapiro, told Friedman: “We take these teachers, who are not well compensated and often underappreciated, and give them a great weekend.”

Said Shapiro: “Every time we do this, one of the teachers says to me, ‘This is one of the great weekends of my life.’”

It’s a great idea.

Each of us can do our part. I have started a program that will recognize Montana teachers acknowledged for excellence. This is something that all Senators can do in their home States. A simple recognition can go a long way.

But if knowledge is power, then we must also devote the resources necessary to maintain that power.

Columnist Matt Miller argues: “The answer is to think bigger.” He suggests that we make the best teachers millionaires by the time that they retire.

Miller proposes a “grand bargain” where we raise salaries for teachers in...
poor schools by 50 percent. And in return, teachers would agree to change their pay scale so that we could raise the top performers and those in math and science another 50 percent.

Miller, who used to work at the Office of Management and Budget, calculates that his plan would cost about $30 billion a year. That would provide a 7 percent increase in the nation’s K-through-12 spending.

I ask my colleagues: Why don’t we invest $30 billion for top teachers, and pay for it by closing abusive tax shelters?

And we need to help students to learn math and science. Companies are moving jobs offshore to China, India, and Eastern Europe not only because workers there work for less, but also because Chinese are well educated in math and science.

Sadly, America, high school students now perform below most of the world in national math and science tests. Most have little interest in pursuing scientific fields. Only 5.5 percent of the high school seniors who took the college entrance exam in 2002 planned to pursue an engineering degree. We have to do more to encourage students to love to learn math and science.

And we need to help students to learn geography and languages. Visit a primary school in a middle-sized Chinese city. Bright, enthusiastic children will greet you in English. Chinese schools are preparing students to compete in a multinational, multilingual world economy. The coming generation of Chinese businesspeople will do business around the world. Americans need to broaden our linguistic and geographic abilities, or Chinese businesspeople will cut the deals before us. As our former colleague Bill Bradley said in 1988, “If we are going to lead the world, we have to know where it is.”

And when school, almost 6 million latch-key children go without access to after-school learning opportunities. More than seven in ten mothers of children under 18 are in the workforce. America can no longer afford a school day based on 1950s family structures. Quality after-school programs can both keep children safe and improve academic achievement. We need to ensure that children have quality after-school programs.

Similarly, we continue to have a school year that reflects the harvest schedule of an agrarian economy. America long ago left behind. Long summer vacations mean reading levels drop and other learning is lost.

Schools like Des Moines’s Downtown Schools point to another way. They have a six-week summer break. And that means less time to forget. Besides six weeks in the summer, students also have week-long breaks in October, February, and May.

Jan Dyes, the principal of the Downtown School, says, “The research is becoming more and more clear that students retain more learning and need less review with shorter summer breaks.”

The Downtown school is popular, too. More than 800 children are on a waiting list to get into the school.

Iowa law requires schools to provide a minimum of 180 instructional days a year. But the Downtown School teaches students for 192 days a year. They are getting more learning in, every year. For Americans to stay smarter, students should spend more of the school year in school.

China’s increasing competitive strength is also fueled by its growing population of college graduates. Last year, nearly 3 million Chinese entered the workforce from 3- and 4-year colleges and graduate programs. This is one-third more than the year before, and double the year before that.

America’s college system is the finest in the world. And the work of the 21st good college education. But rising college costs increasingly bar Americans from getting the college education for which they are qualified.

We must make college affordable for all. We need to ensure that young Americans are not discouraged from obtaining post-secondary education because of costs. Tuition costs have risen considerably in recent years. And federal assistance programs have not kept pace.

Pell Grants help to make college education affordable for 5 million students, a third of American undergraduates. But students receive grants averaging just $2,900. The average annual cost of tuition at a public college in-state averages more than $9,000 a year, and private college averages more than $23,000 a year. The most that a student can get in Pell Grants is $4,050.

Expanding Pell Grants would increase the ability of low-income young Americans to prepare for the 21st century.

As well, we should improve, consolidate, and expand the government’s education tax incentives to make them more effective. We could expand and extend the deduction for tuition expenses. We could expand the Hope and Lifetime Learning credits. We could craft targeted incentives for students pursuing science and engineering careers. We could do more to make it possible for non-traditional students to obtain an education. There are many good options.

As with elementary school students, we need to help encourage college students to learn the subjects needed in the 21st century.

In 1975, America ranked third in the world in the share of 24-year-olds who held a college degree. By 2000, we had slipped to 15th. By 2004, we were 17th. And in the future, 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.

Last year, China produced 220,000 new engineers, while America educated just 60,000. And America trains only half as many engineers as Japan and Europe.

In a recent report, McKinsey Global Institute found that there are already twice as many young university-trained professionals in low-wage countries as in high-wage countries. China has twice as many young engineers as America.

Engineers play a critical role in the development of new jobs and new income. We should double scholarships and loan forgiveness for engineering students to entice more people to love to learn engineering.

At that Shanghai factory, American and Japanese research and development stand behind many of the products being built. But ask the American or Japanese company their plans, and they will tell you that they plan to move R&D work closer to the plant, there in China. And Shanghai’s government—such a huge standard, Chinese business understands that innovation is the source of American value-added. And they want part of that action, too.

Clive Cookson reported in the Financial Times about a bioscience park outside Beijing. A firm there called CapitalBio is emerging as a world leader in the new technology of biochips. Biochips are cutting-edge devices that combine biotechnology and electronics for biological testing and medical diagnostics. The 4-year-old company is already selling instruments to American drug companies.

Last month, CapitalBio entered into a partnership with Affymetrix in California, the world’s largest biochip producer. CapitalBio’s chief executive said: “Affymetrix had never imagined that there was such a big research effort in biochips in China, working to such a high standard." To create.

Dozens of similar examples exist. Already, several Asian countries boast of such science and technology centers. They are following in Japan’s wake as world-class centers for research and development.

Asia’s R&D investment and scientific output have both surged rapidly. Between 1998 and 2003, China’s research and development spending roughly tripled.

You can judge a scientific paper’s effect by how often other researchers cite it. The number of frequently-cited Chinese research papers has risen from just 21 in 1994 to 229 in 2003. And Chinese contributions to scientific journals has increased from less than half a percent in 1981 to more than 5 percent in 2003.

And Chinese researchers will do research for less cost. Newly-graduated researchers there can generally earn about a quarter of what Americans do for more senior staff salaries are usually at least half American salaries. And in exceptional cases, they can sometimes exceed ours.

Chinese scientists who have returned after studying and working in the west are playing an important role. In Beijing, CapitalBio’s CEO said that he
They found start-up companies selling NSF-supported work into industry. Many of them take their 200,000 students, teachers, and researchers. Many of them take their technologies that have led to multi-billion dollar industries and millions of new jobs. NSF-funded work in the basic sciences and engineering made possible fiber optics, radar, wireless communication, nanotechnology, plant genomics, magnetic resonance imaging, ultrasound, and the Internet.

But America still has an advantage in innovation. And America also benefits from a risk-taking entrepreneurial culture. You can see it in the venture capital that funds companies spun out of American research laboratories or universities. America’s capital markets remain the envy of the world. We must help maintain that edge in innovation by supporting research. American universities and research institutions do much of the most innovative research in the world.

But over the last 20 years, Federal research funds for the physical sciences and engineering has declined by nearly a third as a share of the economy. We should reverse this trend and increase Federal spending on basic research. The money we spend will come back to us many times over in the creation of new jobs in new industries making products yet to be invented.

We should support the National Science Foundation. The NSF funds research and education in science and engineering through a variety of successful programs. It accounts for a fifth of all Federal support to academic institutions for basic research, a crucial engine of innovation. NSF funds have helped discover new technologies that have led to multi-billion dollar industries and millions of new jobs. NSF-funded work in the basic sciences and engineering made possible fiber optics, radar, wireless communication, nanotechnology, plant genomics, magnetic resonance imaging, ultrasound, and the Internet.

Each year, the NSF helps fund over 200,000 students, teachers, and researchers. Many of them take their NSF-supported work into industry. They help startup companies selling new products and new technologies.

In addition, we should make it easier—consistent with the requirements of national security—for foreign students to study in America. America has traditionally poached many of the best and brightest students from around the globe. Well over a third of American science and engineering doctorate holders were born abroad.

Since 9/11, however, many students are having a difficult time getting visas to study in America. In 2004, foreign applications to American graduate schools declined by 28 percent. 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. That is a terrible loss. It will affect our economic health in the long-term. We need to do a better job of balancing security and economic health.

America must not compromise on its security needs in hosting foreign businesspeople or foreign students. But there must be ways to streamline visa procedures to lighten the burden. We need to make it easier for foreigners to study and conduct business in America.

We should support community colleges, and strengthen the link between them and the workforce. That will allow schools to develop training programs relevant to jobs in the real world. That is a primary goal of the Enzi-Baucus Higher Education Access, Affordability and Opportunity Act.

And when American jobs are lost to trade, we need to retrain people and help them to get back into the workforce. The philosopher and educator John Dewey said, “Education is not preparation for life; education is life itself.” We need to no longer afford to think of education as something just for the young.

We need to help displaced workers to receive the retraining that they need to succeed in a changing economy. Jobs will change. We should help workers to get the educational tools to change with those jobs.

That is why I joined with Senators Wyden and Coleman to introduce legislation to expand Trade Adjustment Assistance to service workers who lose their jobs because of trade. TAA is a vital means of helping displaced workers get the education to change careers and stay productive.

When Plato envisioned the ideal society in his work The Laws, he wrote of the importance of education, through the course of life. He wrote:

[N]owhere should education be dishonored, as it is first among the noblest things for the best men. If it is possible to set it right, everyone ought always to do so as much as he can, throughout the whole of life.

And so, through advancing education, America competes with that factory in Shanghai. Through advancing education, America can respond to competition, without erecting harmful barriers to trade. And through advancing education, America can respond to a growing China, without forcing confrontation with China.

University of California economist Brad DeLong wrote of the choice that we face in how we address the challenge of China. He wrote:

A world 60 years from now in which Chinese schoolchildren all know that the U.S. did what it could to speed their economic growth is a much safer world for my great-grandchildren than a world in which Chinese schoolchildren all knew that the U.S. did all it could to keep China poor.

Through advancing education, America can seek that safer world. But perhaps most importantly, America should seek to advance education not just to preserve our economy, but also to preserve our freedom. As Senator Daniel Webster said in a speech in 1837, “On the diffusion of education among the people lies the preservation and perpetuation of our free institutions.”

As Thomas Jefferson wrote in 1816, “If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be.” And as the Phrygian philosopher Epicurus said, “Only the educated are free.”

And so, let us advance education to preserve our economic power. Let us advance education to win the race for economic leadership. And most importantly, let us advance education to help preserve our American democracy.

Mr. President, I yield the floor. The PRESIDING OFFICER. The Senator from Arizona, Mr. Kyl, Mr. President, I appreciate the Senator from Arkansas allowing me to either call up or offer three specific amendments.

AMENDMENT NO. 1048

Mr. Kyl. Mr. President, I call up, on behalf of Senator Smith, amendment No. 1048. The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows: in the name of Senator Smith, for Mr. Smith, proposes an amendment numbered 1048.

Mr. Kyl. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows:

(Purpose: To require the Secretary of Agriculture to report to Congress on the re habilitation of the Biscuit Fire area of southern Oregon)

SEC. 3. BISCUIT FIRE RECOVERY PROJECT, REPORT.

(a) Within 90 days of enactment of this Act, the Secretary of Agriculture shall submit to Congress a report regarding the rehabilitation of the Biscuit Fire area in southern Oregon, including:

(1) the change in reforestation capabilities and costs between the date of the containment of the Biscuit Fire and the completion of the Biscuit Fire Recovery Project, as detailed in the Record of Decision;

(2) the commercial value lost, as well as re constitute of fire-killed timber within the Biscuit Fire area; and

(3) all actions included in the Record of Decision for the Biscuit Fire Recovery Project, but forgone because of delay or funding shortfall.

AMENDMENT NO. 1049

Mr. Kyl. Mr. President, I call up, on my behalf, amendment numbered 1049.

The PRESIDING OFFICER. Without objection, the last amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. Kyl], proposes an amendment numbered 1049.

Mr. Kyl. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.
The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide certain earmarks for State and tribal assistance grant funds)

On page 195, line 9, after the semicolon, insert the following:

[...]

Mr. KYL. Mr. President, I ask that the pending amendment be laid aside, and I call up amendment No. 1050.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows: The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1050.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of that amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the formula for the allotment of grants to States for the establishment of State water pollution control revolving funds)

On page 254, after line 25, add the following:

[...]

AMENDMENT NO. 1051

Mr. KYL. Mr. President, on behalf of Senator INHOFE, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows: The Senator from Arizona [Mr. KYL], for Mr. INHOFE, proposes an amendment numbered 1051.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of that amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To encourage competition in assistance agreements awarded by the Environmental Protection Agency)

On page 200, after line 2, add the following:

SEC. 4. Section 604 of the Federal Water Pollution Control Act (33 U.S.C. 1384) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking subsection (a) and inserting the following:

"(a) DEFINITIONS.—In this subsection:

"(1) NEEDS SURVEY.—The term ‘needs survey’ means a needs survey under section 516(2).

"(2) NEEDS SURVEY PERCENTAGE.—The term ‘needs survey percentage’, with respect to a State, means the percentage applicable to the State under a formula for the allotment of funds made available to carry out this section for a fiscal year to States in amounts determined by the Administrator, based on the ratio that—

"(A) the needs of a State described in categories I through VII of the most recent needs survey bear to

"(B) the needs of all States described in categories I through VII of the most recent needs survey.

"(3) STATE.—The term ‘State’ means—

"(A) a State;

"(B) the District of Columbia; and

"(C) the Commonwealth of Puerto Rico.

(2) IN GENERAL.—Funds made available to carry out this section for a fiscal year shall be allocated by the Administrator in accordance with this subsection.

(3) INDIAN TRIBES.—Of the total amount of funds available for a fiscal year, the Administrator shall reserve, before making allotments to States under paragraph (4), not less than 1.5 percent of the funds to be allocated to Indian tribes (within the meaning of section 518(c)).

(3) CERTAIN TERRITORIES AND FREELY ASSOCIATED STATES.—Of the total amount of funds made available for a fiscal year, 0.25 percent shall be allocated to and among, as determined by the Administrator—

"(A) Guam;

"(B) American Samoa;

"(C) the Commonwealth of the Northern Mariana Islands;

"(D) the Federated States of Micronesia;

"(E) the Republic of the Marshall Islands;

"(F) the Republic;

"(G) the United States Virgin Islands.

(4) STATES.—

"(A) TARGET ALLOCATION.—Each State shall have a target allocation for a fiscal year, which—

"(i) in the case of a State for which the needs survey percentage is less than 1.0 percent, shall be 1.0 percent; and

"(ii) in the case of any other State, shall be the most recent needs survey percentage.

"(B) UNALLOCATED BALANCE.—Any unallocated balance of available funds shall be allocated in equal parts to all States that, in the most recent needs survey, report higher needs than in the most recent fiscal year, and as a percentage of total United States needs.

AMENDMENT NO. 1052

Mr. KYL. Mr. President, on behalf of Senator INHOFE, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows: The Senator from Arizona [Mr. KYL], for Mr. INHOFE, proposes an amendment numbered 1052.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of that amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To encourage competition in assistance agreements awarded by the Environmental Protection Agency)

On page 200, after line 2, add the following:

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"(B) UNALLOCATED BALANCE.—Any unallocated balance of available funds shall be allocated in equal parts to all States that, in the most recent needs survey, report higher needs than in the most recent fiscal year, and as a percentage of total United States needs.

The Little Rock Rock Nine—Ernest Green, Elizabeth Eckford, Gloria Ray Karimark, Carlotta Walls LaNier, Minnijean Brown Trickey, Terrence Roberts, Jefferson Thomas, Thelma Mothershed Walr, and Melba Pattillo Beals—changed the course of American history by claiming the right to receive an equal education.

Let us not let the moment pass without mentioning the amazing courage exhibited by Daisy Bates of Little Rock who was a civil rights leader and, by all accounts, was a key person in making equal education a reality in Arkansas and also in the Nation.

Little Rock Central High School Museum and Visitors Center will provide America with an understanding of the events of 1957 and 1958, the broader civil rights movement, and how the events of the Little Rock Nine still influence life in the 21st century.

It will teach our youth that nine young Black children and to uphold the Brown decision.

We have been racing against time to secure the funds to build the center in time for the 50th anniversary of the Little Rock Central High School desegregation crisis. On June 9 of this year, I had the privilege of having a conference call with eight of the nine. By the way, all
nine are still living. I had the privilege of having a conference call with eight of the nine and reporting news that Senator BURNS and Senator DORGAN had provided the crucial $5.1 million for the Central High center in this year’s budget.

The joy expressed by the Little Rock Nine made me once again reflect on their acts of courage and heroism. Their gratitude made me reflect on their continuing self-sacrifice and the importance of the Senator’s support to share their story with our current generation and generations to follow.

In the words of Minnijean Brown Trickey, the funds in this bill “are an affirmation of a very beautiful and tragic story.”

Carlotta Walls LaNier said:

With this museum, visitors will remember the events of 1957. I hope they understand the difference individual people can make in promoting equal rights and tolerance.

On behalf of Little Rock Nine, the Arkansas delegation, and the Nation, I express my deepest gratitude for the support of Little Rock Central High School Museum and Visitors Center. I thank my colleagues for ensuring that these extraordinary achievements are recorded and shared for a better America.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, while the Senator from Arkansas is on the floor, I want to mention to him how pleased I was by a very small role in getting funding for this and give him a little background of why I have had a special interest in this.

One of the more inspirational things I ever attended was in the East Room at the White House, perhaps some 5 years ago, an event at which President Clinton had invited the Little Rock Nine. There they sat, these nine people, on a riser in the East Room of the White House as part of a celebration of the birthday of what is called the then-nine young children marched into the Little Rock school and integrated the Little Rock school.

That integration was ordered by Judge Ronald Davies of North Dakota. He was a Federal judge who was from the Fargo Federal district in North Dakota who traveled to Little Rock, AR, and issued the landmark ruling that resulted in the integration of that school.

I was privileged to name a courthouse, in legislation, after Judge Ronald Davies about 5 years ago because I wanted North Dakotans to long remember this man. He was a short fellow, 5 feet 2, perhaps. He strutted around with great flair, but was a remarkable Federal judge by all accounts and issued a courageous decision. He was, in fact, required to have security because of threats on his life when he issued the landmark civil rights decision that required the integration of that school.

With respect to the story, I want to read a couple paragraphs from Prairie Public Television in North Dakota. They did an interview with the judge’s family. It talked about when Judge Davis and Governor Faubus were deadlocked and the nine students were still not in school. There was an injunction that had been ordered.

On September 25, 1957, Davies ruled that Faubus used the National Guard to prevent integration, not to prevent violence, and the governor was forced to withdraw the troops. The situation was now in the hands of the Little Rock Police Department.

There was a mob of a thousand people outside Central High School when those young students arrived. There would be literally thousands, the black schoolgirl in pigtails and knee socks holding the hand of a U.S. Marshal walking into the Little Rock public school.

The crowd learned the students were inside, and out of fear for their safety, the police then evacuated them. President Eisenhower issued a special proclamation that evening, calling for opponents of integration to “cease and desist.”

. . . The next morning, Little Rock’s mayor sent the president a telegram asking him to send troops to maintain order.

President Eisenhower sent 10,000 Arkansas National Guard and 1,000 members of the 101st Airborne. Those young students the next day, under heavy guard with substantial military around the city, entered Little Rock Central High School.

I tell my colleague that only to say that Judge Ronald Davies, this Federal judge from North Dakota, played a very pivotal role in making that day happen with his ruling and paid quite a price for it at the time, with threats on his life and anger about what he had done.

But 45 years after that Little Rock day, sitting in that room with now middle-aged African Americans, to understand the courage it must have taken not just for them, especially others who had a role in making this happen, but then on behalf of all in this country who were similarly situated and similarly mistreated. I could not feel more strongly and feel more inspired about what this country will mean to those nine, to both Senators from Arkansas, but also to the relatives of Judge Davies and so many others who had a role in making this event happen that has literally changed the lives of a good many Americans.

I heard the Senator speak and wanted to acknowledge his appreciation and say that we are the ones really who appreciate the opportunity to do this.

Mr. PRYOR. I thank the Senator. I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 1052

Mr. BYRD. Mr. President, our country is now involved in two wars—not just one, but two wars—and the other in Iraq. Each day we read in the newspapers about the human toll this nation is paying. As of today, 1,730 troops, men and women, have been killed in Iraq; 194 have been killed in Afghanistan and elsewhere. The toll of these wars is also borne by those men and women who carry the scars of battle.

In Iraq, more than 13,000 troops have been wounded. Another 476 troops have shed their blood in service to our country. The American people thank these servicemembers for their sacrifice. However, late last week, Congress learned that the Department of Veterans Affairs had been shortchanged in the appropriations bill to provide health care to these warriors and all of the other men and women who have served in time of war before them.

Now, this is a shame. This is a sham. If our Nation owes just one thing to all of those men and women who have risked their lives in answer to our country’s call, it surely must be, in the words of Abraham Lincoln, “to care for him who shall have borne the battle.”

It is a shock that the administration has only now revealed it has not budgeted the funds to fulfill this mission. I offer an amendment this afternoon on behalf of Senator PATTY MURRAY, myself, and Senator FEINSTEIN to provide $1.42 billion in emergency funds to address the shortfall in health care funds for the Department of Veterans Affairs. Of this figure, $600 million would be used to reimburse VA construction accounts that have been raided to pay for health care costs. Another $400 million would be used to reimburse other accounts that have been raided for the same purpose.

Finally, an additional $420 million is included to compensate each Veterans and Integrated Service Network, or VISN, for the additional expenses incurred because of the high caseload of wounded veterans. The $600 million is urgently needed and the Senate must not delay in providing the funds that are required to allow our veterans to see their physicians at the Department of Veterans Affairs.

Earlier this year, the Senate rejected a nearly party-line vote an amendment to the Iraq supplemental appropriations bill to add funding to VA health care. The administration told Congress additional funds were not needed to care for our Nation’s veterans. We now know this claim was wrong. According to the VA testimony before the Senate Appropriations Committee, the President’s request included $1 billion for VA health care costs. Congress must act to care for our veterans. When it comes to our veterans health care, half a loaf is not good enough.

Some may argue against this amendment by urging the Senate to wait for the administration’s plan. However, according to VA testimony before the House of Representatives last week, the administration intends to respond to this funding request by robbing Peter to pay Paul. We have already waited too long for the administration to recognize the needs of our
veterans. The Murray-Byrd-Feinstein amendment is the Senate’s opportunity to end this year’s shortchanging of veterans. I ask unanimous consent that the pending amendment be set aside so that the Senate may send to the desk the amendment offered by me on behalf of Mrs. MURRAY, for herself, Mr. BYRD, and Mrs. FEINSTEIN.

The PRESIDING OFFICER. Without objection, the amendment is set aside.

The clerk will report.

The legislative clerk read as follows: The Senator from West Virginia (Mr. BYRD) asked, for herself, Mr. BYRD, and Mrs. FEINSTEIN, proposes an amendment numbered 1052.

Mr. BYRD, Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration)

On page 254, after line 25, add the following:

S 429. (a) From any money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Department of Veterans Affairs, $420,000,000, for the fiscal year ending September 30, 2005, for medical services provided by the Veterans Health Administration, of which $420,000,000 shall be divided evenly between the Veterans Integrated Service Networks.

(b) The amount appropriated under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 1052.

(c) Notwithstanding any other provision of law, the amount remains available until expended.

(d) This section shall take effect on the date of enactment of this Act.

AMENDMENT NO. 1053

(Purpose: To provide funds for the memorial to Martin Luther King, Jr.)

Mr. BYRD, Mr. President, the greatness of women and men is often best measured by the impact, the courage, and the legacy. This happens because great individuals often have been leaders who challenged the status quo as they pushed the country into areas where it had feared to go. As a result, such leaders often arouse criticism and opposition.

The Revered Dr. Martin Luther King certainly was a controversial figure in his own time. Black power advocates attacked him for moving too slowly, while more than one presidential administration attacked him for moving too swiftly.

The NAACP criticized his tax-to-the-streets tactics. Civil rights leaders broke with Dr. King because of his opposition to the Vietnam War. I certainly had my share of differences with Reverend King—a lot of them. We were both products of our times, and both of us were doing what we believed was the right thing.

But time and the march of history afforded a better understanding of Dr. King and his contributions toward making the United States a better, stronger, and greater Nation. It is for this reason, I am proposing that $10 million in funding be made available for the memorial to Dr. Martin Luther King, Jr. This $10 million, which would be available within the subcommittee’s allocation, would supplement the approximately $42 million that has already been raised and stands as a solid foundation to help make this memorial a reality.

I have come to appreciate how Martin Luther King, Jr., sought to help our Nation overcome racial barriers, bigotry, hatred, and injustice, and how he helped to inspire and guide a most important, massive, and most transforming social movement.

Despite the hatred and the bigotry he encountered in his efforts, Dr. King never allowed his movement to be reduced to a simple racial conflict. He stressed on more than one occasion, that the struggle was not one between people of different colors. Rather, Dr. King believed that his fight was a fight “between the forces of light and the forces of darkness”.

His vision and his movement included all Americans. I remind my colleagues, and all Americans, that when Martin Luther King stood on the steps of the Lincoln Memorial and proclaimed that he had “a dream,” he pointed out that he also looked forward to the time “when all of God’s children, black men, Jews and Gentiles, Protestants and Catholics, will be able to join hands.”

I remind my colleagues that Dr. King’s efforts also focused on the economic rights of economically deprived people of all races and creeds, as well as on the civil rights of African Americans. In this quest, he proposed a Bill of Rights for the Disadvantaged. He advocated a guaranteed national income. At the time, Dr. King was organizing a “Poor People’s March” on Washington, an effort meant to focus national attention on poverty among not only African-Americans, but among the poor whites of Appalachia, as well.

Dr. King’s vision was not only about what America could be, but what America should be. With the passage of time, we have come to learn that his dream was the American dream, and few ever expressed it more eloquently.

Dr. King touched the conscience of a Nation, and forced us, as a country, to confront our contradictions. How could the United States present itself as the most beloved champions of freedom. But time and the march of history afforded a better understanding of Dr. King and his contributions toward making the United States a better, stronger, and greater Nation.

With this in mind, I am proposing that $10 million in funding be made available for the memorial to Dr. Martin Luther King, Jr. This $10 million, which would be available within the subcommittee’s allocation, would supplement the approximately $42 million that has already been raised and stands as a solid foundation to help make this memorial a reality.

I have come to appreciate how Martin Luther King, Jr., sought to help our Nation overcome racial barriers, bigotry, hatred, and injustice, and how he helped to inspire and guide a most important, massive, and most transforming social movement. Despite the hatred and the bigotry he encountered in his efforts, Dr. King never allowed his movement to be reduced to a simple racial conflict. He stressed on more than one occasion, that the struggle was not one between people of different colors. Rather, Dr. King believed that his fight was a fight “between the forces of light and the forces of darkness.”

His vision and his movement included all Americans. I remind my colleagues, and all Americans, that when Martin Luther King stood on the steps of the Lincoln Memorial and proclaimed that he had “a dream,” he pointed out that he also looked forward to the time “when all of God’s children, black men, Jews and Gentiles, Protestants and Catholics, will be able to join hands.”

I remind my colleagues that Dr. King’s efforts also focused on the economic rights of economically deprived people of all races and creeds, as well as on the civil rights of African Americans. In this quest, he proposed a Bill of Rights for the Disadvantaged. He advocated a guaranteed national income. At the time, Dr. King was organizing a “Poor People’s March” on Washington, an effort meant to focus national attention on poverty among not only African-Americans, but among the poor whites of Appalachia, as well.

Dr. King’s vision was not only about what America could be, but what America should be. With the passage of time, we have come to learn that his dream was the American dream, and few ever expressed it more eloquently.

Dr. King touched the conscience of a Nation, and forced us, as a country, to confront our contradictions. How could the United States present itself as the leader of the free world, he asked, while denying equality and equal opportunity to a large segment of our own people? In his book, “Where Do We Go from Here,” Dr. King asked why 40 million Americans were living in poverty in “a nation overflowing with unbelievable affluence.” Writing of the destructive effects of militarism, he wrote: “In the name of our military, we have placed the United States in the position of being God’s military agent on earth?” “Why have we substituted the arrogant under-taking of policing the whole world for the high task of putting our own ‘house in order’?”

With his works as well as his words, Dr. King left us a legacy that inspires and guides millions of Americans today. It is a legacy that demonstrates the human problems which, no matter how big or complex, can be addressed—a legacy that proves that one determined person can help make a difference.

Amid all his successes and triumphs, and all of his personal accomplishments, including receiving the Noble Peace Prize, Dr. King always kept his perspective. The night before he was assassinated, he explained: “I just want to do God’s will.” What a powerful statement this was: “I just wanted to do God’s will.” What an inspiration it should be to all of us: “To do God’s will.”

Criticized, denounced, and opposed in his own time, Martin Luther King has become not only an American icon, but also an international symbol of social justice, and one of history’s most beloved champions of freedom.

Mr. President, we have named a National Holiday in his honor. It is just and proper that we now place a memorial on The Mall of the Nation’s Capital as a visible and tangible symbol of the thanks of a grateful nation. Martin Luther King taught us tolerance. How we need such teachings today. May his life, his legacy, and someday soon, his memorial ever remind us of his vision.

I am about to offer an amendment, and Senator COCHRAN, the illustrious chairman of the Appropriations Committee in the Senate, is the principal cosponsor of the amendment that I will offer, so it is bipartisan. I thank Senator COCHRAN, and I hope that many other Senators will join us in this effort to honor Dr. King.

Mr. President, I ask unanimous consent that the pending amendment or amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. That I may offer this amendment on behalf of myself and Senator COCHRAN. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

SEC. 128. (a) For necessary expenses for the Memorial to Martin Luther King, Jr., there is hereby made available to the Secretary of the Treasury $10,000,000, which shall remain available until expended, for activities authorized by section 508(c) of the Omnibus Parks and Public Lands Management Act of 1996 (49 U.S.C. 9003 note; Public Law 104–93).

(b) Section 508(c) of the Omnibus Parks and Public Lands Management Act of 1996 (49 U.S.C. 9003; Public Law 104–93) is amended by striking the second sentence.

(c) Notwithstanding any other provision of this Act, the amount reduced in Title I in
the second proviso under the heading Departmental Management, Salaries and Expenses, is further reduced by $10,000,000.

Mr. BYRD. Mr. President, I, thank the Chair, I thank the clerk, and I thank our distinguished chairman of the Senate Appropriations Committee, Senator COCHRAN.

Now I ask unanimous consent that Senator KERRY be added as a cosponsor on the veterans amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor. I thank all Senators.

AMENDMENTS NO. 1054, 1055, 1056, 1057, AND 1058, EN BLOC

Mr. DORGAN. Mr. President, let me send the amendments to the desk. I have five amendments that I submit on behalf of Senator BINGAMAN. Let me ask first that the pending amendment be set aside by consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Let me by consent submit five amendments and ask that they be numbered separately and separately considered on behalf of Senator BINGAMAN.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. BINGAMAN, proposes en bloc amendments numbered 1054, 1055, 1056, 1057, and 1058.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1059

Mr. DORGAN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 2361 amendment No. 1059.

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1059.

Mr. DORGAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 1060

(Purpose: To provide a substitute for title V)

The amendment is as follows:

AMENDMENT NO. 1061

At the appropriate place insert:


(a) in subsection (b), by striking "30 sites" and inserting "60 sites";

(b) in subsection (c), by striking "13 sites" and inserting "18 sites"; and

(c) in subsection (d), by striking "2008" and inserting "2009".

AMENDMENT NO. 1062

(Purpose: To extend the Forest Service conveyances pilot program)

Beginning on page 255, strike line 1 and all that follows through page 263, line 22.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1063

Mr. DORGAN. I offer an amendment on behalf of Senator LANDRIEU and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Ms. LANDRIEU, proposes an amendment numbered 1063.

Mr. DORGAN. I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENTS NO. 1061 AND 1062, EN BLOC

Mr. DORGAN. I send to the desk two amendments I offer on behalf of Senator OBAMA and ask for their consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. OBAMA, proposes amendments numbered 1061 and 1062, en bloc.

Mr. DORGAN. I ask unanimous consent that the readings of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1064

(Purpose: To extend the Forest Service conveyances pilot program)

Beginning on page 255, strike line 1 and all that follows through page 263, line 22.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1065

Mr. DORGAN. I offer an amendment on behalf of Senator LANDRIEU and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Ms. LANDRIEU, proposes an amendment numbered 1065.

Mr. DORGAN. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1066

Mr. DORGAN. I send to the desk two amendments I offer on behalf of Senator OBAMA and ask for their consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. OBAMA, proposes amendments numbered 1061 and 1062, en bloc.

Mr. DORGAN. I ask unanimous consent that the readings of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1067

(Purpose: To extend the Forest Service conveyances pilot program)

Beginning on page 255, strike line 1 and all that follows through page 263, line 22.

The amendment is as follows:

AMENDMENT NO. 1068

(Purpose: To provide a substitute for title V)

The amendment is as follows:

AMENDMENT NO. 1069

Mr. DORGAN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill H.R. 2361 amendment No. 1069.

Mr. DORGAN. Mr. President, I send an amendment to the desk on behalf of myself and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1069.

Mr. DORGAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 1070

(Purpose: To provide a substitute for title V)

The amendment is as follows:

AMENDMENT NO. 1071

At the appropriate place insert:


(a) in subsection (b), by striking "30 sites" and inserting "60 sites";

(b) in subsection (c), by striking "13 sites" and inserting "18 sites"; and

(c) in subsection (d), by striking "2008" and inserting "2009".

AMENDMENT NO. 1072

(Purpose: To extend the Forest Service conveyances pilot program)

Beginning on page 255, strike line 1 and all that follows through page 263, line 22.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1073

Mr. DORGAN. I offer an amendment on behalf of Senator LANDRIEU and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Ms. LANDRIEU, proposes an amendment numbered 1073.

Mr. DORGAN. I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 1074

Mr. DORGAN. Mr. President, I, thank the Chair, I thank the clerk, and I thank our distinguished chairman of the Senate Appropriations Committee, Senator COCHRAN.

Now I ask unanimous consent that Senator KERRY be added as a cosponsor on the veterans amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Let me by consent submit five amendments and ask that they be numbered separately and separately considered on behalf of Senator BINGAMAN.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. BINGAMAN, proposes en bloc amendments numbered 1054, 1055, 1056, 1057, and 1058.

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.
required under 15 U.S.C. 2682(c)(3) by Septem-

AMENDMENTS NOS. 1033, 1024, 1028, 1035, 1041, EN
BLOC

Mr. BURNS. Mr. President, we have some amendments we can accept. I ask unanimous consent that the amend-
ment offered by Mr. ENSIGN, 1033; Mrs. FEINSTEIN, 1024; the majority leader, Mr. FRIST, 1028; Mr. WYDEN, 1035; and Mr. CANTO's amendment numbered 1041 be called up, and I ask unanimous con-
sent they be agreed to en bloc.

Mr. DORGAN. The amendments have been cleared on both sides. I support their approval.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1033
(Purpose: To prohibit the use of funds for the demoli-
tion of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.)

On page 254, after line 25, add the follow-
ing:

Sect. 4. None of the funds made available to the Forest Service under this Act shall be expended or obligated for the demoli-
tion of buildings at the Zephyr Shoals prop-
erty, Lake Tahoe, Nevada.

AMENDMENT NO. 1024
(Purpose: To authorize the imposition of fees for overnight lodging at certain properties at Fort Baker, California.)

On page 254, after line 25, add the follow-
ing:

Sect. 4. Section 114 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (16 U.S.C. 460bb-3; Public Law 108-7), is amended—
(1) in the second sentence, by inserting “; including utility expenses of the National Park Service or lessees of the National Park Service” after “Fort Baker properties”; and
(2) by inserting between the first and sec-
ond sentences the following: “In furtherance of a lease entered into under the first sen-
tence, the Secretary of the Interior or a les-
see may impose fees on overnight lodgers at Fort Baker properties.”

AMENDMENT NO. 1028
(Purpose: To reinstate a provision relating to Na-
tional Parks with deed restrictions)

On page 254, after line 25, add the follow-
ing:

Sect. 4. (a) Section 813(a) of the Fed-
eral Lands Recreation Enhancement Act (16 U.S.C. 8812(a)) is amended by striking “and (1)” and inserting “and (1) except for para-
graph (1)(C)”.
(b) Section 4(1)(1)(C) of the Land and Wa-
(1) by striking “Notwithstanding subpara-
graph (A)” and all that follows through “section 107”; and
(2) by striking “account under subpara-
graph (A)” and inserting “account under sec-
tion 807(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 8806(a))”.

(c) Except as provided in this section, sec-
tion 4(1)(1)(C) of the Land and Water Con-
ervation Fund Act of 1965 (16 U.S.C. 460h-
6a(1)(1)(C)) shall be applied and administered as if section 813(a) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 8812(a)) (and the amendments made by that section) had not been enacted.

(d) This section and the amendments made-
by this section take effect on December 8, 2004.

AMENDMENT NO. 1035
(Purpose: To extend the authority for wa-
tered restoration and enhancement agree-
ments)

On page 254, after line 25, add the follow-
ing:

Sect. 4. Section 323(a) of the Depart-
ment of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105-277), is amended by striking “fiscal year 1999” and all that follows through “2005” and inserting “for each of fisc-
als years 2006 through 2015”.

AMENDMENT NO. 1041
(Purpose: To withdraw from mineral entry or ap-
propriation under mining lease laws, and from leasing claims under mineral and geo-
thermal leasing laws, certain land in the Payette National Forest)

At the appropriate place, add the fol-
lowing: “Provided further, That, subject to
valid existing rights, all land and interests in land acquired in the Thunder Mountain area of the Payette National Forest (includ-
ing patented claims and land that are en-
cumbered by unpatented claims or pre-
viously appropriated funds under this sec-
tion, or otherwise relinquished by a private party) are withdrawn from mineral entry or appropriation under Federal mining laws, and from leasing claims under Federal min-
eral and geothermal leasing laws.”.

Mr. GREGG. Mr. President, the pend-
ing Department of Interior and Related

Agencies Appropriations Bill fiscal year 2006, H.R. 2361, as reported by the Senate Committee on Appropriations provides $36.261 billion in budget au-
thority and $27.421 billion in outlays in fiscal year 2006 for the Department of Interior and related agencies. Of these totals, $54 million in budget authority and $60 million in outlays are for mandator-
y programs in fiscal year 2006.

The bill provides total discretionary budget authority in fiscal year 2006 of $26.207 billion. This amount is $532 mil-
lion more than the President’s request, equal to the 302(b) allocations adopted by the Senate, $100 million more than the House-passed bill, and $553 million less than fiscal year 2005 enacted lev-
els.

Mr. President, I commend the distin-
guished chairman of the Appropriations Committee for bringing this leg-
islation before the Senate, and I ask unanimous consent that a table dis-
playing the Budget Committee scoring of the bill be printed in the Record.

There being no objection, the mate-
rial was ordered to be printed in the Record, as follows:

HR 2361, 2006 INTERIOR APPROPRIATIONS

SPENDING COMPARISONS—SENATE-REPORTED BILL
(Fiscal Year 2006, $ millions)

<table>
<thead>
<tr>
<th></th>
<th>General Purpose</th>
<th>Mandatory</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senate-reported bill</td>
<td>26,760</td>
<td>53</td>
<td>27,293</td>
</tr>
<tr>
<td>House-passed bill</td>
<td>26,765</td>
<td>53</td>
<td>27,298</td>
</tr>
<tr>
<td>Senate-Reported Bill Compared to House-passed bill</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
</tbody>
</table>

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk pro-
ceeded to call the roll.
Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

TRIBUTE TO U.S. ARMY STAFF SERGEANT HAROLD "GEOE" BENNETT

Mrs. LINCOLN. Mr. President. I rise today to honor the memory of U.S. Army SSG Harold "George" Bennett.

In the jungles of Vietnam, this young Arkansan displayed courage and honor while serving his Nation in uniform. Tragically, almost 40 years to the day, on or about June 26, 1965, he became the first American prisoner of war executed by the Viet Cong.

George Bennett was born on October 16, 1940, in Perryville, AR, a small town that rests just northwest of Little Rock in the foothills of the Ozarks. His father, Gordon, was a veteran of World War I, and he instilled in his sons the values that shaped his life. George Bennett's father, Pauline, in 1965, I am proud of all they have accomplished and have pledged my support to this effort. Most recently, their work helped lead to Sergeant Bennett's posthumous induction into the U.S. Army Ranger Hall of Fame at Fort Benning, GA, on July 8, 2004. Sergeant Bennett's brother Dicky, and his sisters, Eloise Wallace, Laura Sue Vaught, and Peggy Williams were in attendance. I hope this long overdue moment of recognition provided some sense of solace for his family. Although he may no longer be with us, the example and selflessness of this brave young Arkansan will forever live on in our hearts.

The 40th anniversary of Sergeant Bennett's execution offers us an opportunity, not to remember the events of his death, but to reflect upon the life he led and the kind of person he was. He was a selfless young man who answered his Nation's call to service any place duty and honor above all else. While a grateful nation could never adequately express their debt to men such as George Bennett, it should take every opportunity to honor them and their families for the sacrifice they have paid on our behalf.

I would also like to ask for unanimous consent to include in the record the citation from Sergeant Bennett's posthumous induction into the Ranger Hall of Fame and an article titled "Bad Days at Binh Gia," by retired Army COL Douglas E. Moore, that provides us additional insight into the heroic service of SGT George Bennett.

BAD DAY AT BINH GIA

(By Col. Douglas E. Moore)

When we arrived at Binh Gia for the first time, we usually take them to Washington to see the Vietnam Veterans Memorial. At though I have been there many times, I am still impressed with the large crowds. Most are tourists with cameras at the ready; others appear to be more somber, perhaps because they served in the military or lost friends or family in the war. It troubles me to see fellow veterans there wearing all sorts of military attire from that era. Many carry papers with names on them, which makes me wonder what terrible burdens they carry after all these years.

For me, Vietnam is now a collection of mostly good memories. As a young medevac helicopter pilot, I had the opportunity to sharpen my flying skills to a level that was never matched again. I was blessed to be able to work with some of the best. I have never known, and my job was satisfying. During my tours in Vietnam and Japan, I evacuated more than 11,000 casualties in one of the best flying machines ever built, the Huey helicopter. It is gratifying to know that some patients lived because we were able to help.

The bad memories have mostly faded with time. In fact, there is only one event that I still think about, and it occurred more than 40 years ago. In late June 1964, we were rushing to join the crew of two helicopter gunships in an attempt to save an American advisor. Unfortunately, we failed.

Vietnam in 1964 was so different as night and day from the later years. Back then, it was still a Vietnamese war, and there were only about 20,000 Americans assigned to the various bases, headquarters, and a handful of aviation units scattered around the countryside.

Ours was strictly an advisory and support role and not one of direct combat. In fact, some of the senior officers still had their families in Saigon, and many Americans lived in hotels and other civilian buildings. The advisors may have been relieved by one headquarters stating its concern that some living areas were taking on the appearance of armed camps.

We operated on a shoestring. We did not have U.S. Air Force aircraft or U.S. Army artillery to prestrick the landing zones in support of our operations. The only firepower available was a few lightly armed helicopter gunships flown by a group of extraordinarily brave pilots. Needless to say, we left several of the landing zones littered with downed helicopters.

The communication systems were terrible. Since most medevac requests came by telephone and passed through the Vietnamese headquarters before reaching us, delays were common. On occasion, we would rush to a tiny village located a hundred miles away only to discover the casualties had been picked up a day or so earlier by a resupply aircraft making its weekly rounds.

All new pilots found it disconcerting that there would only lose radio contact with other Americans during the longer flights. Weather permitting, the only alternative was to gain enough altitude to talk to our other aircraft. "Paramedics," as these pilots were called, were organized under the Control, operated by the Air Force out of Saigon and Can Tho, respectively. Otherwise, we were completely on our own at times.

The character of the war was different, too. While there were a few major battles between the Viet Cong and South Vietnamese, most of the contact was on a small scale and ended quickly. It does not seem possible now, but the number of Americans killed in the war had not reached 200 until July 1964.

On a late October, I was flying past Bien Hoa Air Base when several B-57 Canberra bombers suddenly broke through the clouds ahead of me. Several days later, I learned they had come from Clark Air Force Base in the Philippines to attack Viet Cong strongholds in the jungles north of Saigon.
The crew of the newly arrived Cambranas had barely settled when in the Viet Cong struck. I was doing in our alert shuck at Tan Son Nhut Air Base when the radio operator called, "We have hit Hoa's been hit. If we run to our helicopter for the short flight to Bien Hoa, we could see flashes of rockets and mortars on the horizon.

Binh Gia was a peaceful village surrounded by jungle and populated mostly by Catholics who had fled to the South following an ear-lier partition of their country. In late December, one regiment of the 9th Division attacked the village and quickly overran its defenses. They knew the American helicopters hov-ering over the battlefield, as the case in late afternoon. But the gunship pilot said no. The Bird Dog pilot said no.

The late afternoon sun began casting long shadows across the jungle clearing below us, and it looked so peaceful from our vantage point. I felt a heart-broken to know that an American soldier who had been captured and we were helpless to do anything except orbit outside of small-arms range.

Several minutes before our radio crackled to life again, "Have no fear, blue-eyed VNAF is here!" The call came from a gunship pilot as an American Air Force advisor joined the American combat units that had already begun descending when we heard the call. The gunship pilot reported movement around the advisor's position, so we pulled up and began orbiting the area. The gunship pilot then told us that he and his wingman had to depart to refuel and rearm. I called an approach Army L-19 spotter plane to ask if more gunships were on the way. The Bird Dog pilot said no.

I left Vietnam the following summer and spent two years in Japan before I returned to Vietnam. While in Japan, I was in another medevac unit whose mission was to ferry casualties from the air bases at Yokota and Tachikawa to several Army, Navy and Air Force hospitals scattered around Tokyo. After the medevac was sufficiently stabilized, we returned them to the airheads for the long flight home.

One afternoon, I was reading a copy of The Stars and Stripes when I received an in-bound flight at Yokota. My attention was drawn to an announcement by the North Vietnamese government that an American soldier had been killed for the slaying of a Viet Cong terrorist by South Viet-

The advisor said he was sorry but that he had used up all of his smoke grenades and had no way to fathom the despair he must have felt while he was being led from the battle-field with American helicopters circling a few hundred feet overhead.

As the rangers worked their way back to the camp, the VC had moved the prisoners prior to their arrival.

While this mission to liberate the captured American personnel was not an easy one, it did not detract from the heroic efforts of SSG Bennett to free them. Four days later, on December 29th, 1964, SSG Bennett, with his American and South Vietnamese commanding officers, contacted the American headquarters and was informed that SSG Bennett had been captured by Binh Gia. Two of them were Army enlisted men and the third was a U.S. Marine Corps cap-tain. While I cannot be certain, it appears that the person whom we were trying to save was SGT Bennett.
of his constant aggressiveness in the brutal conditions of the jungle pow camps. He verbally berated his guards, daring them to confront him man-to-man. On one of his three unsuccessful escape attempts, a Viet Cong soldier almost bit off SSG Bennett’s finger as he punched the guard. Driven by dedication to duty, personal honor, and his religious duty to serve, he continued to fight. In June of 1965, the Communist National Liberation Front announced that they had executed SSG Harold G. Bennett, reportedly in reprisal for actions of the South Vietnamese government; he was the “first” American soldier to be executed in Vietnam. Ranger Bennett’s exemplary boldness, complete disregard for his own safety, and his deep concern for his fellow fighting men at the risk of his own life, reflects the highest traditions of the United States Army; his actions are the embodiment of the Ranger Spirit.

ADDITIONAL STATEMENTS

RECOGNIZING THE 50TH ANNIVERSARY OF TEMPLE BENJAMIN

• Mr. LEVIN. Mr. President, I would like to take this opportunity to pay tribute to the past and present leaders and congregation of Temple Benjamin as they celebrate their 50 years of service to the Jewish community. In 1955 Rabbi Joseph Kratzenstein, who escaped Nazi persecution and ultimately settled in Bay City, inspired the original idea for Temple Benjamin through his efforts to educate children in the Mount Pleasant community. Upon arriving in Michigan, Rabbi Kratzenstein frequently visited the Mount Pleasant area, drawing attention to the need for religious education for local children. The rabbi’s call was answered by Goldberg Silvert, who raised the necessary seed money to establish the temple we enjoy today.

Within 2 months of laying the first stone, the temple was completed and families began to use the services it provided. Temple Benjamin is one of the first Jewish community and religious centers to be established in the Central Michigan area and began with 10 families, some of whom would travel more than 50 miles for services. Today, the temple serves more than 50 families and has continued to grow and embrace the surrounding community.

The founding mission of education, originally developed by Gene Trains, has remained a cornerstone tenet of Temple Benjamin through the years. Many notable community leaders, including Rose Trains, Mildred Goldberg, and Helen Klein, have helped to shape Temple Benjamin’s instructional elements and to promote community outreach.

In work with children in Michigan, Temple Benjamin has contributed to the overall welfare and safety of our Nation through the dedicated service of many in the congregation. There are many in the congregation who served in our Armed Forces, including Robert Klein, Charles Mushkowitz, Arnie Bransdorfer, Joe Simon, and Carvel Wolson, who served with distinction during WWII. Through the years, those associated with Temple Benjamin have embodied the values of community spirit, faith, and leadership. I know my Senate colleagues join me in congratulating the members of Temple Benjamin for their service to our community and in wishing them many more years of success in the future.

SAMUEL NASSIE, 2005 EAGLE SCOUT OF THE YEAR

• Mrs. BOXER. Mr. President, I rise to share with my colleagues the outstanding accomplishment of one of my constituents, Samuel Nassie of Paradise, CA. I am so proud to announce that in May 2005, Samuel was named the American Legion’s national “2005 Eagle Scout of the Year.”

The title of Eagle Scout represents the highest rank a Boy Scout can achieve. It recognizes a Scout’s dedication, leadership and community service to earn this honor that only 4 percent of all Boy Scouts achieve. Therefore, to be selected as the American Legion’s Eagle Scout of the Year is one of the highest honors a Boy Scout can receive. I am very proud of Samuel for his accomplishments that led to this meritorious honor.

Samuel’s list of awards and accomplishments are too numerous to list today, but I would like to share with you some of his work that proves Samuel’s dedication to his community is second to none. He was the first Boy Scout in Northern California to receive the William T. Hornaday Award, the oldest conservation award in the history of this country, with only 1,000 recipients in its 94-year history. Because of his service to the community, Samuel earned the Medal of Merit Award and the Congressional Youth Award in Bronze, Silver, and Gold. At the age of 13, Samuel achieved the rank of Eagle Scout. He was chosen as Eagle Scout of the Year for both California and the United States by the Sons of the American Revolution. The Veterans of Foreign Wars also chose him as Eagle Scout of the Year for California and awarded him second place in the United States. He is a member of the Boy Scout Honor Society, and a life member of the National Eagle Scout Association. Samuel remains active in the Boy Scouts of America by teaching at Boy Scout camps and serving as a Junior Scoutmaster for his local Boy Scout troop.

I would like to highlight two of Samuel’s community projects that are particularly noteworthy. In his first community service project, “Veterans Honor,” Samuel created a program to locate, identify, plot and record the location of every veteran at his local cemetery. Another community service project, “Buckets Full of Batteries,” created an environmental program to recycle household batteries. Four years ago, he implemented this program in two school districts and over 20 businesses in Paradise, and is now working with 4 other cities to expand his program.

Samuel maintains a 4.0 GPA, and plans to attend college and study American History and Business. Samuel has selflessly given years of his time and energy to the community.

Samuel Nassie brings a great deal of pride to California. He has accomplished more in his 17 years than most of us will in our entire lives. His community, State, and country are fortunate to have a citizen of his caliber. I have no doubt that his future will be a bright and fulfilling one.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill: 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 enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 3:41 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3010. An act 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.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated: H.R. 3010. An act 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; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated: EC-2737. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting,
pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Crystal Falls, Michigan; Laona, Wisconsin; Billhy, California; and New York, New York, Arizona (Texas)” ((MB Docket Nos. 04-370, 04-371, 04-388, 04-390, and 04-391) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2738. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ammon and Dubois, Idaho)” ((MB Docket No. 04-427) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2739. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Jackson and Charlotte, Michigan)” ((MB Docket No. 05-35) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2740. A communication from the Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (McCook, Maxwell, and Broken Bow, Nebraska)” ((MB Docket No. 04-203) received on June 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2741. A communication from the Acting General Counsel, Department of Commerce, transmitting, the draft a bill entitled ‘Marine Mammal Protection Act Amendments of 2005’ received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2742. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Standard Instrument Approach Procedures; Miscellaneous Amendments (37); Amdt. No. 3123’ ((RIN2120-AS65)(2005-0018)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2743. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Amendment of Class E Airspace; Browning, MT’ ((RIN2120-AS66)(2005-0120)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2744. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Amendment of Class E Airspace; Corry, PA’ ((RIN2120-AS67)(2005-0124)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2745. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Amendment of Class E Airspace; Kalamazoo, MI’ ((RIN2120-AS68)(2005-0128)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2746. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Amendment of Class E Airspace; Harrisburg, PA’ ((RIN2120-AS69)(2005-0132)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2747. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Amendment of Class E Airspace; Chillicothe, MO’ ((RIN2120-AS70)(2005-0117)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2748. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Amendment of Class E Airspace; Model 757–200 Series Airplanes Equipped with Enhanced Traffic Advisory System (ETAS)’ ((RIN2120-AS71)(2005-0280)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2749. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives: Bombardier Model DHC 8-102, 106, 101, 301, 311, and 315 Airplanes’ ((RIN2120-AS72)(2005-0279)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2750. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives: Gruppo Leonardo’ ((RIN2120-AS73)(2005-0278)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2751. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives: Extra Flugzeugproduktions- und Vertriebs-GmbH Models EA 300, EA 300B, EA 300L, and EA 300F 200 Airplanes’ ((RIN2120-AS74)(2005-0277)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2752. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives: Airplanes Equipped With A E 300 Series Airplanes’ ((RIN2120-AS75)(2005-0276)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2753. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives: Bombardier Model DHC 8-102, 106, 101, 301, 311, and 315 Airplanes’ ((RIN2120-AS72)(2005-0279)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2754. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives: Boeing Model 767 Series Airplanes’ ((RIN2120-AS76)(2005-0275)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2755. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives: Agusta A S.P.A. Model A109E Helicopters’ ((RIN2120-AS77)(2005-0274)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2756. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives: Cessna Aircraft Company Model 337J Airplanes’ ((RIN2120-AS78)(2005-0273)) received on June 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2757. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ‘Airworthiness Directives: Pilatus
EC-2769. A communication from the Pro-
gram Analyst, Federal Aviation Administra-
tion, Department of Transportation, trans-
mittng, pursuant to law, the report of a rule
titled ‘‘Airworthiness Directives: McDon-
nee Model NG-767 Airplanes’’ ((RIN2120-
AA64)(2005–0265)) received on June
18, 2005, to the Committee on Commerce,
Science, and Transportation.

EC-2770. A communication from the Pro-
gram Analyst, Federal Aviation Administra-
tion, Department of Transportation, trans-
mittng, pursuant to law, the report of a rule
titled ‘‘Airworthiness Directives: Boeing
Model 747 Airplanes (Modified)’’ ((RIN2120-
AA66)(2005–0265)) received on June
18, 2005, to the Committee on Commerce,
Science, and Transportation.

EC-2771. A communication from the Pro-
gram Analyst, Federal Aviation Administra-
tion, Department of Transportation, trans-
mittng, pursuant to law, the report of a rule
titled ‘‘Airworthiness Directives: McDon-
nell Douglas Model DC 9 15F Airplanes Modi-
fied to Supersede Certificate SA196657; and
Model DC 9 19, –20, –30, –40, and –50 Series Airplanes in All-Cargo Configura-
tion, Equipped with a Main Deck Cargo Door’’ ((RIN2120-AA64)(2005–0268)) re-
ceived on June 18, 2005, to the Committee on
Commerce, Science, and Transportation.

EC-2771. A communication from the Pro-
gram Analyst, Federal Aviation Administra-
tion, Department of Transportation, trans-
mittng, pursuant to law, the report of a rule
titled ‘‘Airworthiness Directives: Boeing
Model 747 Airplanes (Modified)’’ ((RIN2120-
AA66)(2005–0265)) received on June
18, 2005, to the Committee on Commerce,
Science, and Transportation.

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Model DC 9 19, –20, –30, –40, and –50 Series Airplanes in All-Cargo Configura-
tion, Equipped with a Main Deck Cargo Door’’ ((RIN2120-AA64)(2005–0268)) re-
ceived on June 18, 2005, to the Committee on
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Model 747 Airplanes (Modified)’’ ((RIN2120-
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Science, and Transportation.

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nell Douglas Model DC 9 15F Airplanes Modi-
fied to Supersede Certificate SA196657; and
Model DC 9 19, –20, –30, –40, and –50 Series Airplanes in All-Cargo Configura-
tion, Equipped with a Main Deck Cargo Door’’ ((RIN2120-AA64)(2005–0268)) re-
ceived on June 18, 2005, to the Committee on
Commerce, Science, and Transportation.

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 268. A bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunication for the deaf Act of 1995, and for other purposes (Rept. No. 109-93).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 432. A bill to establish a digital and wireless network technology program, and for other purposes (Rept. No. 109-94).

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. MCCAIN:

S. 1312. A bill to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, and for other purposes; to the Committee on Indian Affairs.

By Mr. CORNYN:

S. 1313. A bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain; to the Committee on Environment and Public Works.

By Mr. LUGAR:

S. 1315. A bill to require a report on progress toward the Millennium Development Goals, and for other purposes; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself, Mr. KERRY, Ms. COLLINS, Mr. CHAFEE, and Mr. KENNEDY):

S. 1316. A bill to authorize the Small Business Administration to provide emergency relief to shellfish growers affected by toxic red tide losses; considered and passed.

By Mr. HATCH (for himself, Mr. DODD, Mr. BURR, Mr. REED, and Mr. ENSIGN):

S. 1317. A bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood; to the Committee on Health, Education, Labor, and Pensions.

S. 537

At the request of Mr. JOHNSON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 548

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 548, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 604

At the request of Mr. BENNET, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 604, a bill to amend title XVIII of the Social Security Act to authorize expansion of medicare coverage of medical nutrition therapy services.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 633, a bill to require the Secretary of Veterans Affairs to conduct a review of economic development purposes.

S. 675

At the request of Mr. MORGAN, the name of the Senator from Arkansas (Mr. POWELL) was added as a cosponsor of S. 675, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 695

At the request of Mr. BYRD, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 751

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 751, a bill to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing personal information, to disclose any unauthorized acquisition of such information.

S. 936

At the request of Mr. THUNE, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1050, a bill to amend the Tariff Act of 1930 to provide for an expedited antidumping investigation when imports increase materially from new suppliers after an antidumping order has been issued, and to amend the provision relating to adjustments to export price and constructed export price.

S. 1064

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1066

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1209

At the request of Mr. BUNNING, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1209, a bill to establish and strengthen postsecondary programs and courses in the subjects of public service.
The bill clarifies what I believe was the intent of the Congress, as evidenced by House Report No. 93–4600 that accompanies the ISDEA, that Federal employees who work in an area that is contracted or compacted to a tribe be able to continue performing their jobs if they become employees of the Indian tribe for purposes of working in the contracted or compacted area. The exception that was made to the conflict laws appeared to have been made to recognize that when Indian tribes took on the responsibility of operating programs traditionally fulfilled by the Federal Government, they would need experienced individuals to fulfill contracted or compacted functions.

Former Federal employees who leave the Federal Government and go to work as outside lawyers or lobbyists for Indian tribes, however, would, under the legislation I am introducing today, be subject to the same conflicts of interest restraints that apply to other former Federal employees who work for other entities. The bill takes effect one year after enactment to allow time for people to familiarize themselves with the new laws and for tribes to seek alternative representation if necessary.

Limiting the waiver of conflicts laws in this manner proposed in this bill would address a problem identified by the Inspector General of the Department of Interior. In a report dated February 2002, entitled ‘‘Allegations Involving Irregularities in the Tribal Recognition Process and Concerns Relating to Indian Gaming,’’ the IG laid out a number of contacts by former BLA and DOI officials, who left Federal employment to represent tribes at law firms, to the BIA regarding recognition matters that, but for the exemption from the conflicts rules, they would be barred from making. The IG suggested that these contacts were improper, but not illegal. These contacts were all made by former Federal employees who worked as outside lawyers and lobbyists for tribes. In his testimony before the Senate Committee on Indian Affairs earlier this year, the Inspector General again raised the issue of conflicts of interest and referred to a problem of a ‘‘revolving door’’ involving former Department of Interior officials. This legislation seeks to address that problem.

The legislation amends the Indian Self-Determination and Education Assistance Act (ISDEA), 25 U.S.C. 450l, by limiting the exemption from Federal conflicts of interest laws. Current law exempts from the conflicts laws former Federal officers and employees who ‘‘are employed by Indian tribes,’’ thus permitting these former Federal employees immediately to lobby the departments they just left and act as agents and attorneys for the tribes. The legislation limits this exemption only to those former Federal employees who are employees of Indian tribes pursuant to self-determination contracts or self-governance compacts.
and that under the Fifth Amendment, the power of eminent domain may be used only “for public use.”

Yet the Court nevertheless held, by a 5–4 vote, that government may seize the homes of small business, or other private property of one owner, and transfer that same property to another private owner, simply by concluding that such a transfer would benefit the community through increased economic development.

This is an alarming decision. As the Houston Chronicle editorialized this past weekend:

It seems a bizarre anomaly. The government has the right to take private property to hand over to wealthy developers to build shopping malls and office plazas, but it wouldn’t happen in the United States. Yet, that is exactly what the U.S. Supreme Court narrowly approved this week. Local governments, the court ruled, may seize private homes and businesses so that other private entities can develop the land into enterprises that generate higher taxes.

I ask unanimous consent that a copy of this editorial be printed in the Record of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. CORNYN. The Court’s decision in Kelo is alarming because, as Justice O’Connor accurately noted in her dissenting opinion, joined by the Chief Justice and Justices Scalia and Thomas, the Court has:

effectively . . . delete[d] the words “for public use” from the Takings Clause of the Fifth Amendment and thereby “refus[ed] to enforce properly the Federal Constitution.”

Under the Court’s decision in Kelo, Justice O’Connor warns, [t]he hallmark 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 further warns that, under Kelo, [a]ny property may now be taken for the benefit of another private party, and the fallout from this will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large and powerful and well-connected residents. 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.

Indeed, as an amicus brief filed by the National Association for the Advancement of People, AARP, and other organizations noted:

[absent a true public use requirement, the takings power will be employed more frequently. The takings that result will disproportionately benefit and harm the economically disadvantaged and, in particular, racial and ethnic minorities and the elderly.

In a way, the Kelo decision at least vindicates those of us who have long been concerned about the protection of private property rights. The Kelo decision announced last Thursday demonstrates that her concerns about excessive government interference with property rights is well-founded and well within the mainstream of American jurisprudence.

The Houston Chronicle has called upon lawmakers to take action, consistent with its limited powers under the Constitution, to restore the vital protections of the Fifth Amendment and to protect homes, small businesses, and other private property from the unreasonable use of eminent domain.

That is precisely why I am introducing today the Protection of Homes, Small Businesses, and Private Property Act of 2005. The legislation would declare Congress’s view that the power of eminent domain should be exercised only “for public use,” as guaranteed by the Fifth Amendment. I firmly agree.

It is appropriate for Congress to take action, with its limited powers under the Constitution, to restore the vital protections of the Fifth Amendment and to protect homes, small businesses, and other private property from the unreasonable use of government power.

That is why I am introducing today the Protection of Homes, Small Businesses, and Private Property Act of 2005. The legislation would declare Congress’s view that the power of eminent domain should be exercised only “for public use,” as guaranteed by the Fifth Amendment, and the Act would provide for the use of the takings power by the Federal Government and (2) all exercises of eminent domain power by State and local government through the use of Federal funds.

It would likewise be appropriate for states to take action to voluntarily limit their own power of eminent domain.

As the Court in Kelo noted, “nothing in our opinion precludes any State from placing further restrictions on the exercise of the takings power.” The protection of homes, small businesses, and other private property against government seizure and other unreasonable government interference and power is a core commitment of our Nation’s Foundations.

The Kelo decision was a disappointment, but I congratulate the attorneys at the Institute for Justice for their exceptional legal work and for their devotion to liberty. We must not give up, and I know that the talented lawyers at the Institute for Justice have no intention of giving up. In the aftermath of Kelo, we must take all necessary action to restore the protections of the Fifth Amendment. I ask my colleagues to lend their support to this effort, by supporting the Protection of Homes, Small Businesses, and Private Property Act of 2005.

The act would apply this standard to two areas of government action which are clearly within Congress’s authority to regulate: (1) All exercises of eminent domain power by the Federal Government, and (2) all exercises of eminent domain power by State and local government through the use of Federal funds.

The act would likewise be appropriate for states to take action to voluntarily limit their own power of eminent domain.

As the Court in Kelo noted, “nothing in our opinion precludes any State from placing further restrictions on the exercise of the takings power.” The protection of homes, small businesses, and other private property against government seizure and other unreasonable government interference and power is a core commitment of our Nation’s Foundations. The Kelo decision was a disappointment, but I congratulate the attorneys at the Institute for Justice for their exceptional legal work and for their devotion to liberty. We must not give up, and I know that the talented lawyers at the Institute for Justice have no intention of giving up. In the aftermath of Kelo, we must take all necessary action to restore the protections of the Fifth Amendment. I ask my colleagues to lend their support to this effort, by supporting the Protection of Homes, Small Businesses, and Private Property Act of 2005.
development; eradicate extreme poverty by halving the number of people living on less than one dollar a day and the number who suffer hunger; achieve universal primary education for boys and girls alike; reduce by two-thirds the under-5 child mortality rate; halt and reverse the spread of AIDS, malaria and other major disease; promote gender equality, reduce maternal mortality by two-thirds; and ensure environmental sustainability.

The bill also highlights the important research and recommendations of the Report of the Commission for Africa that was commissioned by Prime Minister Tony Blair in preparation for the July 2005 G8 Summit in Scotland. The report, entitled “Our Common Interest,” is an excellent study of past development efforts and current opportunities to respond to the challenges of extreme poverty in Africa.

Three important international forums will occur this year that will help define the world’s response to extreme poverty: the group of Eight highly industrialized countries will meet in July at Gleneagles, Scotland and will address the challenges and opportunities of the African continent; The United Nations Millennium Summit to review progress on the Millennium Development Goals will occur in September. It will provide an opportunity to measure global coherence and commitment to specific objectives in eradicating extreme poverty and hunger. The Sixth Ministerial Conference of the World Trade Organization will meet in Hong Kong in December. Progress toward a genuinely equitable trade round in Hong Kong could provide a significant boost to global international development.

This bill asks that the Secretary of State produce a report on the commitments made by the United States and the international community to achieve the Millennium Development Goals. It requires the decisions made in regard to these goals in the three upcoming summits. It asks that the report assess the prospects of achieving these goals by 2015 and to review policies that maintain continued United States leadership in reducing poverty worldwide. The report would be due 60 days after the completion of the WTO summit December 13–18, 2005.

The purpose of this report is to encourage a discussion of the goals themselves and of the practical challenges with which each of these goals must contend. This discussion should take place within and among donor and developing governments, on a continuing basis. The upcoming summits are an important opportunity to continue that discussion as well as to make concrete efforts, and if necessary adjustments, to achieving such goals.

Since the Millennium Summit in 2000, the United States has taken steps to invest in development in a more comprehensive manner. President Bush has made an historic commitment to address the threat and impact of HIV/AIDS on the countries most affected by this pandemic. The United States also established a bold new development initiative that closely parallels important elements of the MDGs and the recommendations of the Commission for Africa report. The Millennium Challenge Corporation has begun to deliver Millennium assistance to developing nations that are committed to investing in their own people, to ruling justly, and to encouraging economic freedom. In addition, the United States removed barriers to trade with eligible African countries through the African Growth and Opportunity Act.

There are many other significant efforts by the United States to address the challenges to poor countries face, from technical assistance to bilateral and multi-lateral debt relief, from peacekeeper training and equipping to capacity building and emergency assistance. Whether bilaterally or through multilateral institutions, the international community should capitalize on this strategy that reinforces the prospect of a more peaceful and stable world.

The commitment of the United States to the moral and humanitarian goal of reducing the inequities seen across the developing world is a key factor in achieving greater security at home and abroad. Since September 11, 2001, our nation has been engaged in a debate over how to apply national power and resources most effectively to realize the maximum degree of security. Through this process, I have been making the point that we are not placing sufficient weight on the diplomatic and economic tools of national power.

Even as we seek to capture key terrorists and destroy terrorist units, we must be working to perfect a longer term strategy that reshapes the world in ways that are not conducive to terrorist recruitment and influence. To win the war against terrorism, the United States must leverage its economic and diplomatic capabilities the same strategic priority that we assign to military capabilities. There are no shortcuts to victory. We must commit ourselves to the painstaking work of foreign policy day by day and year by year. As we undertake this mission, we must be persistent in our advocacy among our fellow nations to encourage a global partnership and commitment to eradicating poverty.

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. 1315

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 “International Cooperation to Meet the Millennium Development Goals Act of 2005”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) At the United Nations Millennium Summit in 2000, the United States joined more than 180 other countries in committing to work toward goals to improve life for the world’s poorest people.

(2) Such goals include reducing the proportion of people living on less than $1 per day by half, reducing child mortality by 25%, and assisting in the eradication of extreme poverty, while sustaining the environment upon which human life depends.

(3) At the 2002 International Conference on Financing for Development, the United States representative reiterated the support of the United States for the Millennium Development Goals and advocated, along with over 150 other nations, participation for a stronger focus on measurable outcomes derived from a global partnership between developed and developing countries.

(4) On March 22, 2002, President Bush stated, “We fight against poverty because hope is an answer to terror. We fight against poverty because opportunity is a fundamental right to human dignity. We fight against poverty because faith requires it and conscience demands it. We fight against poverty with a growing conviction that major progress is within our reach.”

(5) The 2002 National Security Strategy of the United States notes that “a world where some live in comfort and plenty, while half of the human race lives on $2 per day, is neither just nor stable. Including all of the world’s poor in an expanding circle of development and opportunity is a moral imperative and one of the top priorities of U.S. international policy”.

(6) The National Commission on Terrorist Attacks Upon the United States concluded that the Government of the United States must offer an example of moral leadership in the world and offer parents and their children a vision of the future that emphasizes individual educational and economic opportunity as essential to the efforts of the United States to defeat global terrorism.


(8) The summit of the Group of Eight scheduled for July 6-8, 2005 in Gleneagles, Scotland, will bring together the countries that can make the greatest contribution to alleviating extreme poverty in Africa, the region of the world where extreme poverty is most prevalent.

(9) On June 11, 2005, the United States helped secure the agreement of the Group of Eight Finance Ministers to cancel 1-2 percent of the debt obligations owed to the World Bank, African Development Bank, and International Monetary Fund by countries that are eligible for the Highly Indebted Poor Countries Initiative, the initiative established in 1996 by the World Bank and the International Monetary Fund for the purpose of reducing the debt burdens of the world’s poorest countries, or under the Enhanced HIPC Initiative, as defined in section 1625 of the International Financial Institutions Act (22 U.S.C. 262p-8), which are poor countries that are on the path to reform.

(10) The report prepared by the Commission for Africa and issued by Prime Minister Tony Blair on March 11, 2005, entitled “Our Common Interest”, called for coherence and coordination in the development of an overall package of actions put out by the countries of Africa and the international community to address the complex
interlocking issues that challenge the continent, many of which have already been addressed individually in previous summits and under the Africa Action Plan enacted by the Group of Eight scheduled for July 2005, that pertain to the United States and other members of the international community at the summit of the Group of Eight scheduled for July 2005, the United Nations summit scheduled for September 2005, and the Sixth Ministerial Conference of the World Trade Organization scheduled for December 2005.

SEC. 5. REPORT.

(a) REQUIREMENT.—Not later than 60 days after the date of the conclusion of the World Trade Organization Ministerial meeting in Hong Kong that is scheduled to be held December 13 through December 18, 2005, the Secretary of State in consultation with other appropriate United States and international agencies shall submit a report to the appropriate congressional committees on the progress the international community is making toward achieving the Millennium Development Goals.

(b) CONTENT.—The report required by subsection (a) shall include the following:


(2) The report submitted by the Department of State to the Congress pursuant to section 2 of the Africaennie Assistance Act of 2004 (Public Law 108-89), and the relevant section of the Foreign Operations Appropriations Act for fiscal year 2005, and extend their congratulations to the African Union and the New Partnership for Africa's Development, and the potential of the Southern African Development Community.

(H) Political reform in Africa has produced results. For example, while in 1965 countries that were by d-sub-Saharan Africa were the norm, by 2005 dictatorships are a minority and democracy has new life with governments chosen by the people increasing fourfold since 1991.

(13) The report prepared by the Commission for Africa entitled “Our Common Interest” includes the following recommendations:

(A) At this vital moment when globalization and growth, technology and trade, and mutual security concerns allow, and common humanity demands, a substantial tangible and coherent package of actions should immediately be taken by the international community, that allows most indigent countries, in partnership with the countries of Africa, to address the poverty and underdevelopment of the African continent.

(B) The people of Africa must take responsibility and show courageous leadership in addressing problems and taking ownership of solutions to the challenges that face them, in order to achieve sustainable development, while implementing governance reforms as an underlying prerequisite for foreign assistance effectiveness.

(C) Each developed country has unique strengths and capacity to add value to a comprehensive assistance plan and should make a sustained and coherent whole that is more efficient and responsive to Africa and the people of Africa.

(D) The international community must honor existing commitments to strengthen African peacekeeping capacity and go beyond those commitments to invest in more effective prevention and nonmilitary means to resolve conflict through collective action. The United Nations, the African Union, and the regional organizations of such governments, should reaffirm and honor the commitments made in the Africa Action Plan enacted by the Group of Eight in previuos United Nations Millennium Declaration, resolution 55/1 adopted by the General Assembly of the United Nations on September 8, 2000.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) The President should continue to provide the leadership necessary at the summit of the Group of Eight scheduled for July 2005 and thereafter, to encourage the countries of Africa and other countries to develop a true partnership to pursue the Millennium Development Goals;

(2) The President should urge the Group of Eight to consider the recommendations contained in the report prepared by the Commission for Africa entitled “Our Common Interest”, as a fundamental guide on which to base their planning, in partnership with the nations of Africa, for the development of Africa;

(3) The Group of Eight, as well as governments of the countries of Africa and regional organizations of such governments, should reaffirm and honor the commitments made in the Africa Action Plan enacted by the Group of Eight, in pursuit of the ability of the developing world to achieve the Millennium Development Goals.


(c) The report required by subsection (a) shall include the following:


(2) A review of United States policies and progress toward achieving the Millennium Development Goals.
June 27, 2005

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Development Goals by 2015, as well as poli-
cies to provide continued leadership in
achieving such goals by 2015.

(3) An evaluation of the contributions of
other governmental and international actors in
achieving the Millennium Development
Goals by 2015.

(4) An assessment of the likelihood that the
Millennium Development Goals will be
achieved.

By Mr. HATCH (for himself, Mr. DODD, Mr. BURR, Mr. REED, and Mr. BURR):

S. 1317. A bill to provide for the col-
collection and maintenance of cord blood
units for the treatment of patients and
research, and to amend the Public Health
Service Act to authorize the Bone Marrow
and Cord Blood Cell Transplantation Program to increase
the number of transplants for recipi-
ents suitable matched to donors of bone
marrow and cord blood; to the Committe
on Health, Education, Labor and
Pensions.

Mr. HATCH. Mr. President, today, I
am pleased to introduce the “Bone
Marrow and Cord Blood Therapy and
Research Act of 2005.” I am grateful
that Senators DODD, BURR, REED and
ENSIGN have joined me as sponsors of
this important, bipartisan bill. All five
sponsors of this bill have been working on
this legislation for the past few
months. We have met with organiza-
tions that are deeply interested in par-
ticipating in this new program and
heard their input. We talked to other
Senators, including members of the
Senate Health, Education, Labor and
Pension Committee, who have a deep
commitment to getting this legislation
signed into law by the President.

This bill was a group effort and I
commend the sponsors of this bill on a job
well done.

I am pleased that this legislation will be
considered by the Senate HELP
Committee on Wednesday; we are hope-
ful it will then be passed by the Senate
in the near future. HELP Chairman
ENZI and Ranking Democrat KENNEDY
and their staffs have been very sup-
portive of our efforts in getting this
bill through the Senate in a timely
manner. I greatly appreciate their will-
ingness to work with all of us on this
important issue.

As many of my colleagues know, I
introduced a bill earlier this year S. 681,
have introduced this legislation during the
past three Congresses. The bill I
have introduced with my colleagues
today is a much improved version of
my original cord blood legislation, pri-
marily because it reflects a com-
promise between the key stakeholder
groups that are deeply interested in
providing federal funding to establish
cord blood banks for public use. This
legislation creates an easily accessible
network of adult stem cell transplant
material for the treatment of patients
and support the research into the uses
of such cells.

One of the biggest changes in this bill
is the establishment of a three year
demonstration project for the collec-
tion and storage of cord blood units for
a family in which a child has been diag-
nosed with a condition that will benefit
from a cord blood transplant at no cost
to the family. When we were meeting
with individual patients and families in this leg-
islative arena, we were told by scientific ex-
erts that the most successful cord
blood transplants come from a sibling’s
cord blood. Once a cord blood unit
is put in a public cord blood bank, there is no guarantee that you will be able to
get that specific cord blood unit
back if it is needed. Therefore, we be-
thought that it was necessary to create
this demonstration project so that
families would have immediate access
to its cord blood units. It is important
to emphasize that the only families
that may participate in this dem-
onstration project are those that have
a sick child or parent.

In addition, this legislation includes
language calling for single point of ac-
cess. The principle point of access is to provide health care pro-
viders with the ability to search for
bone marrow donors and cord blood
units through a single electronic point
of access. Today, doctors have to
search everywhere to find available
cord blood units and bone marrow
donors. A single point of access
improves this process dramatically for
both doctor and patient by making the
search process much more efficient.

There is a national interest throughout the Congress for using
adult stem cells to treat a wide variety
of medical conditions. Our bill not only
reauthorizes the National Marrow
Donor Program, but it also creates a
national network of public cord blood
banks. Together, these two programs
will collect, test, and preserve cord
blood stem cells. In addition, the sys-
tem will educate and recruit donors, fa-
cilitate the rapid matching of donors
and recipients, and quickly make such
cells available to transplant centers
for stem cell transplantation.

The establishment of a national in-
frasctructure for transplant material
will help save the lives of thousands
of critically ill Americans. We must be
sure that our Nation can meet the
needs of patients and physicians by en-
suring a strong future for bone marrow
and cord blood in this country. My
primary goal is to ensure that the amount
of transplant material available for pa-
tient care and research increases in the
coming years. The only way that goal
may be accomplished is through strong
federal support. I look forward to
working with my colleagues on doing
everything possible to provide trans-
plant patients with the best possible
options by ensuring a strong future for
bone marrow and cord blood transplan-
tation in this country. This is a good
bill and I urge my colleagues to sup-
port it.

I ask unanimous consent that the
text of this bill be printed in the
RECORD.

150,000 new cord blood stem cell units
that reflects the diversity of the
United States’ population. In conjunc-
tion with the five million potential
bone marrow donors registered through
the National Marrow Donor Program,
this cord blood network will enable 95
percent of Americans to have an ap-
propriately matched transplant.

The Bone Marrow and Cord Blood
Therapy and Research Act of 2005 also
incorporates recommendations from the
Institute of Medicine’s recent re-
cord blood report. The Institute pro-
vided Congress with guidelines and re-
commendations to enhance the struc-
ture, function, and utility of the pro-
gram. As a result, I am confident that
this Nation’s system for obtaining
adult stem cells for transplantation
purposes will improve dramatically,
and that many more of our citizens
will have access to the life-saving
therapies they offer. Through trans-
plants of this nature, we can finally
cure previously incurable diseases such
as sickle cell anemia, thalassemia,
and many more of our citizens
will have access to the life-saving
therapies they offer. Through trans-
plants of this nature, we can finally
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and many more of our citizens
will have access to the life-saving
therapies they offer.
There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 137

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 “Bone Marrow and Cord Blood Therapy and Research Act of 2005.”

SEC. 2. CORD BLOOD INVENTORY.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into one-time contracts with qualified cord blood banks to assist in the collection and maintenance of 150,000 new units of high-quality cord blood to be made available for transplantation through the Bone Marrow and Cord Blood Cell Transplantation Program and to carry out the requirements of subsection (b).

(b) REQUIREMENTS.—The Secretary shall require each recipient of a contract under this section—

(1) to acquire, tissue-type, test, cryopreserve, and store donated units of cord blood acquired with the informed consent of the donor in a manner that complies with applicable Federal and State regulations;

(2) to encourage donation from a genetically diverse population;

(3) to make cord blood units that are collected consistent with this section or otherwise and meet all applicable Federal standards available to transplant centers for transplantation;

(4) to make cord blood units that are collected, but not appropriate for clinical use, available for peer-reviewed research;

(5) to make data available, as required by the Secretary, to patients in section 379A of the Public Health Service Act (42 U.S.C. 274k(c)(3)), as amended by this Act, in a standardized electronic format, as determined by the Secretary, for the Bone Marrow and Cord Blood Cell Transplantation Program; and

(6) to submit data in a standardized electronic format for inclusion in the stem cell therapeutic outcomes database maintained under section 379A of the Public Health Service Act.

(c) RELATED CORD BLOOD DONORS.—

(1) IN GENERAL.—The Secretary shall establish a 3-year demonstration project under which cord blood banks receiving a contract under this section may use a portion of the funding under such contract for the collection and storage of cord blood units for a family where a first-degree relative has been diagnosed with a condition that will benefit from transplantation (including selected blood disorders, malignancies, metabolic storage disorders, hemoglobinopathies, and congenital immunodeficiencies) at no cost to such family. Qualified cord blood banks collecting cord blood units under this paragraph shall comply with the requirements of paragraphs (1), (2), (3), and (5) of subsection (b).

(2) AVAILABILITY.—Qualified cord blood banks (h) are operating a program under paragraph (1) shall provide assurances that the cord blood units in such banks will be available for directed transplantation until such time that the cord blood unit is re-leased for transplantation or is transferred by the family to the Bone Marrow and Cord Blood Cell Transplantation Program in accordance with state or regulations promulgated by the Secretary.

(3) INVENTORY.—Cord blood units collected through the program under this section shall not be counted toward the 150,000 inventory goal under the Bone Marrow and Cord Blood Cell Transplantation Program.

(4) REPORT.—Not later than 90 days after the date on which the program under paragraph (1) is terminated by the Secretary, the Secretary shall submit to Congress a report on the outcomes of the program that shall include the recommendations of the Secretary with respect to the continuation of such project.

(d) APPLICATION.—To seek to enter into a contract under this section, a qualified cord blood bank shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary reasonably require. At a minimum, an application for a contract under this section shall include a requirement that the applicant—

(1) will participate in the Bone Marrow and Cord Blood Cell Transplantation Program for a period of at least 3 years; and

(2) will make cord blood units collected pursuant to this section available through the Bone Marrow and Cord Blood Cell Transplantation Program in perpetuity; and

(3) if the Secretary determines through an assessment, or through petition by the applicant, that a cord blood bank is no longer operational and is in the best interest of the public to cease or allow the transfer of qualified cord blood unit to an other qualified cord blood bank approved by the Secretary to ensure continued availability of cord blood units.

(e) DURATION OF CONTRACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the term of each contract entered into by the Secretary under this section shall be for 10 years. The Secretary shall ensure that Federal funds provided under any such contract terminate on the earlier of—

(A) the date that is 3 years after the date on which the contract is entered into; or

(B) September 30, 2010.

(2) EXTENSIONS.—Subject to paragraph (1)(B), the Secretary may extend the period of funding under a contract under this section to exceed a period of 3 years if—

(A) the Secretary finds that 150,000 new units of high-quality cord blood have not yet been collected pursuant to this section; and

(B) the Secretary does not receive an application and a contract from any qualified cord blood bank that has not previously entered into a contract under this section or the Secretary determines that the outstanding inventory cannot be met by the one or more qualified cord blood banks that have submitted an application for a contract under this section.

(f) REGULATIONS.

(1) NATIONAL PROGRAM.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall by one or more contracts establish and maintain a Bone Marrow and Cord Blood Cell Transplantation Program (referred to in this section as the “Program”) that has the purpose of increasing the number of transplants for recipients suitably matched to biologically unrelated donor bone marrow and cord blood, and that meets the requirements of this section. The Secretary may award a separate contract to perform each of the major functions of the Program described in paragraphs (1) and (2) of subsection (c) if deemed necessary by the Secretary to operate an effective and efficient system that is in the best interest of patients. The Secretary shall conduct a separate competition for the initial establishment of the cord blood functions of the Program. The Program may be administered under general supervision of the Secretary. The Secretary shall establish an Advisory Council to advise, assist, consult with, and make recommendations to the Secretary related to the activities carried out by the Program. The members of the Advisory Council shall be appointed in accordance with the following:

(1) Each member of the Advisory Council shall serve for a term of 2 years, and each such member may serve as many as 3 consecutive 2-year terms, except that—

(A) such limitations shall not apply to the Chair of the Advisory Council (or the Chair-elect) or to the member of the Advisory Council who most recently served as the Chair; and

(B) any additional consecutive 2-year term may be served by any member of the Advisory Council who has no employment, government, or financial affiliation with any donor center, recruitment organization, transplant center, or cord blood bank.

(2) A member of the Advisory Council may continue to serve after the expiration of the term of such member until a successor is appointed.

(3) In order to ensure the continuity of the Advisory Council, the Advisory Council shall be appointed so that each year the terms of approximately one-third of the members of the Advisory Council expire.

(4) The membership of the Advisory Council—

(g) DEFINITIONS.—In this section:

(1) The term “Bone Marrow and Cord Blood Cell Transplantation Program” means the Bone Marrow and Cord Blood Cell Transplantation Program promulgated by the Secretary.

(h) The term “qualified cord blood bank” means a cord blood bank that meets the requirements described in subsection (d) and contains the neonatal blood collected from the placenta and umbilical cord of a single newborn baby.

(i) The term “second-degree relative” means a sibling or parent who is one meiosis away from a particular individual in a family.

(j) The term “qualified cord blood bank” has the meaning given in section 379C(c)(4) of the Public Health Service Act, as amended by this Act.

(k) The term “Secretary” means the Secretary of Health and Human Services.”
‘(A) shall include as voting members representatives from the Department of Defense, the Bone Marrow Donor Recruitment and Research Program operated by the Department of the Navy, the Division of Transplantation of the Health Resources and Services Administration, the Food and Drug Administration, and the National Institutes of Health.

‘(5) Members of the Advisory Council shall be chosen so as to ensure objectivity and balance and reduce the potential for conflicts of interest. The Advisory Council shall establish bylaws and procedures—

‘(A) to prohibit any member of the Advisory Council who has an employment, government affiliation, or any such affiliation with a donor center, recruitment organization, transplant center, or cord blood bank from participating in any decision that materially affects the center, recruitment organization, transplant center, or cord blood bank; and

‘(B) to limit the number of members of the Advisory Council who have such affiliation with a donor center, recruitment organization, transplant center, or cord blood bank; and

‘(6) The Secretary, acting through the Advisory Council, shall submit to the Congress—

‘(A) an annual report on the activities carried out under this section; and

‘(B) not later than 6 months after the date of the enactment of the Bone Marrow and Cord Blood Therapy and Research Act of 2006, a report on recommendations on the scientific factors necessary to define a cord blood unit as a high-quality unit.

‘(c) Functions—

‘(1) BONE MARROW FUNCTIONS.—With respect to bone marrow, the Program shall—

‘(A) operate a system for listing, searching, and facilitating the distribution of bone marrow donors listed in the Program; and

‘(B) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage;

‘(C) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage;

‘(D) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage;

‘(E) carry out informational and educational activities in accordance with subsection (d);

‘(F) at least annually update information to account for changes in the analysis of individuals as potential donors of bone marrow; and

‘(G) provide for a system of patient advocacy through the office established under subsection (f).

‘(2) CORDED BLOOD FUNCTIONS.—With respect to cord blood, the Program shall—

‘(A) operate a system for listing, searching, and facilitating the distribution of cord blood units that are suitable matched to candidate patients and meet all applicable Federal and State law; and

‘(B) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage; and

‘(C) maintain and expand medical contingency response capabilities, in coordination with Federal programs, to prepare for and respond effectively to biological, chemical, or radiological attacks, and other public health emergencies that can damage marrow, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage; and

‘(D) with respect to the system under subsection (A), collect, analyze, and publish data in a standardized electronic format, as required by the Secretary, on the number and percentage of patients who are unable to complete the search process, and the reasons underlying such circumstances; and

‘(E) has established a system for encouraging donation by a genetically diverse group of donors; and

‘(F) has established a system to confidentially maintain linkage between a cord blood unit and a maternal donor.

‘(3) SINGLE POINT OF ACCESS; SUBMISSION OF DATA.—

‘(A) SINGLE POINT OF ACCESS.—The Secretary shall ensure that health care professionals are required to maintain the minimum, locate, consistent with the functions described in paragraphs (1)(A) and (2)(A), cells from bone marrow donors and cord blood donors through a single electronic point of access.

‘(B) STANDARD DATA.—The Secretary shall require all recipients of contracts under this Program, in coordination with the Food and Drug Administration, and other authorizations required to operate and maintain a cord blood bank; and

‘(C) is accredited by an accreditation entity recognized by the Secretary under subsection (b); and

‘(D) has established a system of strict confidentiality to protect the identity and privacy of patients and their health care professionals and patients in accordance with existing Federal and State law; and

‘(E) has established a system for encouraging donation by a genetically diverse group of donors; and

‘(F) maintains a system that confidentially maintain linkage between a cord blood unit and a maternal donor.

‘(4) DEFINITION.—The term ‘qualified cord blood bank’ means a cord blood bank that—

‘(A) has obtained all applicable Federal and State licenses, certifications, registrations (including pursuant to the regulations of the Food and Drug Administration), and other authorizations required to operate and maintain a cord blood bank; and

‘(B) has implemented donor screening, cord blood collection, donor processing methods intended to protect the health and safety of donors and transplant recipients to improve transplant outcomes, including with respect to the prevention of potentially harmful infections and other diseases.

‘(5)單行款.—The Secretary shall maintain a system to confidentially maintain linkage between a cord blood unit and a maternal donor.

‘(6) BONE MARROW RECRUITMENT; PRIORITIES; INFORMATION AND EDUCATION.—

‘(1) RECRUITMENT; PRIORITIES.—The Program shall carry out activities for the recruitment of bone marrow donors. Such recruitment program shall identify populations that are underrepresented among potential donors enrolled with the Program. In carrying out activities, the Secretary shall—

‘(A) The Program shall give priority to recruiting individuals under this part to include representation for such populations in order to enable the number of such a population, to the extent practicable, to have a probability of finding a suitable unrelated donor that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

‘(B) The Program shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have been identified for purposes of this paragraph, and shall carry out subparagraph (A) with respect to such populations.

‘(2) INFORMATION AND EDUCATION REGARDING RECRUITMENT; TESTING AND ENROLLMENT.—

‘(A) IN GENERAL.—The Program shall carry out informational and educational activities, in coordination with donor organization public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting individuals to serve as donors of bone marrow, and shall test and enroll with the Program potential bone marrow donors. Such informational and educational activities shall include the following:
“(1) Making information available to the general public, including information describing the needs of patients with respect to donors of bone marrow.

“(ii) Training individuals in requesting information to provide information to individuals who are willing to serve as potential bone marrow donors.

“(iii) Training individuals in requesting information to serve as potential bone marrow donors.

“(B) PRIORITIES.—In carrying out information and educational activities under paragraph (a) to carry out the functions described in subsection (c)(1), the Program shall give priority to recruiting individuals to serve as donors of bone marrow for populations that are identified under paragraph (a).

“(3) TRANSPANTATION AS TREATMENT OPTION.—In addition to activities regarding recruitment, the Program shall provide information to physicians, other health care professionals, and the public regarding bone marrow transplants from unrelated donors as a treatment option.

“(4) IMPLEMENTATION OF SUBSECTION.—The requirements of this subsection shall be carried out by the entity that has been awarded a contract by the Secretary under subsection (a) to carry out the functions described in subsection (c)(1).

“(5) MARROW CRITERIA, STANDARDS, AND PROCEDURES.—The Secretary shall enforce, for participating entities, including the Program, individual marrow donor centers, registries, marrow collection centers, and marrow transplant centers—

“(1) standards for the system for patient advocacy operated under subsection (g), including standards requiring the provision of appropriate information (at the start of the search process and throughout the process) to patients and their families and physicians;

“(2) procedures for the proper collection and transportation of the marrow;

“(3) standards for the system for patient advocacy operated under subsection (g), including standards requiring the provision of appropriate information (at the start of the search process and throughout the process) to patients and their families and physicians;

“(4) standards for the system for patient advocacy operated under subsection (g), including standards requiring the provision of appropriate information (at the start of the search process and throughout the process) to patients and their families and physicians;

“(5) standards for—

“(A) the establishment of a system of strict confidentiality of records relating to the identity, address, HLA type, and managing marrow donor center for marrow donors and potential marrow donors; and

“(B) prescribe the purposes for which the records described in subparagraph (A) may be disclosed, and the circumstances and extent of the disclosures; and

“(6) in the case of a marrow donor center or marrow donor registry participating in the program, procedures to ensure the establishment of, and adherence to, for integrating donor files, searches, and general procedures of the center or registry with the Program.

“(1) CORD BLOOD RECRUITMENT: PRIORITIES: INFORMATION AND EDUCATION.—

“(1) RECRUITMENT: PRIORITIES.—The Program shall support activities, in cooperation with qualified cord blood banks, to recruit cord blood donors. Such recruitment program shall identify populations that are underrepresented among cord blood donors. In the case of populations that are identified under the preceding sentence—

“(A) The Program shall give priority to supporting activities under this part to increase representation for such populations in order to enable a member of such a population, to the extent practicable, to have a probability of finding a suitable cord blood unit that is comparable to the probability that an individual who is not a member of an underrepresented population would have.

“(B) The Program shall consider racial and ethnic minority groups (including persons of mixed ancestry) to be populations that have not been adequately represented in the information reported in paragraph (1) and shall support activities under subparagraph (A) with respect to such populations.

“(2) INFORMATION AND EDUCATION REGARDING RECRUITMENT: TESTING AND DONATION.—

“(A) IN GENERAL.—In carrying out the recruitment program under paragraph (1), the Program shall provide information and educational activities in coordination with qualified cord blood banks and organ donation public awareness campaigns operated through the Department of Health and Human Services, for purposes of recruiting pregnant women to serve as donors of cord blood. Such information and educational activities shall include the following:

“(i) Making information available to the general public, including information describing the needs of patients with respect to cord blood units.

“(ii) Educating and providing information to pregnant women who are willing to donate cord blood units.

“(iii) Training individuals in requesting pregnant women to serve as cord blood donors.

“(B) PRIORITIES.—In carrying out information and educational activities under sub-paragraph (A), the Program shall give priority to supporting the recruitment of pregnant women to serve as donors of cord blood for populations that are identified under paragraph (1).

“(3) TRANSPANTATION AS TREATMENT OPTION.—In addition to activities regarding recruitment, the Program shall provide information to physicians, other health care professionals, and the public regarding cord blood transplants from donors as a treatment option.

“(4) IMPLEMENTATION OF SUBSECTION.—The requirements of this subsection shall be carried out by the entity that has been awarded a contract by the Secretary under subsection (a) to carry out the functions described in subsection (c)(2).

“(5) PATIENT ADVOCACY AND CASE MANAGEMENT: BONE MARROW BLOOD.—

“(1) IN GENERAL.—The Secretary shall establish and maintain, through a contract or other means determined appropriate by the Secretary, an advocacy program (in this subsection referred to as the ‘Office’).

“(2) GENERAL FUNCTIONS.—The Office shall meet the following requirements:

“(A) The Office shall be headed by a director.

“(B) The Office shall be staffed by individuals with expertise in bone marrow and cord blood therapy under the Program.

“(C) The Office shall operate a system for patient advocacy, which shall be separate from mechanisms for donor advocacy, and which shall serve patients for whom the Program is conducting, or has been requested to conduct, a search for a bone marrow donor or cord blood unit.

“(D) In the case of such a patient, the Office shall serve as an advocate for the patient by directly providing to the patient (or family members, physicians, or other individuals acting on behalf of the patient) individualized services with respect to efficiently utilizing the system under paragraphs (1) and (2) of subsection (c) to conduct a search for a bone marrow donor or cord blood unit and assist with information regarding third party payor matters.

“(E) In carrying out subparagraph (D), the Office shall monitor the system under paragraphs (1) and (2) of subsection (c) to determine whether the search needs of the patient are being met, including with respect to the following:

“(i) Periodically providing to the patient (or an individual acting on behalf of the patient) information regarding bone marrow donors or cord blood units that are suitably matched to the patient, and other information regarding the progress being made in the search.

“(ii) Informing the patient (or such other individual) if the search has been interrupted or discontinued.

“(iii) Identifying and resolving problems in the search, to the extent practicable.

“(F) The Office shall ensure that the following data are made available to patients:

“(i) The resources available through the Program.

“(ii) A comparison of transplant centers regarding search and other costs that prior to transplantation are charged to patients by transplant centers.

“(iii) The post-transplant outcomes for individuals transplanting.

“(iv) Information concerning issues that patients may face after a transplant.

“(v) Such other information as the Program determines to be important.

“(G) The Office shall conduct surveys of patients (or family members, physicians, or other individuals acting on behalf of the patient) to determine the extent of satisfaction with the system for patient advocacy under this subsection, and to identify ways in which the system can be improved to best meet the needs of patients.

“(C) CASE MANAGEMENT.—

“(A) IN GENERAL.—In serving as an advocate for a patient under paragraph (2), the Office shall provide the management services directly to the patient (or family members, physicians, or other individuals acting on behalf of the patient), including—

“(i) individualized case assessment; and

“(ii) the functions described in paragraph (2)(D) relating to progress in the search process.

“(B) POSTSEARCH FUNCTIONS.—In addition to the case management services described in paragraph (1) for patients, the Office shall, on behalf of patients referred to the search for a bone marrow donor or cord blood unit, provide information and education on the process of receiving a transplant, including the post-transplant process.

“(C) COMMENT PROCEDURES.—The Secretary shall establish and provide information to the public on procedures under which the Secretary shall receive and consider comments from interested persons relating to the manner in which the Program is carried out the duties of the Program.

“(D) CONSULTATION.—In developing policies affecting the Program, the Secretary shall consult with the Advisory Council, the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy, and the board of directors of each entity awarded a contract under this section.

“(E) CONTRACTS.—

“(1) APPLICATION.—To be eligible to enter into a contract under this section, an entity shall submit to the Secretary and obtain approval of an application at such time, in such manner, and containing such information as the Secretary shall by regulation prescribe.

“(2) CONSIDERATIONS.—In awarding contracts under this section, the Secretary shall give consideration to the importance of the interests of donors and patients and other factors deemed appropriate by the Secretary.
“(k) ELIGIBILITY.—Entities eligible to receive a contract under this section shall include private nonprofit entities.

“(l) Annual Report.—(1) RECORDKEEPING.—Each recipient of a contract or subcontract under subsection (a) shall keep such records as the Secretary shall prescribe, including records that fully disclose and dispositive by the recipient of the proceeds of the contract, the total cost of the undertaking in connection with which the contract was made, and the amount of the portion of the cost of the undertaking supplied by other sources, and such other records as will facilitate an effective audit.

“(2) EXAMINATION OF RECORDS.—The Secretary and the Comptroller General of the United States shall have access to any books, documents, papers, and records of the recipient of a contract or subcontract entered into under this section that are pertinent to the contract, for the purpose of conducting audits and examinations.

“(m) PENALTIES FOR DISCLOSURE.—Any person who discloses the content of any record referred to in subsection (c)(1)(D) or (e)(5)(A) without the written consent of the donor or potential donor with respect to whom the record is maintained, or in violation of the standards described in subsection (e)(5)(A), shall be punished for not more than 2 years or fined in accordance with title 18, United States Code, or both.

“(b) STEM CELL THERAPEUTIC OUTCOMES DATABASE.—The term ‘database’ means the database established by the Secretary under section 379A.

“(c) ANNUAL REPORT ON PATIENT OUTCOMES.—The Secretary shall require the entity awarded a contract under this section to submit to the Secretary an annual report concerning patient outcomes with respect to each transplant center, based on data collected and maintained by the entity pursuant to this section.

“(d) PUBLICLY AVAILABLE DATA.—The outcomes database shall make relevant scientific information not containing individually identifiable information available to the public in the form of summaries and data sets to encourage medical research and to provide information to transplant programs, physicians, patients, entities awarded a contract under section 379A, and cord blood banks.

“(e) DEFINITIONS.—Part 1 of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended in the part heading, by striking ‘NATIONAL BONE MARROW DONOR REGISTRY’ and inserting ‘BONE MARROW AND CORD BLOOD CELL TRANSPLANTATION PROGRAM’.

SEC. 4. REPORT ON LICENSURE OF CORD BLOOD UNITS.

Not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Commissioner of Food and Drugs, shall submit to Congress a report concerning the progress made by the Food and Drug Administration in developing requirements for the licensure of cord blood banking.

Mr. DODD. Mr. President, I am pleased to join Senator HATCH, Senator BURR, Senator REED, and Senator ENZI in introducing legislation that will significantly benefit some of the most gravely ill patients—those in need of a bone marrow transplant.

By reauthorizing the national program for bone marrow, creating a similar program for umbilical cord blood, and expanding the national stockpile of umbilical cord blood units, this legislation will dramatically increase the chances that patients in need of a life-saving transplant will be able to find an appropriate genetic match.

The bill that we are introducing today is similar to legislation that Senator BURR introduced earlier this year to create a national network of cord blood banks and a cord blood registry. However, there are two important differences. First, this legislation is consistent with recommendations made by the Institute of Medicine, IOM, in their recent report, ‘Cord Blood: Establishing a National Hematopoietic Stem Cell Bank Program.’

The need to extract bone marrow from the donor is eliminated, and the risk of infection or rejection by the recipient is significantly reduced. Finally, research has suggested that cord blood might produce better outcomes than bone marrow in children.

Why then, given all of these benefits, has the use of cord blood not become more prevalent in the United States? In Japan, where the use of cord blood is more advanced, nearly half of all transplants now use cord blood rather than bone marrow.

The relatively infrequent use of cord blood in our country is at least partly attributable to the lack of a national infrastructure for the matching and distribution of cord blood units. There are a handful of cord blood banks around the country doing excellent work, but there is a much more developed infrastructure for bone marrow. The bone marrow program was established by Congress in 1986 that established a national registry for bone marrow, which this bill would reauthorize. Our bill
would create a similar infrastructure for cord blood, operating under the auspices of a newly established Bone Marrow and Cord Blood Cell Transplantation Program. In addition to connecting physicians and patients with a suitable bone marrow donor or cord blood unit, the program would be required to educate the general public about cord blood and bone marrow, and encourage an ethnically diverse population of donors. Our bill would also provide grants to qualified cord blood banks to acquire 150,000 new cord blood units. This number is consistent with recommendations made by the IOM, and should be sufficient to provide a suitable match for 90 percent of the U.S. population.

Finally, the legislation authorizes an appropriation of $15 million for each of fiscal years 2007 through 2010 for the cord blood inventory grants, and $186 million over the next 5 years for the establishment and maintenance of the Bone Marrow and Cord Blood Cell Transplantation Program.

Before finishing today I would like to make it clear that, just as I believe that cord blood should act as a complement to, not a replacement for, bone marrow, I believe that cord blood does not eliminate the need for research into the potential benefits of embryonic stem cells. Just as cord blood seems to be preferable to bone marrow for certain individuals or conditions—and the reverse is certainly true as well—the same may prove to be true for embryonic stem cells. Certainly, we should provide doctors with the best tools to help cure their patients, whether those tools come from bone marrow, cord blood, embryonic stem cells, or another source entirely.

I firmly believe that the strengthening of our national infrastructure for bone marrow and the creation of a similar framework for cord blood will save the lives of thousands of gravely ill Americans. I urge my colleagues to support this legislation.

Mr. REED. Mr. President, I join my colleagues, Senators ENSIGN, DODD, HATCH, and BURB, in introducing the Bone Marrow and Cord Blood Therapy and Research Act of 2005. This bipartisan legislation represents a critical step forward in expanding access to lifesaving therapies to millions of potentially treatable and even cured with bone marrow or cord blood.

The bill we are introducing today builds upon the already highly successful National Marrow Donor Program that has been in operation since 1987. In addition to reauthorizing this program, our bill calls for the establishment of a formal registry of cord blood units available for transplantation and expands to cord blood transplant recipients many of the program’s existing functions as donor recruitment, education, information, and patient advocacy, presently available to only bone marrow recipients. It creates an umbrella program, aptly called the Bone Marrow and Cord Blood Cell Transplantation Program.

Our legislation also captures many of the key recommendations of the Institute of Medicine, IOM, in their April 2004 report entitled, “Cord Blood: Establishing a National Hematopoietic Stem Cell Bank Program.” The report called for a stepped up effort to expand the inventory of cord blood units available for transplantation and, when appropriate, for research. Our bill establishes a grant program for qualified cord blood banks to help facilitate building an inventory of 150,000 new cord blood units. At that level, 95 percent of Americans with a condition that can be treated through a cord blood transplant could find a genetically suitable match. Additionally, the bill establishes an advisory council to consult and make recommendations to ensure the efficient and effective operation of the program.

Another important aspect of this bill is the creation of a demonstration project to study cord blood donations within families where a first degree relative has been diagnosed with a condition that could benefit from a cord blood transplant. The legislation sets aside 5 percent of the cord blood inventory grants for the collection and storage of cord blood units at no cost to such families. This effort will be beneficial for families who find themselves in the tragic situation of having a sick child with another child that is a suitable match. This demonstration program ensures that families will have this treatment option available to them.

I believe that the Bone Marrow and Cord Blood Transplantation and Research Act of 2005 represents a strong compromise that upholds the principles my colleagues and I held as essential in developing a combined bone marrow and cord blood program. The bill allows the strengths of the National Marrow Donor Program, which has facilitated over 20,000 transplants since its inception and has built a donor registry of over 5.5 million potential donors.

I urge the support of all of my colleagues for this bipartisan legislation so that we can send it quickly to the President for his signature.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1020. 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.

SA 1021. Mr. INHOFE 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 1022. Mr. BURNS (for Mr. FEIST (for himself and Mr. RHOD)) proposed an amendment to the bill H.R. 2361, supra.

SA 1023. Mr. DORGAN (for Mrs. BOXER (for herself, Mr. NELSON of Florida, Mrs. CLINTON, Mr. SCHUMER, Mr. OBAMA, Mr. JEFFORDS, and Mr. KERRY)) proposed an amendment to the bill H.R. 2361, supra.

SA 1024. Mr. DORGAN (for Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 2361, supra.

SA 1025. Mr. DORGAN (for himself, and Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, supra.

SA 1026. Mr. SUNUNU (for himself, Mr. BINGAMAN, Mr. MCCAIN, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 2361, supra.

SA 1027. Mr. McCAIN 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 1028. Mr. FRIST (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra.

SA 1029. Mr. DORGAN (for Mr. KERRY) proposed an amendment to the bill H.R. 2361, supra.

SA 1030. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, supra.

SA 1031. Mr. DORGAN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2361, supra.

SA 1032. Mr. DORGAN (for Mr. DURBin) proposed an amendment to the bill H.R. 2361, supra.

SA 1033. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra.

SA 1034. Mr. CHAMBLISS 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 1035. Mr. DORGAN (for Mr. WYDEN) proposed an amendment to the bill H.R. 2361, supra.

SA 1036. Mr. DORGAN (for Mr. REED) proposed an amendment to the bill H.R. 2361, supra.

SA 1037. Mr. DORGAN (for Mr. REED) proposed an amendment to the bill H.R. 2361, supra.

SA 1038. Mr. SALAZAR proposed an amendment to the bill H.R. 2361, supra.

SA 1039. Mr. SALAZAR proposed an amendment to the bill H.R. 2361, supra.

SA 1040. Mr. BURNS (for Mr. BOND) proposed an amendment to the bill H.R. 2361, supra.

SA 1041. Mr. BURNS (for Mr. CRAIG) proposed an amendment to the bill H.R. 2361, supra.

SA 1042. Mr. WARNER (for Mr. BURNS) proposed an amendment to the bill H.R. 2361, supra.

SA 1043. Mr. DORGAN (for Mr. FEINGOLD) proposed an amendment to the bill H.R. 2361, supra.

SA 1044. Mr. DORGAN (for Mr. BYRD) proposed an amendment to the bill H.R. 2361, supra.

SA 1045. Mr. DORGAN (for Mr. CONRAD) proposed an amendment to the bill H.R. 2361, supra.

SA 1046. Mr. DORGAN (for Mr. SARBANES (for himself, Mr. ALLEN, Mr. WARNER, and Ms. MIKULSKI)) proposed an amendment to the bill H.R. 2361, supra.

SA 1047. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill H.R. 2361, supra; which was ordered to lie on the table.

SA 1048. Mr. SMITH submitted an amendment intended to be proposed by him to the bill H.R. 2361, supra.

SA 1049. Mr. KYL proposed an amendment to the bill H.R. 2361, supra.

SA 1050. Mr. KYL proposed an amendment to the bill H.R. 2361, supra.
TEXT OF AMENDMENTS

SA 1020. 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; as follows:

At the appropriate place, insert the following:

SEC. 4. FINDINGS.—The Senate makes the following findings:
(1) The on-budget deficit for fiscal year 2005 is estimated to reach $8 trillion by 2011 according to the Congressional Budget Office.
(2) Total publicly-held federal debt on which the American taxpayer pays interest is expected to reach $5 trillion by 2011 according to the Congressional Budget Office.
(3) The United States and its allies are currently engaged in a global war on terrorism.
(b) SENSE OF THE SENATE.—It is the sense of the Senate that:
(1) The servicemen and women of the United States Armed Forces deserve the full support of the Senate as they seek to preserve the safety and security of the American people.
(2) Activities relating to the defense of the United States and the global war on terror should be fully funded.
(3) Activities relating to the defense of the United States and the global war on terror should not be underfunded in order to support increased federal spending on non-defense activities.
(4) Any additional emergency supplemental appropriations should be offset with reductions in discretionary spending.

SA 1021. Mr. INHOFE 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; as follows:

(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.

SA 1024. Mr. DORGAN (for Mrs. FEINSTEIN) 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:

(1) in the second sentence, by inserting “, including utility expenses of the National Park Service or lessees of the National Park Service” after “Fort Baker properties”;
(2) by inserting between the first and second sentences the following: “In furtherance of a lease entered into under the first sentence, the Secretary of the Interior or a lessee may impose fees on overnight lodgers at Fort Baker properties.”

SA 1025. Mr. DORGAN (for himself, and Mr. BINGAMAN) 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:

At the end of title IV, add the following:

SEC. 429. (a) IN GENERAL.—Section 7 of the Federal Reserve Act (12 U.S.C. 789 et seq.) is amended by adding at the end the following:—
(1) The United States and its allies are currently engaged in a global war on terrorism.
(b) SENSE OF THE SENATE.—It is the sense of the Senate that:
(1) The policy of the United States Armed Forces should be fully funded.
(2) Activities relating to the defense of the United States and the global war on terror should not be underfunded in order to support increased federal spending on non-defense activities.
(3) Any additional emergency supplemental appropriations should be offset with reductions in discretionary spending.
SA 1027. Mr. MCCAIN 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 by this Act may be used to carry out any study relating to bear DNA, including a bear DNA sampling study.

SA 1028. Mr. FRIST (for himself and Mr. ALEXANDER) 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; 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 carry out any study relating to bear DNA, including a bear DNA sampling study.

SA 1031. Mr. DORGAN (for Mr. BINGAMAN) 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 182, strike lines 20 through 25 and insert the following:

Sect. 110(a)(1) For fiscal year 2006 and each succeeding fiscal year, any funds made available by this Act for the Southwest Indian Polytechnic Institute and Haskell Indian Nations University for postsecondary programs of the Bureau of Indian Affairs in excess of the amount made available for those postsecondary programs for fiscal year 2005 shall be allocated in direct proportion to the need of the schools, as determined in accordance with the postsecondary funding formula adopted by the Office of Indian Education Programs.

SA 1032. Mr. DORGAN (for Mr. DURBIN) 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 carry out any study relating to bear DNA, including a bear DNA sampling study.

SA 1029. Mr. DORGAN (for Mr. KERRY) 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 carry out any study relating to bear DNA, including a bear DNA sampling study.

SA 1033. 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; 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 carry out any study relating to bear DNA, including a bear DNA sampling study.

On page 263, after line 25, add the following:

TITLE VI—ARABIA MOUNTAIN NATIONAL HERITAGE AREA

SEC. 601. SHORT TITLE.

This title may be cited as the “Arabia Mountain National Heritage Area Act.”

SEC. 602. FINDINGS AND PURPOSES.

(a) FINDINGS—Congress finds the following:

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson–Arabia Mountain Nature Preserve, a 585-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a natural landmark, located in the 868-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documentation and evidence of early human activity.

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Kiondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To recognize, preserve, promote, interpret, and make available to the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land resource management program to protect, enhance, and interpret the significant resources within the heritage area.

SEC. 603. DEFINITIONS.

For the purposes of this title, the following definitions apply:

(1) HERITAGE AREA.—The term “heritage area” means the Arabia Mountain National Heritage Area established by section 604.

(2) MANAGEMENT ENTITY.—The term “management entity” means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the heritage area developed under section 604.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of Georgia.
SEC. 606. AREA MANAGEMENT PLAN.—
(a) IN GENERAL.—The management entity shall develop a management plan for the heritage area that incorporates an integrated and cohesive approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) BASIS.—The management plan shall be based on the preferred concept in the document entitled "Arabia Mountain National Heritage Area Feasibility Study", dated February 28, 2001.

(c) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—
(1) take into consideration State and local plans; and
(2) involve residents, public agencies, and private organizations in the heritage area.

(d) REQUIREMENTS.—The management plan shall include the following:

(1) An inventory of the resources in the heritage area, including—
   (A) a list of property in the heritage area that—
      (i) relates to the purposes of the heritage area; and
      (ii) should be preserved, restored, managed, or maintained because of the significance of the property; and
   (B) an assessment of cultural landscapes within the heritage area.

(2) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this title.

(3) An interpretation plan for the heritage area.

(4) A program for implementation of the management plan that includes—
   (A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and
   (B) the identification of existing and potential sources of funding for implementing the plan.

(5) A description and evaluation of the management entity, including the membership and organizational structure of the management entity.

(e) SUBMISSION TO SECRETARY FOR APPROVAL.—(1) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this title until such date as a management plan for the heritage area is submitted to the Secretary.

(f) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under paragraph (1), the Secretary shall—
   (A) approve the management plan; and
   (B) disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—
   (A) recommend revisions to the management plan; and
   (B) disapprove the management plan.

(g) REVISION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—
   (A) review the management plan; and
   (B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any revisions to the management plan that the management entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this title shall be used to implement any revision approved by the management entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 607. TECHNICAL AND FINANCIAL ASSISTANCE.—
(a) IN GENERAL.—At the request of the management entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the purposes and associated values of the heritage area.

SEC. 608. EFFECT ON CERTAIN AUTHORITY.—
(a) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this title—

(1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 604(b) but for the establishment of the heritage area by section 604; or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 604(b) of this Act, solely as a result of the establishment of the heritage area by section 604.

(b) LAND USE REGULATION.—Nothing in this title—

(1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(2) grants powers of zoning or land use to the management entity.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.—
(a) IN GENERAL.—There is authorized to be appropriated out of any funds made available under this title $10,000,000, to remain available until expended, of which not more than $1,000,000 may be used in any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out with funds made available under this title shall not exceed 50 percent.

SEC. 610. TERMINATION OF AUTHORITY.—
The authority of the Secretary to make any determination or provide any assistance under this title shall terminate on September 30, 2016.
S 1036. Mr. DORGAN (for Mr. REED) 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:


S 1037. Mr. DORGAN (for Mr. REED) 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 200, between lines 2 and 3, insert the following:

Beginning in fiscal year 2006 and thereafter, notwithstanding any other provision of law, recipients of grants provided under section 104(k)(4)(B)(i)(IV) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)) may use the grant funds for reasonable administrative expenses, as determined by the Administrator of the Environmental Protection Agency.

S 1038. Mr. SALAZAR 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 171, line 13, strike “$94,627,000” and insert “$94,627,000”.

On page 172, line 17, strike “$335,000,000” and insert “$335,000,000”.

S 1039. Mr. SALAZAR 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:

Section 4. (a) Notwithstanding subsection (b)(3) of section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460i–8), any user fees collected under that Act with respect to recreational and related activities in a State shall be paid to the State in which those fees were collected.

(b) Amounts paid to a State under subsection (a) shall be in addition to, and shall not reduce, the apportionment of the collection to the State under section 6(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460i–8(b)).

S 1040. Mr. BURNS (for Mr. BOND) 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 154, line 12, strike “That” and insert “That from the amount provided for the biological research activity, $300,000 shall be deposited in the competitive sourcing account established by the University of Missouri-Columbia to establish a wetland ecology center of excellence: Provided further, That”.

S 1041. Mr. BURNS (for Mr. CRAIG) 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:

At the appropriate place, add the following: “Provided further, That, subject to valid existing rights, all land and interests in land acquired in the Thunder Mountain area of the Payette National Forest (including patented claims and land that are encumbered by unpatented claims or previously appropriated funds under this section, or otherwise relinquished by a private party) are withdrawn from mineral entry or appropriation under mining laws, and from leasing claims under Federal mineral and geothermal leasing laws.”.

S 1042. Mr. WARNER (for Mr. BURNS) 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 149, line 7, after “acquisitions”, insert the following: “of which $1,285,000 shall be made available for the replacement of the main gate facility at the Filene Center, Wolf Trap National Park for the Performing Arts, Virginia”.

S 1043. Mr. DORGAN (for Mr. FRINGOLD) 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 29, between lines 23 and 24, insert the following:

(e) Audit.—(1) In this subsection:
   (A) The term “baseline organization” means the organization performing the work to be studied prior to initiation of a competitive sourcing study under this section.
   (B) The term “new organization” means the private contractor, or the most efficient public agency, and associated management and oversight functions used at the conclusion of a competitive sourcing study under this section.
   (2) Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct an audit of the competitive sourcing program of the Forest Service.
   (3) The audit shall include—
      (A) an analysis of the costs and benefits of the competitive sourcing initiative conducted by the Forest Service;
      (B) an analysis of existing procedures to track (in accordance with full cost accounting principles) all costs required to calculate accurate savings or losses attributable to a competitive sourcing study, and recommendations on how the existing procedures can be improved, including all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting the competitive sourcing (including personnel, consultant, travel, and training costs associated with program management), including—
         (i) costs incurred by the Forest Service before initiation of the competitive sourcing study in performing the work to be studied with the baseline organization;
         (ii) costs of performing the competitive sourcing study, including—
            (I) travel and per diem costs;
            (II) training and communications costs;
            (III) contractor costs; and
            (IV) the cost to the Federal Government of Federal employees working on any aspect of the study or performing any work necessitated by the study;
         (iii) costs of implementing the competitive sourcing study results, including costs described in clause (ii) and costs associated with buyouts, transfers of station, and reductions in force;
         (iv) ongoing operational costs of performing the work with the new organization as a result of competitive sourcing study, including any modifications to the contract or letter of obligation necessitated by omissions in the statement of work of the solicitation;
         (v) costs associated with oversight and maintenance of the contract or letter of obligation;
         (vi) savings realized or costs borne by the Forest Service that are not included under clause (iv), including savings or costs due to—
            (I) changes in the timeliness or quality of the work provided by the new organization;
            (II) changes in procedures of the Forest Service necessitated by the new organization;
            (III) the assignment to employees or contractors outside of the new organization of duties previously performed by the baseline organization; and
            (IV) changes in the availability of personnel to perform high priority fire suppression or other emergency response work on a categorical basis; and
      (vii) costs of maintaining and operating a competitive sourcing infrastructure, including—
         (I) personnel, salary, contractor, and travel costs associated with the Forest Service Competitive Sourcing Office and the cost to the Federal Government of Federal employees for the time for which the employees are managing the program;
      (C) recommendations on what accounting practices should be adopted by the Forest Service to improve accountability;
      (D) an evaluation of the comparative efficiencies of the Forest Service competitive sourcing and business process reengineering procedures; and
      (E) an analysis of—
         (i) the A-76 study that resulted in the information services organization and the contractors to Federal Government activity;
         (ii) the A-76 study of Region 5 fleet maintenance work that resulted in the transfer of work to Serco; and
         (iii) the financial management improvement project, accomplished by means of business process reengineering.

S 1044. Mr. DORGAN (for Mr. BYRD) 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:
SEC. 429. BISECT FIRE RECOVERY PROJECT, RE-PORT.

(a) Within 90 days of enactment of this Act, the Secretary shall submit to Congress a report regarding the reha-
bilitation of the Biscuit Fire area in southern Oregon, including:

(1) the change in reforestation capabilities and costs due to the extent of the contain-
ment of the Biscuit Fire and the completion of the Biscuit Fire Recovery Project, as de-
tailed in the Record of Decision;

(2) the commercial value lost, as well as re-
covered, of fire-killed timber within the Bisc-
uit Fire area;

(3) all actions included in the Record of De-
cision for the Biscuit Fire Recovery Project,

inDIAN TRIBES.—Within the meaning of sec-

tion 518(c).

(b) U NALLOCATED BALANCE.—Any unalocated balance of available funds shall be allocated to the Secretary in equal parts to all States that, in the most recent needs survey, reported a total needs percentage and as a percentage of total United States
demands.

SA 1050. Mr. KYL proposed an amendment to the bill H.R. 2361, mak-
ing 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 follow-
ing:

SEC. 4. Section 604 of the Federal Water Pollution Control Act (33 U.S.C. 1384) is amended—

(1) by redesignating subsections (a) and (c) as subsections (a) and (d), respectively; and

(b) by striking subsection (a) and inserting the following:

(1) Definition.—In this subsection:

(2) needs survey percent.—The term ‘needs survey percent’ means a needs survey under section 516(d).

(2) needs survey percent.—The term ‘needs survey percent’ means a needs survey under section 516(d).

SEC. 1047. Ms. COLLINS (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her 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 200, line 2, the following:

Mr. KYL (for Mr. INHOFE) 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 200, after line 2, the following:

SEC.

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6 July, 2005
On page 189, after line 20, add the following:

SEC. 128. (a) For necessary expenses for the Memorial to Martin Luther King, Jr., there is hereby made available to the Secretary of the Interior $10,000,000, to remain available until expended, for activities authorized by section 508 of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 8903 note; Public Law 104-333) amended by striking the second sentence.

(c) Notwithstanding any other provision of this Act, the funds reduced in the second proviso under the heading Departmental Management, Salaries and Expenses, is further reduced by $10,000,000.

SA 1054. Mr. DORGAN (for Mr. BINGAMAN) 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 190, line 2, strike “$1,000,000” and insert “$1,250,000.”

On page 190, line 7, strike “$2,000,000” and insert “$2,500,000.”

On page 191, line 19, strike “$1,957,000” and insert “$2,500,000.”

On page 211, line 25, strike “$2,000,000” and insert “$2,500,000.”

SA 1055. Mr. DORGAN (for Mr. BINGAMAN) 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 258, between lines 23 and 24, insert the following:

(e) In carrying out any competitive sourcing study involving Forest Service employees, the Secretary of Agriculture shall:

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration and document the effect that contracting with a private sector source would have on the ability of the Forest Service to effectively and efficiently fight and manage wildfires.

SA 1056. Mr. DORGAN (for Mr. BINGAMAN) 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:

Beginning on page 258, strike line 1 and all that follows through page 263, line 22.

SA 1057. Mr. DORGAN (for Mr. BINGAMAN) 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:

Beginning on page 258, strike line 1 and all that follows through page 263, line 22, and insert the following:


(1) in subsection (b), by striking “40 sites” and inserting “60 sites”; and

(2) in subsection (c), by striking “13 sites” and inserting “25 sites”; and

(3) in subsection (d), by striking “2008” and inserting “2009”.

SA 1058. Mr. DORGAN (for Mr. BINGAMAN) 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:

Beginning on page 255, strike line 1 and all that follows through page 263, line 25, and insert the following:

TITLE V—FACILITY REALIGNMENT AND ENHANCEMENT ACT OF 2005

SEC. 501. SHORT TITLE.

This title may be cited as the “Forest Service Facility Realignment and Enhancement Act of 2005”.

SEC. 502. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE SITE.—

(A) IN GENERAL.—The term “administrative site” means—

(i) any facility or improvement, including curtilage that was acquired or is used specifically for purposes of administration of the National Forest System; and

(ii) any associated Federal land necessary to include for proper management of the National Forest System that was acquired or is utilized specifically for purposes of administration of Forest Service activities and underlying or adjacent administrative facility, improvement, or curtilage; or

(iii) up to 10 isolated parcels of not more than 80 acres which were acquired for administrative purposes but have not been utilized, such as vacant town lots outside of a National Forest proclaimed boundary.

(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; and

(xiii) other administrative installations for conducting Forest Service activities.

(C) EXCLUSIONS.—Federal land to be conveyed under this Act shall not include—

(1) any area within a unit of the National Forest System specifically designated for resource protection, conservation, or recreation purposes, including land within the National Wilderness Preservation System, the Wild and Scenic River System, and National Monuments; or

(2) land that is needed for resource management purposes or that would be in the public interest to retain.

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the General Services Administration.

(3) MARKET ANALYSIS.—The term “market analysis” means the identification and study of the real estate market for a particular economic good or service.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

SEC. 503. AUTHORIZATION OF CONVEYANCES.

(a) IN GENERAL.—For fiscal years 2006-2009, the Secretary may convey, by sale, lease, exchange, a combination of sales and exchanges, or any other means, any administrative site or interest in an administrative site that is—

(1) except for those administrative sites described in section 502(1)(A)(iii), less than 40 acres for each administrative site or compound of administrative sites; and

(2) under the jurisdiction of the Secretary,

(b) LEAD-BASED PAINT AND ASBESTOS ABATEMENT.—

(1) IN GENERAL.—Notwithstanding any other provisions of law, 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), a person acquiring a conveyance 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 material.

(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 and the Committee on Energy and Natural Resources 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 only consider or analyze the reasonably foreseeable use of the administrative site as determined through a market analysis and whether to reserve any right, title, or interest in the administrative site under subsection (f)(3).

(f) CONFIGURATION OF LAND.—

(1) IN GENERAL.—To facilitate a conveyance under this section, the Secretary may configure the administrative site to be conveyed to—

(A) maximize the marketability of the administrative site;

(B) achieve management objectives.

(2) IMPROVEMENTS.—Improvements to the administrative site to be conveyed may be severed from the land and disposed of in separate conveyances.

(3) RESERVATION.—In any disposition of an administrative site under this section, the Secretary may reserve any right, title, and interest in and to the administrative site that the Secretary determines to be necessary, including—

(A) a reservation of water rights;

(B) a right-of-way; and

(C) a utility easement.

(g) CONSIDERATION.—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; or

(B) competitive sale.

(3) FORM.—
SA 1059. Mr. DORGAN 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:

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury shall issue a general license for travel to, from, or within Cuba to any person subject to the jurisdiction of the United States (and any member of the person's immediate family) for the purpose of visiting a member of the person's immediate family for humanitarian reasons.

(b) DEFINITIONS.—In this section:

(1) MEMBER OF THE PERSON'S IMMEDIATE FAMILY.—The term ‘member of the person’s immediate family’ means:

(A) the person’s spouse, child, grandchild, parent, grandparent, great-grandparent, uncle, aunt, brother, sister, nephew, niece, first cousin, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, or brother-in-law; or

(B) the spouse, widow, or widower of any relative described in subparagraph (A).

(2) HUMANITARIAN REASONS.—The term ‘humanitarian reasons’ means—

(A) to visit or care for a member of the person’s immediate family who is seriously ill, injured, or dying;

(B) to make funeral or burial arrangements for a member of the person’s immediate family;

(C) to attend religious services related to a funeral or a burial of, a member of the person’s immediate family.

(b) SAVINGS CLAUSE.—Nothing in this section shall be paid in cash on conveyance of land or improvement that is not equal in value to the administrative site conveyed.

(i) E QUAL IN VALUE. —If the values of land or improvements to be exchanged under this section as the ‘Secretary’ may—

(1) transfer to the fund, without reimbursement, to the Fund at fair and reasonable values, any receivables, inventories, equipment, buildings, improvements, and other assets as the Secretary determines 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 services.

(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.

SA 1063. Mr. CHAMBLISS 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:

SA 1064. Mr. ALLARD 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:

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, June 28, 2005, at 10 a.m., in room 106 of the Dirksen Senate Office Building to conduct an oversight hearing on the Regulation of Indian Gaming. Those wishing additional information may contact the Indian Affairs Committee.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN, Mr. PRESIDENT, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, June 28, 2005, at 10 a.m., in room 106 of the Dirksen Senate Office Building to conduct an oversight hearing on the Regulation of Indian Gaming. Those wishing additional information may contact the Indian Affairs Committee.
S7446

CONESSIONAL RECORD — SENATE
June 27, 2005

(1) S.J. Res. 15. A bill 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.

(2) S. 374. A bill 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.

(3) S. 113. A bill to modify the date as of which certain tribal land of the Lytton Rancheria is deemed to be held in trust.

(4) S. 881. A bill to compensate the Spokane Tribe of Indians for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

(5) S. 449. A bill to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missing enrollees, eligible elders, and persons born after Dec. 18, 1971, and for other purposes.

(6) H.R. 797/S. 475. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other acts to improve housing programs for Indians.

(7) S. 623. A bill 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, UT, and for other purposes.


(9) S. , A bill to condemn certain subsurface rights to land held trust by the State of Arizona, and convey subsurface rights held by BLM, for the Pascua Yaqui Tribe.

(10) S. , A bill to authorize funding for the National Indian Gaming Commission.

(11) S. 1239. A bill to authorize the use of Indian Health Service funds to pay Medicare Part D premiums on behalf of Indians.

(12) S. 1231. A bill to provide initial funding for the National Fund for Excellence in American Indian Education previously established by Congress.

(13) S. , A bill to require former Federal employees who are employed by tribes to adhere to conflict of interest rules.

(14) S. , A bill to amend the Tribally Controlled Community College and Universities Assistance Act.

Those wishing additional information may contact the Indian Affairs Committee.

RED TIDE EMERGENCY RELIEF
ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate pro-
ceed to the immediate consideration of S. 1316 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1316) to authorize the Small Business Administration emergency relief to shellfishgrowers affected by toxic red tide losses.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, today Senator SNOWE and I have introduced a bill to help a group of nearly 300 fishermen, known as aquaculturists, who are falling through the cracks of the Government's assistance programs. Right now these businesses are prohibited from receiving SBA disaster loans, and they are eligible for USDA disaster loans only under limited circumstances.

To our dismay, we have learned that SBA has come across this dilemma many times in the past, most recently last year in Connecticut, and yet no one at that agency has ever tried to coordinate with the Department of Agriculture to make matters worse, the SBA waited two weeks to let us know that they wouldn't be able to serve all our small businesses. So even in those cases in which these harmed small businesses would be eligible for loans from USDA, hundreds of small businesses are left waiting for the Secretary of Agriculture to go through the same hoops to certify a disaster and make that agency's disaster loans available. I appreciate all the Farm Service Agency has done to expedite the process, and compliment their staff for being so responsive. However, this isn't right.

Our State has been hit by the worst case of red tide in more than 30 years. These small business owners have seen their income disappear because they can't sell their inventory. With no income they can't pay their bills, invest in seeds to plant future crops, and they can't even make ends meet. They need access to these low-cost loans to help them make ends meet until the Government opens the shores and declares shellfish once again safe to eat.

Businesses in trouble can't, and shouldn't have to, wait for this red tape to be resolved. To make sure this doesn't happen in the future, I am joining Senator Snowe to make it possible for aquaculturists to be eligible for SBA's disaster assistance loans.

This will complement what the Department of Agriculture's Farm Service Agency can offer in disaster loans. I want to also assure my colleagues that businesses are only eligible for loans through the SBA or Farm Service Agency but not both. This is already prohibited by law, and the agencies have in place procedures to protect against misuse. I than Senator Snowe for working with me to help our fishermen hurting from red tide.

I ask unanimous consent that an article on this problem be printed in the RECORD.

The Senate was in session at 10:00 a.m. and at 12:00 noon Senator BOSTON. Shellfish grower Barbara Austin has been without work, just like hundreds of shellfishgrowers, ever since a toxic "red tide" closed shellfishing areas across the state earlier this month.

The difference is that she and nearly 300 other aquaculturists aren't eligible for the same low-interest loans to help them weather the financial storm. Austin, of Wellfleet, pursued a loan from the Small Business Administration before learning they're reserved for the state's roughly 1,500 shellfishgrowers. The state's 207 inmates are not eligible because the SBA considers them farmers, not fishermen. Austin said the rule was "kind of a slap in the face."

"If they're going to make offers like this, they should have been clear about what they're really offering," she said Tuesday.

In response, members of the state's congressional delegation Tuesday sent a letter to Agriculture Secretary Mike Johanns, urging him to make emergency financial assistance available to aquaculturists and fish farmers in eight Massachusetts counties.


The shellfishgrowers, said Sen. John Kerry, D-Mass., "shouldn't be blocked from receiving low interest loans because of bureaucratic red tape."


"Obviously, we are not pleased," Forest said. "We're working to get the problem fixed quickly."

Efforts to reach SBA regional director William Leggerio until Tuesday. On June 9, Gov. Mitt Romney declared a state of emergency and asked the SBA for disaster assistance for the shellfishing industry, which is losing $3 million a week. Less than a week later, the SBA announced that it would offer loans of up to $1.5 million with a 4 percent interest rate. Other forms of financial assistance could be available soon. The state also is asking for disaster aid from the Federal Emergency Management Agency.

In the meantime, most of the shellfish beds shut down along the coast of Massachusetts will remain closed for at least four to five more weeks, state shellfish biologist Michael Hickey said Tuesday.

Hickey said the size and intensity of the toxic algae bloom is dropping in the waters off the North Shore and Cape Cod, but it could take two more weeks for the bloom to completely disappear. After that, he added, it would take two to three more weeks before shellfish beds can reopen.

"The good news is that areas we do have open are safe. The shellfish on the market is safe. The beaches are safe," Hickey said. "The bad news is, it's not over." (The bloom) is not going to be over for another couple of weeks.

The red tide contaminates shellfish such as clams and mussels, making them unsafe for people and animals to eat. The outbreak is the region's worst since 1972.
Mr. MCCONNELL. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection it is so ordered.

The bill (S. 1316) was read the third time and passed, as follows:

S. 1316

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 “Red Tide Emergency Relief Act of 2005”.

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings. Congress finds that—

(1) shellfish growers, known as “aquaculturists”, from the Schoodic Peninsula in Maine to Buzzards Bay in Massachusetts have suffered substantial economic injury due to the worst occurrence of toxic algae bloom, known as “Red Tide”, along the New England Coast since 1972;

(2) toxins produced by the Red Tide algae contain the chemical domoic acid, which, if ingested by shellfish growers have been affected by the Red Tide, and losses industrially are estimated at $3 million a week; and

(3) shellfish growers are currently considered to be agricultural enterprises, and are therefore ineligible for economic injury disaster loans available to other small business concerns through the Small Business Administration;

(4) shellfish growers are currently eligible for emergency loans through the Farm Service Agency of the Department of Agriculture under limited circumstances;

(5) the Small Business Act should be amended to make shellfish growers eligible for emergency small business assistance, as a complement to assistance otherwise offered through Federal programs.

(b) Purpose. The purpose of this Act is to provide disaster assistance to aquaculture enterprises.

SEC. 3. AUTHORITY TO PROVIDE DISASTER ASSISTANCE TO AQUACULTURE ENTERPRISES.

Section 18(b)(1) of the Small Business Act (15 U.S.C. 647(b)(1)) is amended—

(1) by striking “aquaculture,”; and

(2) by inserting after the semicolon at the end “, other than aquaculture”.

PARTNERS FOR FISH AND WILDLIFE ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 134, S. 290.

The PRESIDING OFFICER. Without objection it is so ordered.

The legislative clerk read as follows:

A bill (S. 290) to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments.

[Strike the parts shown in black brackets and insert the part shown in italics.]
Federal Government, a State, or a political subdivision of a State or a State.

(B) INCLUSIONS.—The term ‘private land’ includes tribal land and Hawaiian homeland.

(7) The term ‘project’ means a project carried out under the Partners for Fish and Wildlife Program established by section 4.

(8) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

SEC. 4. PARTNERS FOR FISH AND WILDLIFE PROGRAM.

The Secretary shall carry out the Partners for Fish and Wildlife Program within the United States Fish and Wildlife Service to provide technical and financial assistance to private landowners for the conduct of voluntary projects to benefit Federal trust species by promoting habitat improvement, habitat restoration, habitat enhancement, and habitat establishment.

SEC. 4. PARTNERS FOR FISH AND WILDLIFE PROGRAM.

The Secretary shall carry out the Partners for Fish and Wildlife Program within the United States Fish and Wildlife Service to provide—

(1) technical and financial assistance to private landowners for the conduct of voluntary projects to benefit Federal trust species by promoting habitat improvement, habitat restoration, habitat enhancement, and habitat establishment;

(2) technical assistance to other public and private entities regarding fish and wildlife habitat restoration on private land.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act not more than $75,000,000 for each of fiscal years 2006 through 2011.

Mr. MCCONNELL. I ask unanimous consent that committee-reported amendments be agreed to, the bill as amended be read the third time and passed, the motion to reconsider be laid upon the table, and any statements 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 bill (S. 260), as amended, was read the third time and passed, as follows:

S. 260
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 ‘Partners for Fish and Wildlife Act’.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) approximately 60 percent of fish and wildlife in the United States are on private land;

(2) it is imperative to facilitate private landowner-centered and results-oriented efforts that promote efficient and innovative ways to protect and enhance natural resources;

(3) there is a readily available source of technical biological information that the public can access to assist with the application of state- and the-art techniques to restore, enhance, and manage fish and wildlife habitats;

(4) a voluntary cost-effective program that leverages public and private funds to assist private landowners in the conduct of state-of-the-art fish and wildlife habitat restoration, enhancement, and management projects for the United States Fish and Wildlife Service;

(5) durable partnerships working collaboratively with willing private landowners to implement on-the-ground projects has lead to the reduction of endangered species listings;

(b) EXECUTIVE ORDER No. 13382.—Executive Order No. 13382 (69 Fed. Reg. 52969) directs the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency to pursue new cooperative conservation programs that leverage public and private funds to benefit Federal, State, local, and tribal governments, private for-profit and non-profit institutions, non-governmental entities, and individuals.

(c) INCLUSIONS.—The term ‘private landowner’ includes tribal land and Hawaiian homeland.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL TRUST SPECIES.—The term ‘Federal trust species’ means migratory birds, threatened species, endangered species, interjurisdictional fish, marine mammals, and other species of concern.

(2) HABITAT ENHANCEMENT.—The term ‘habitat enhancement’ means the manipulation of the physical, chemical, or biological characteristics of a habitat to change a specific function or perform specific tasks.

(3) HABITAT ESTABLISHMENT.—The term ‘habitat establishment’ means the manipulation of physical, chemical, or biological characteristics of a habitat to change a specific function or perform specific tasks.

(5) HABITAT RESTORATION.—The term ‘habitat restoration’ means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning the natural boundaries of natural functions to the lost or degraded habitat.

(7) PROJECT.—The term ‘project’ means a project carried out under the Partners for Fish and Wildlife Program established by section 4.

SEC. 4. PARTNERS FOR FISH AND WILDLIFE PROGRAM.

The Secretary shall carry out the Partners for Fish and Wildlife Program established by the Congress assembled, the Representatives of the United States of America in Congress assembled, for the purpose of—

(1) technical and financial assistance to other public and private entities regarding fish and wildlife habitat establishment; and

(2) technical assistance to other public and private entities regarding fish and wildlife habitat establishment; and

(3) HABITAT ESTABLISHMENT.—The term ‘habitat establishment’ includes the manipulation of physical, chemical, or biological characteristics of a site with the goal of creating a new habitat.

(5) HABITAT RESTORATION.—The term ‘habitat restoration’ means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning the natural boundaries of natural functions to the lost or degraded habitat.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act not more than $75,000,000 for each of fiscal years 2006 through 2011.
SPONSORSHIP OF AMENDMENT NO. 98

Mr. MCCONNELL. Mr. President, I ask unanimous consent all references to amendment No. 98, which was adopted by the Senate on Wednesday, June 23, reflect that the sponsor is Senator CONRAD, not Senator OBAMA.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JUNE 28, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, June 28. 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 resume consideration of H.R. 6, the Energy bill, and immediately proceed to a vote on passage as provided under the previous order.

I further ask consent that the Senate stand in recess from 12:30 to 2:15 to accommodate the weekly party lunch- eons.

I now ask unanimous consent that second-degree amendments be relevant to the first degree to which they are offered.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow the Senate will resume consideration of the Energy bill. Under a previous agreement, we will immediately proceed to a vote on the passage of that bill. Following the disposition of the Energy bill, the Senate will resume consideration of the Interior appropriations bill.

We have had a number of amendments offered to the bill, and we will begin working through those amendments tomorrow morning. Senators should expect votes in relation to amendments throughout the day tomorrow. It is our hope we will be able to move the bill to passage sometime during tomorrow’s session. Following passage of the Interior appropriations bill, we expect to begin consideration of the Homeland Security appropriations bill.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. MCCONNELL. 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 6:24 p.m., adjourned until Tuesday, June 28, 2005, at 9:45 a.m.
EXTENSIONS OF REMARKS

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

SPPEAR OF
HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

The House in Committee of the Whole on the State of the Union 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:

Mr. NADLER. Mr. Chairman, I rise today to note that during the debate on the Nadler amendment to H.R. 3010, which would have restored funding to Arts in Education programs, a procedural error occurred. The RECORD will reflect that at the end of the debate, as a result of the agreement by Chairman REGULA to work to maintain funds for the arts, the vote was heard—the Chair declared the voice vote—no ''aye'' or ''nay'' vote was heard—the Chair declared the voice vote in the negative.

I would like the RECORD to reflect that it was my intention to withdraw my amendment, because of Chairman Regula's commitment to the Arts in Education program. I trust that commitment will not be affected by the procedural error.

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

SPPEAR OF
HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Friday, June 24, 2005

The House in Committee of the Whole on the State of the Union 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:

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong opposition to Mr. Paul's amendment to H.R. 3010, which would have restored funding to Arts in Education programs in conference, for other reasons. Like so many disorders, mental illness does not discriminate and affects every age, ethnic, and socioeconomic group. Given its widespread effect on individuals and society, we need to put more emphasis on mental health, not less. I urge my colleagues to vote against the Paul amendment.

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

SPPEAR OF
HON. MIKE PENCE
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. PENCE. Mr. Speaker, for many years we in this body have been discussing the issue of the use of methyl bromide and the impact of the elimination of this chemical as stated in the Montreal Protocol. We must look at how this will affect our diverse economy as well as lay the groundwork for new alternatives to replace methyl bromide. As signatories to the Montreal Protocol, the United States negotiators have a responsibility to Congress and the Administration to seek an acceptable balance as they travel to Montreal in a few days to attend the Twenty-fifth Open-Ended Working Group Meeting of the Parties to the Montreal Protocol, Second Extraordinary Meeting of the Parties, and associated meetings 26 June–2 July 2005.

This person is David Mueller of Westfield, Indiana. He is a fumigator and the son of a flour miller and has been fumigating since he was a teenager. His privately owned family business was founded in 1981 and has 25 employees.

Methyl bromide is a product that his company Fumigation Service & Supply, Inc. began using in the 1980s for fumigating fourmills, food processing structures, and post harvest commodities throughout the United States. As of January 1, 2005, this Indiana company no longer uses methyl bromide. How did this phase out of this biocide?

In 1995 they heard that methyl bromide was going to be phased out under the Montreal Protocol. Dave understood that the loss of methyl bromide would have a dramatic effect on his business. He attended several domestic and international meetings to determine if this was a true story. After determining that alternatives would, in fact, be required under the U.S. Clean Air Act and the international treaty signed by President Reagan called the Montreal Protocol, his company began to search for credible alternatives.

As a stored product entomologist, Mr. Mueller started this search process by looking at methyl bromide and how it affects the insects and other pests. It is a biocide that kills like napalm. When it touches something, it kills it: egg, larva, pupa and adult. Other fumigants needed more time or a higher dosage rate to work. However, he understood that the respiration of the insects could be increased substantially by increasing the temperature in the flourmills and food factories or choosing the warmest time of the year to plan the scheduled fumigations.

By increasing the temperature of the insects they were observed to become stressed, dehydrated, and would die faster. The dosage rates for conventional fumigants and insecticides like phosphine, dichlorvos, and sulfurfluoride worked better, faster, and at lower dosage rates when temperatures of 90–100 °F (30–40 °C) were created.

He also added carbon dioxide (3–5 percent) to the mix to allow for better mortality and shorter shutdown times for these post harvest fumigations. The carbon dioxide makes the insects and rodents breathe harder and faster allowing the fumigants to kill better and faster.
This is called the combination fumigation method.

The ten-year findings to this search for alternatives to methyl bromide showed those who were willing to listen that credible alternatives to methyl bromide do exist. The combination of heat and carbon dioxide added to exist- 
ing E.P.A. registered fumigants and insecti-
cides offers credible, technical, and economic alternatives to methyl bromide.

During this search for alternatives, Mr. Mueller noticed that many companies don’t use methyl bromide. He asked how they do it. The answer was simple, they don’t fumigate because they do all the things that they should do to prevent having to fumigate. Brand name companies like Frito Lay, Nestle, PepsiCo, Kal Kan, Purina, Gerber, Procter and Gamble, Wal-Mart, and many more don’t fumigate with methyl bromide. Good cleaning, good prevention and monitoring strategies to be proactive rather than reactive have allowed these companies to prioritize their sanitation program with excellent results and corporate reputations. Their brand names are the best in the industry because they spend the resources to stop the insects and other pests from entering their facilities. If pests do get through the “gatekeeper” they have strategies to monitor for their early detection. Local treatments are then applied in a timely manner to eliminate any outbreaks. This is post harvest IPM and it works for those willing to be proactive instead of reactive.

In summary, life without methyl bromide is possible. This Hoosier company is doing it and other companies are doing it with credible alter-
atives for the protection of the environment. There is a price to pay for protecting the environment and everyone can find credible alter-
atives if they search for them like Fumi-
gation Service & Supply, Inc. did. Companies that continue to use methyl bromide when there are credible alternatives available should spend the time, resources, and effort to make the right choice as did Mr. Mueller and Fumi-
gation Service & Supply, Inc.

TRIBUTE TO THE BOOKER T. WASHINGTON JUNIOR-SENIOR HIGH SCHOOL CLASS OF 1963

HON. KENDRICK B. MEEK
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Mr. MEEK of Florida. Mr. Speaker, I want to pay tribute to the reunion of Miami-Dade County’s Booker T. Washington’s class of 1963. In a special way, I commend this dedi-
cated group of alumni, who entered our com-
munity landmark institution in 1957. Forty-
one years at the school. Inspired by their motto, “Memorable ’60th Birthday Bash,” beginning in the fall of 1963. In a special way, I commend this dedi-
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COMMENDING PAUL WILLIAM CANFIELD UPON THE OCCASION OF RECEIVING THE YMCA COACH OF THE YEAR AWARD

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Mr. HIGGINS. Mr. Speaker, I rise today to commend Paul William Canfield, a resident of Chautauqua County, City of Jamestown, upon the occasion of receiving the YMCA Coach of the Year Award.

Paul was honored at the Jamestown YMCA annual meeting for his dedication and devotion to his job and the community. This honor was given to Paul for his exemplary services at the YMCA, not only as a volunteer, but also as a staff member.

In addition to donating his time and energy to the YMCA, Paul is also a special education teacher for the Jamestown Public Schools. Mr. Canfield has shown extremenation and generosity to the community, and I am proud, Mr. Speaker, to have the opportunity to honor him here today.

CLARIFICATION OF REPRESENTA-
TIVE GRIJALVA AS AN ORIGINAL 
COSPONSOR OF H.R. 3051

HON. JIM KOLBE
OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES

Mr. KOLBE. Mr. Speaker, on Thursday, June 23, I introduced H.R. 3051, the Pima County Land Adjustment Act. At introduction I inadvertently did not indicate Representative Paul Grijalva as an original cosponsor. Representa-
TIVE GRIJALVA made significant con-
tributions during the authoring of this legisla-
tion and played an integral role throughout the process. Although the House rules do not per-
mit Representative Grijalva’s name to be shown as an original cosponsor of H.R. 3051, I wish to clarify that he rightly deserves this recogni-
tion. I would like to express my sin-
cerest apologies to Representative Grijalva and his staff for this inadvertent oversight.

INTRODUCTION OF THE PARENTS’ TAX RELIEF ACT

HON. LEE TERRY
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES

Mr. TERRY. Mr. Speaker, I rise today to in-
trouduce the Parents’ Tax Relief Act, PTRA, to empower parents who choose to stay home with their children.

This legislation will end the longstanding in-
equity in the Tax Code that encourages day care above stay-at-home parenting. It will also help parents to spend more time with their children by encouraging flexible employment opportunities such as home-based businesses and telecommuting jobs.

Congress should recognize and support the incredible sacrifices parents make to raise their children. I have heard from Nebraska families who struggle to make ends meet so one parent can stay at home and provide the love, care and attention that every child de-
serves. The high Federal tax burden, which falls most heavily on the middle-class, has un-
fortunately made this option extremely difficult, if not unreachable, for many families.

Parents perform a tremendous balancing act between work and family responsibilities. It can be difficult for families to survive without a second income, much of which goes to-
wards day care and work-related expenses such as dry-cleaning bills and gasoline, but which can also support grocery bills, medical expenses and savings for a child’s future edu-
cation.

Greater tax relief will make it a more real-
istic option for parents to stay at home with their little ones in the early formative years that are so crucial to children’s physical, men-
tal and emotional development. The legislation that I am introducing today will improve op-
tions for parents to contribute to family income while staying at home for their children, includ-
ing home-based businesses and telecom-
munity jobs.

It is clear that parents want these options. A comprehensive study on balancing work and family, conducted by four major charitable foundations, found that 70 percent of parents
believe the best arrangement for the care of young children is to have one parent at home. An ABC News poll last month showed that 77 percent of parents agree that while it may be necessary for a mother to work and contribute to family income, it would be better if she could stay home to care for the house and children.

In a parenting survey done for Warner Books, 87 percent of mothers said they would stay at home to raise their children if they could afford it. The Family and Work Institute reported that 70 percent of working parents feel they lack enough time with their children, and nearly two-thirds of all workers would reduce their work hours by an average 11 hours a week if they could.

In addition, 82 percent of parents with preschoolers want policymakers to concentrate on making it more affordable for a parent to stay at home during a child’s first few years than on improving the quality and affordability of day care. In fact, 53 percent of parents preferred to stay-at-home themselves, while only 1 in 3,33 percent, would cut costs for families using day care. Members of Congress should trust in the judgement of parents, especially regarding the care of preschool children.

The Parents’ Tax Relief Act, which I am introducing today with a dozen original cosponsors, contains seven major tax improvements to empower parents and strengthen families in America.

First, this legislation extends the Dependent Care Tax Credit to parents who choose to be at home with their children. Established in 1954, this credit allows families to claim up to 35 percent of $3,000 in documented, non-parental child care costs, and 35 percent of $6,000 in day care expenses for two children. Families who make the financial sacrifice to have one parent stay at home for their children should also benefit from this tax credit.

Second, the Parents’ Tax Relief Act will make the $1,000 child tax credit permanent and indexed to inflation to retain its long-term value. This tax relief is critical for Nebraska families with dependent children.

Third, this legislation will double the personal income tax exemption to half of its original 1954 value of $100 to $5,000 for parents who take their children out of school between 1948 and 1983 when this exemption was equivalent to $10,000 in today’s inflation-adjusted dollars. America witnessed a “marriage boom,” a “baby boom,” and a decline in the divorce rate. There is evidence suggesting these outcomes were significantly advanced by federal tax policy to strengthen families. Doubling the personal income tax exemption provides critical support to families with children, as well as elderly or disabled dependents.

Fourth, the Parents’ Tax Relief Act eliminates the marriage tax penalty once and for all. This penalty discourages the sacred institution of marriage by unfairly taxing married couples filing jointly at a higher rate than two single individuals earning the same income. The 2001 tax cut law reduced this penalty by doubling the standard deduction for joint filers, and doubling the size of the 15 percent tax bracket for married couples. Unfortunately, these reforms will expire by 2010, along with the rest of the tax cuts enacted by Congress. The Parents’ Tax Relief Act will extend marriage tax relief to all tax brackets to prevent the government from discouraging marriage or forcing both parents into the workforce.

Fifth, this legislation will support parents who operate a home-based business in order to spend more time with their children. The bill establishes a standard home-office tax deduction to replace complicated IRS regulations that prevent many small business owners from deducting legitimate expenses. The Congressional Budget Office estimates that nine million of the 17.3 million small businesses in the United States are homebased, and 55 percent are operated by women. Many home businesses are started to provide a secondary income.

Sixth, the Parents’ Tax Relief Act encourages telecommuting for families with young children. It will create a Telecommuting Tax Credit allowing employers to deduct a portion of a telecommuting employee’s wages for income tax purposes. It will also support President Bush’s budget request to allow individuals to exclude from income the value of employer-provided computers and related equipment necessary for work from home. Telecommuting is one way mothers or fathers can stay at home with their children while still contributing to family income.

Finally, the Parents’ Tax Relief Act protects the Social Security benefits of women or men who choose to stay-at-home with preschool children. When a parent leaves the workforce to be at home with a child, the family’s finances may not only suffer, but career opportunities and future earnings potential may be diminished. Parents who stay at home to care for children during prime working years may also jeopardize their future Social Security benefits—especially in the unfortunate case of disability or divorce.

The Parents’ Tax Relief Act addresses the realities stay-at-home parents face by allowing up to 10 years of flexible Social Security employment credits for parents who stay at home to raise children age six and under. Public policy should recognize and safeguard stay-at-home parenting as valuable work that contributes to the character and security of our Nation.

These seven tax improvements will empower parents and strengthen families. The Federal government must not tax parents out of their homes at the expense of children. I urge my colleagues to support families by cosponsoring the Parents’ Tax Relief Act today.

Tribute to the Reverend Monsignor Peter M. Polando

HON. TIM RYAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, June 27, 2005

Mr. RYAN of Ohio. Mr. Speaker, I rise today in recognition of The Reverend Monsignor Peter M. Polando, who celebrates the twenty-fifth anniversary of his ordination this year. Monsignor Polando was a Chaplain of the Ohio National Guard, a Chaplain to the United States Army Reserve unit stationed in Youngstown, Ohio in 1954, and was ordained in 1980 at Youngstown’s Cathedral of St. Columba. He has led a distinguished life, marked by numerous degrees of higher education, an array of honors and awards, and a variety of career positions that have impacted many throughout Ohio. His impressive educational background includes a Bachelor of Arts degree from St. Gregory Seminary, Masters of Arts degrees from St. Mary Seminary of the West, Notre Dame University, and Ursuline College, and a licentiate in Canon Law from Catholic University of America.

Monsignor Polando is a Chaplain of His Holiness, a high honor that was bestowed upon him by Pope John Paul II in 1997. Bishop Tobin, former head of the Youngstown Diocese, appointed him to the position of Adjutant Judicial Vicar of the Diocese of Youngstown in 2003. Monsignor Polando has served as Supreme Chaplain, Vice President and National Chaplain for the First Catholic Slovak Union of the United States and Canada, and as a Chaplain and Pastor for various churches, parishes, and organizations throughout Ohio. He has worked as an instructor at Walsh University, Ursuline College, and Cardinal Mooney High School, where he also served as principal and a cross country and track coach.

Monsignor Polando is also an active member of many organizations and societies including alumni associations, Knights of Columbus, Youngstown Council of Catholic Nurses and several Catholic organizations, including Slovak Catholic Sokol Wreaths 54 and 108, First Catholic Slovak Ladies Association Branch 169, and Ladies Pennsylvania Slovak Catholic Union.

Monsignor Polando has touched the lives of many with his dedication and faith, and I would like to honor and congratulate him on his twenty-fifth anniversary of his ordination.

A STATEMENT BY SECRETARY OF STATE CONDOLEEZZA RICE AT THE AMERICAN UNIVERSITY IN CAIRO

HON TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 27, 2005

Mr. LANTOS. Mr. Speaker, I rise today to inform my colleagues of the forthright, courageous, and eloquent speech on democratization that Secretary of State Condoleezza Rice delivered on June 20, 2005, to an audience at the American University in Cairo during her trip this week to Egypt.

In Cairo, Secretary Rice acknowledged that democracies may vary somewhat from place to place, but she emphasized that there are certain ground-rules common to all democracies: “the right to speak freely, the right to assemble, the right to ask questions, the freedom to educate your children—boys and girls, and freedom from the midnight knock of the secret police” among others.

Then she delivered powerful messages to both Middle Eastern authoritarian rulers and their citizens alike. Secretary Rice warned that “the fear of free choices can no longer justify the denial of liberty. It is time to abandon the excuses that are made to avoid the hard work of democracy.”

Mr. Speaker, to the citizens of the Middle East she offered hope: “Millions of people are demanding freedom for themselves and democracy for their countries. To these courageous men and women, I say today: All free
nations will stand with you as you secure the blessings of your own liberty.”

The Secretary commended President Mubarak’s reform of presidential elections in Egypt, but she made clear that Egypt’s implementation of the reform will be watched closely. And she emphasized that implementation means: “Opposition groups must be free to assemble, and to participate, and to speak to the media. Voting should occur without violence or intimidation. And international election monitors and observers must have unrestricted access to do their jobs.”

Moreover, she made clear that, even in the best circumstances, Egypt has a long way to go: “The day must come when the rule of law replaces emergency decrees—and when the independent judiciary replaces arbitrary justice.”

“Our Secretary of State has returned from the Middle East having re-affirmed American values and having made clear that our commitment to freedom in the Middle East is unflinching. And the University of Cairo is one with a generosity of spirit and an understanding of the difficulties of democracy-building—as when she acknowledged America’s painful history of slavery and discrimination—that made clear to her audience that the U.S. will be an empathetic partner along the path to freedom.”

Mr. Speaker, I ask that Secretary Rice’s address be placed in the RECORD, and I urge my colleagues to read and give attention to her thoughtful remarks.

An Address of Secretary of State Condoleezza Rice at the American University in Cairo

Thank you very much, Dr. Haia Mustafa, for the warm introduction and your inspiring thoughts about democracy here in the region. I am honored to be here in the great and ancient city of Cairo. The United States values our strategic relationship and our strengthening economic ties with Egypt. And American presidents since Ronald Reagan have benefited from the wisdom and counsel of President Mubarak, with whom I had the pleasure of meeting earlier today.

The Middle East and Egypt and America have always desired to visit one another and to learn from one another. And the highest ideals of our partnership are embodied right here at this center of learning. This great center of learning has endured and thrived—from the days when our friendship was somewhat rocky, to today, when the relationship is strong. And I am very grateful and honored to address you in the halls of this great center of learning.

Throughout its history, Egypt has always desired to visit one another and to learn from one another. And the highest ideals of our partnership are embodied right here at this center of learning. This great center of learning has endured and thrived—from the days when our friendship was somewhat rocky, to today, when the relationship is strong. And I am very grateful and honored to address you in the halls of this great center of learning.

In the early 20th century, it was the reform-minded dynasty of Muhammad Ali that distinguished Egypt from the Ottoman Empire and began the process of transforming it into the region’s first modern nation.

In the early 20th century, it was the forward-looking Wafd Party that rose in the halls of this great center of learning. And their freely-elected government is working to seize the best opportunity in years to fulfill their historic dream of statehood. Courageous leaders, both among the Palestinians and the Israelis, are dedicated to seeking that peace. And they are working to build a shared trust.

The Egyptian Government must fulfill the promise it has made to its people—and to the entire world—by giving its citizens the freedom to choose. Egypt’s elections, including the Parliamentary elections, must meet objective standards that define free and fair elections.

Opposition groups must be free to assemble, and to participate, and to speak to the media. Voting should occur without violence or intimidation. And international election monitors and observers must have unrestricted access to do their jobs.

The Palestinian Authority has spoken, and their freely-elected government is working to seize the best opportunity in years to...
accept the rule of law, they must reject vio-

lence, they must respect the standards of free elections, and they must peacefully ac-

cept the results.

Throughout the Middle East, the fear of free choices can no longer justify the denial of liberty. It is time to abandon the excuses that stand in the way of the hard work of de-

mocracy. There are those who say that de-

mocracy is being imposed. In fact, the oppo-

site is true: Democracy is never imposed. It is tyrants who impose, not democracy.

People choose democracy freely. And suc-

cessful reform is always homegrown. Just

look around the world today. For the first time in history, more people are citizens of democracies than of any other form of gov-

ernment. This is the result of choice, not of coercion.

There are those who say that democracy leads to chaos, or conflict, or terror. In fact, the opposite is true: Freedom and democracy are the only ideas powerful enough to over-

come hatred, and division, and violence. For people of diverse races and religions, the in-
clusive nature of democracy can lift the fear of different skin color or ancestry to kill. But people of goodwill must choose to embrace the challenge of listening, and de-

bating, and cooperating with one another.

For those with turbulent histories, democracy can help to build trust and settle old disputes with dignity. But leaders and the people must commit to overcome the difficult work that nur-

tures the hope of peace. And for all citizens with grievances, democracy can be a path to lasting justice. For democracy can only function if certain groups have one foot in the realm of politics and one foot in the camp of terror.

There are those who say that long-term economic and social progress can be achieved without free minds and free markets. In fact, human creativity, and the aspirations of people, are only fully released when governments trust their people’s decisions and invest in their peo-

ple’s future. And the key investment is in the people’s education. Because edu-

cation—for men and for women—transforms their dreams into reality and enables them to overcome poverty.

There are those who say that democracy is for men alone. In fact, the opposite is true: Half a democracy is not a democracy. As one Muslim woman leader has said, “Society is like a bird. It has two wings. And a bird cannot fly if one wing is broken.” Across the Middle East, women are insuring all.

In Kuwait, women protested to win their right to vote, carrying signs that declared: “Women are Kuwaitis, too.” Last month, Kuwait’s legislature voiced its agreement. In Saudia Arabia, women’s promise of dignity is awakening in some young women. During the recent municipal elections, I saw the image of a father who went to vote with his daughter.

Rather than cast his vote himself, he gave

the ballot to his daughter, and she placed it in the ballot box. This small act of hope re-

veals one man’s confidence. And he is not alone.

Ladies and Gentlemen: Across the Middle East, the dreams of citizens are voiced in their aspirations for liberty and for dem-

ocracy. These men and women are expanding boundaries in ways many thought impossible just one year ago.

They are demonstrating that all great moral achievements begin with individuals

who do not accept that the reality of today must also be the reality of tomorrow.

There was a time, not long ago, after all, when liberty was slavery.

The moral worth of my ancestors, it was

thought, should be valued by the demand of the market, not by the dignity of their souls. This practice was sustained through vio-

lence. But the crime of human slavery could not withstand the power of human liberty. What seemed impossible in one century became inevitable in the next.

There was a time, even more recently, when liberty was threatened by colonialism. It was believed that certain peoples required foreign guardianship in order to survive in their lives. Like slavery, this ideology of in-

justice was enforced through oppression.

But when those who demanded their rights, the truth that freedom is the destiny of every nation rang true throughout the world. What seemed impossible in one decade became inevitable in the next.

Today, liberty is threatened by undem-
ocratic governments. Some believe this is a permanent fact of history. But there are oth-

ers who know better. These impatient patri-

ots can be found in Baghdad and Beirut, in Riyadh and in Ramallah, in Amman and in Tehran and in Cairo. Together, they are defining a new standard of justice for our time—a standard that is clear, and powerful, and inspiring: Liberty is the universal human right and democracy is the ideal path for every nation.

The day is coming when the promise of a

fully free and democratic world, once thought possible, will also seem inevi-

table. The people of Egypt should be at the forefront of this great journey, just as you have led this nation through the great jour-

neys of the past.

A hopeful future is within the reach of every Egyptian citizen—and every woman and every man. The choice is clear. And the price for choice is yours to make. But you are not alone. All free nations are your allies. So together, let us choose liberty and democracy—for our na-

tions, for our children, and for our shared fu-

ture. Thank you.

INTRODUCING THE COMPREHENSIVE HEALTH CARE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. PAUL. Mr. Speaker, America faces a crisis in health care. Health care costs con-

inue to rise, leaving many Americans unable to afford health insurance, while those with health care coverage, and their physicians, struggle under the control of managed-care “gatekeepers.” Obviously, fundamental health care reform should be one of Congress’ top priorities.

Unfortunately, most health care “reform” proposals either make marginal changes or exacerbate the problem. This is because they fail to address the root of the problem with health care, which is that government policies encourage excessive, expensive care by third-party payers. The excessive reliance on third-party payers removes all incentive from individual patients to concern themselves with health care costs. Laws and policies promoting Health Maintenance Organizations (HMOs) re-

sulted from a desperate attempt to control spir-

aling costs. However, instead of promoting an efficient health care system, HMOs further took control over health care away from the in-

dividual patient and physician.

Furthermore, the predominance of third-

party payers means there is effectively no market for individual health insurance policies, thus those whose employers cannot offer them health benefits must either pay exorbi-

tant fees for health insurance or do without health insurance. Since the health care pro-

viders cater to those with health insurance, it is very difficult for the uninsured to find health care that meets their needs at an affordable price. The result is much of the uninsured turn to government-funded health care systems, or use their local emergency room as their pri-

mary care physician. The result of this is de-

criminating health for the uninsured and increased burden on taxpayer-financed health care sys-

tem.

Returning control over health care to the in-

dividual is the key to true health care reform. The Comprehensive Health Care Reform Act puts control of health care back into the hands of the individual through tax credits, tax de-

ductions, Health Care Savings Accounts (HSA), and Flexible Savings Accounts. By giv-

ing individuals tax incentives to purchase their own health care, the Comprehensive Health Care Act will help more Americans obtain quality health insurance and health care. Spe-

cifically, the Comprehensive Health Care Act: A. Provides all Americans with a tax credit for 100% of health care expenses. The tax credit is fully refundable against both income and payroll taxes.

B. Allows individuals to roll over unused amounts in cafeteria plans and Flexible Sav-

ings Accounts (FSA).

C. Makes every American eligible for an Health Savings Account (HSA), removes the requirement that individuals must obtain a high-deductible insurance policy to open an HSA; allows individuals to use their HSA to make premium payments for high-deductible policy; and allows senior citizens to use their HSA to purchase Medigap policies.

D. Repeals the 7.5 percent threshold for the deduction of medical expenses, thus making all medical expenses tax deductible.

By providing a wide range of options, this bill allows individual Americans to choose the method of financing health care that best suits their individual needs. In conjunction with the current health care system is leading more and more Americans to embrace this ap-

proach to health care reform. For example, a poll by the respected Zogby firm showed that over 80 percent of Americans support pro-

viding all Americans with access to a Health Savings Account. I hope all my colleagues will join this effort to put individuals back in control of health care by cosponsoring the Compre-

prehensive Health Care Reform Act.

HONORING THE WOMEN VETERANS

OF THE 10TH CONGRESSIONAL DISTRICT AND THE ANNUAL WOMEN VETERANS BANQUET

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the women veterans of the 10th Congressional District of Ohio—for their service, bravery, and dedication on behalf of our country. Most significantly, we
HONORING MATTHEW MAZGAJ FOR HIS ALL AROUND EXCELLENCE IN ACADEMICS AND ATHLETICS

HON. BRIAN HIGGINS OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend the exemplary academic and athletic opportunities at Southwestern.

Matthew is one of those students who does not go unnoticed. This article as published in the Jamestown Post-Journal pays tribute to an outstanding young man.

AREA WRESTLER A STANDOUT IN AND OUT OF CLASSROOM

(By Scott Kapberg)

Richard Rybicki saw something special in Matt Mazgaj almost from the moment he met him on the first day of school in 1998.

As his homeroom teacher at Southwestern Middle School, Rybicki was struck by Mazgaj’s leadership skills, even as an 11-year-old sixth-grader.

It was a standout in and out of the classroom as an elementary student and athlete,” Rybicki said.

Past forward more than 6 years and nothing’s changed.

Mazgaj’s work ethic and drive to excel, first seen by Rybicki in the late 1990s, continued throughout his tenure at Southwestern Central School. From the classroom to the football field and from his church to the wrestling mat, the Trojans senior has laid a blueprint for other students to follow.

And somewhere Frank Hyde is smiling.

Hyde, who is the Post-Journal sports editor for 34 years, valued the all-around excellence of young people.

“Matt exemplifies the type of student athlete-scholar Frank Hyde admired most—those for whom participation in sports is an important part of the educational experience, but just secondary,” Post-Journal Editor Crisie Herbst said.

“He valued those students who also learned through participation in sports the lessons of respect and courtesy.”

Mazgaj is a member of the National Honor Society, the Ophelia mentoring program and the math club; an usher at Sacred Heart Church; and a volunteer coach with the Southwestern Spartans midget football league team.

Athletically, he turned in one of the finest careers in school history.

In wrestling, he captured consecutive New York State Public High School Athletic Association small school championships in 2004 and 2005 at 215 pounds and shared the Ilio DiPaolo Scholarship this year.

Along the way, Mazgaj, a two-year captain, posted a 130-28 career record, was the Division I wrestler of the year, and twice the 215-pound division state champion. The Trojans were also successful as a team during Mazgaj’s era, claiming a small-school state championship once, Section 6 championship twice and league championship three times.

“When I first met Matt I noticed that he had an incredible work ethic that far surpassed his peers,” Southwestern coach Mark Hetrick said in his letter of recommendation. “Matt was undefeated throughout middle school wrestling, but the thing that impressed me was he was a kid who was his drive and motivation to get better. His hard work paid off.”

Mazgaj led the Trojans to a 9-2 record and a Section 6 championship, the first sectional title in school history, both on the field and in the classroom, was recognized when he was selected the Section 6 Scholar-Athlete of the Year.

Statistically, Mazgaj, a two-year captain, holds team records for career tackles (357) and single-season tackles for a loss (22), and is tied for first in tackles in a season (136).

“I think the most important characteristic that Matt possesses is his character,” Southwestern head football coach and government/economics teacher Jay Sirianni wrote in his letter of recommendation. “Mazz displays the attributes of a natural leader. He has integrity, loyalty, a strong work ethic, and he leads by example. In an era with few positive role models, Matt has been a positive role model to his classmates and younger students.”

Because of his considerable wrestling talents, Mazgaj could have continued his career at a Division I or Division II level. Instead, he chose to finish his heart and his true love—football.

“With making the decision to play football in college,” Mazgaj wrote in his essay accompanying his scholarship application, “I believe this type of an extensive education past high school is vital for an individual to successfully advancing America today.”

Mazgaj has been accepted at Washington and Jefferson College, where he plans to major in biology and physics, and play football.

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“Matt Mazgaj is that exceptional student-athlete who comes around few times, if any, in a teacher’s career,” wrote Rybicki, who is also Southwestern’s athletic director. “Matt will definitely leave behind a legacy which has been forged by hard work, discipline and desire.”

I am honored, Mr. Speaker, to have an opportunity to honor this amazing young man.

HONORING THE 50TH ANNIVERSARY OF THE TOWN OF HYPOLUXO

HON. E. CLAY SHAW, JR. OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. SHAW. Mr. Speaker, the Town of Hypoluxo, a gem in the strand of our jeweled communities of Palm Beach County, is celebrating its 50th anniversary on July 3, 2005. I have proudly represented Hypoluxo for 13 years in the United States Congress and have come to know its residents and town leadership very well.

It is interesting to note that Hypoluxo got its name not from a Greek root, but from the Seminole name for Lake Worth which roughly translates to “water all around—no get out.”

Today a great number of people want to move into the friendly confines of Hypoluxo, but because no one wants to “get out,” home sites are difficult to find. No doubt, because of the wonderful people and the coastal breezes.

Hypoluxo is one of the smallest communities in my District with its nearly 2,500 people, but it has in its rich heritage played a very
Mr. WEXLER. Mr. Speaker, I rise today in strong support of today’s 9-0 Supreme Court decision in the MGV v. Grokster case. By ruling that providing the software makes a file-sharing service liable for facilitating online theft and for encouraging illegal downloads, the Court preserved this country’s 200 year history of inspiring American creativity by protecting the rights of those who create it. Traffic in copyrighted material has already cost American industry hundreds of millions of dollars. One-half of all teenagers have downloaded music for free, with two-thirds of them saying they buy less music now that they can steal it over the Internet so easily. Given the seventy and magnitude of the problem, I sincerely hope that today’s ruling will force peer-to-peer networks to either clean up their acts or disappear entirely. The Court unanimously found what so many of us already knew: peer-to-peer networks are merely the latest technology used to steal from copyright owners. Online file-sharing services, like Grokster and KaZaa, may not distribute copyrighted materials off of their own servers, but they certainly encourage that theft and profit from it. Just as in the physical world, promoting criminal activity is itself a crime. I am pleased peer-to-peer networks that actively encourage piracy will now be held responsible for their actions.

THE VOLUNTEER FIGHTERS OF VERMONT

HON. BERNARD SANDERS
OF VERMONT
IN THE HOUSE OF REPRESENTATIVES
Monday, June 27, 2005

Mr. SANDERS. Mr. Speaker, there are over 800,000 volunteer firefighters in the United States. Of the 30,000 fire departments in the United States, two thirds are entirely made up of volunteers—21,761 companies. Another 5,271 companies are mostly made up of volunteers.

In my own state of Vermont there are 246 small towns—and 244 fire departments. Five of them are in large cities, where there first responders are full time, paid firefighters. Vermont has 265 paid firefighters—all brave and dedicated men and women.

But in rural Vermont, dotted with small cities and smaller towns, there is often neither the population base nor the budget to support full-time firefighters. But thousands of remarkable men and women step into the breach, giving generously of their time and energy and commitment to make sure our residences, our businesses, our farms, our towns, are safe. Vermont, with a population of about 620,000, has an astonishing 6,235 volunteer firefighters.

Just over one person in every hundred who lives in our largely rural state has devoted himself or herself to protecting the community in which they live.

These first responders are models for people across our entire nation of what commitment to one’s neighbor looks like. Every day they demonstrate, in good weather and bad, in sweltering summer heat when their boots and coats are like oven, and in the depths of winter when the temperature goes to 25 below and frostbite threatens, that they are willing to put their lives on the line to protect the lives of others.

Our nation was built by people who were as concerned about their neighbors as they were about their own interests. It has been sustained by brave men and women who love their country, their community, their neighbors and family, as much as they love life itself. And that tradition of service and bravery continues in Vermont. I proudly celebrate, today, the remarkable volunteer firefighters of Vermont. We all owe them a debt of gratitude: They are among the great unsung heroes of our times.
IN HONOR AND REMEMBERANCE OF
U.S. MARINE LANCE CORPORAL
THOMAS OLIVER KEELING

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, June 27, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of United States Marine Lance Corporal Thomas Oliver Keeling, who courageously and selflessly heeded the call to duty and made the ultimate sacrifice on behalf of our country.

Corporal Keeling's life was defined by his family, friends, love for his country and an unbridled energy and joy that he freely extended to others. He received inner strength and faith from those who knew him best and loved him most, especially his parents, Sherry Berry and Thomas Keeling, step-parents, Robert Berry and Diane Palos, and siblings, Erin, Kristen and Rebecca.

Corporal Keeling was a dedicated family member, student and Marine. After graduating from Strongsville High School in 2000, he enrolled at Kent State University, where he graduated with a Bachelor's degree in 2004. He was always willing to go the extra mile for his family, friends, and for those with whom he served beside, with the highest level of honor and integrity, the men and women of Weapon's Company—3rd Battalion, 25th U.S. Marine Regiment in Iraq.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Lance Corporal Thomas Oliver Keeling. I extend my deepest condolences to Bill and Claudia Grant on the birth of their child, Allison Marie.

Ms. TRAVIS-BROWN-WAITE OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 27, 2005

Ms. TRAVIS-BROWN-WAITE of Florida. Mr. Speaker, I rise today to offer my congratulations to Bill and Claudia Grant on the birth of their child. Allison Marie Grant was welcomed into this world at 7:04 am on June 17th, 2005, weighing 6 pounds 12 1/2 ounces. Both the mother and father’s families were present to celebrate the joyful birth. The entire Citrus County Community welcomes their newest citizen. I congratulate Bill and Claudia on the new addition to their family and wish them years of continued health and happiness.

Ms. TRAVIS-BROWN-WAITE
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Friday, June 24, 2005

The House in Committee of the Whole House on the State of the Union 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.

Mr. DENT. Mr. Chairman, I would like to express my support for the Community Services Block Grants, and take a moment to highlight the effect these grants have on my District. CSBG funds are used to support the Community Action Committee of the Lehigh Valley (CACLV). I have a long history of working with the CACLV on a wide range of antipoverty initiatives which include housing, hunger, and community development, and I have recognized the positive contributions that CACLV has made as a result of CSBG funding.

CSBG grants are uniquely effective because they are locally-controlled and respond to the particular need of each individual community. The grants produce a return on investments that exceed the amount invested, and have the potential to leverage other sources of funding. In my district, the CACLV generates over $8 for each CSBG dollar; half of that leveraged money comes from private sources which include utilities, banks, church-eshes, foundations, and individuals.

CACLV runs two homeless shelters in my district—Safe Harbor in Easton and the 6th Street Shelter in Allentown. These shelters serve individuals and families with issues ranging from drug and alcohol dependence to domestic violence. The CACLV also operates Second Harvest Food Bank, distributing about 5 million pounds of donated and government food to over 170 agencies each year.

CACLV operates three community development subsidiaries that are conducting entrepreneurial training and offering microloans to help create dozens of micro enterprises each year. These CDC’s operate two inner-city farmers’ markets, offer cash assistance to struggling neighborhood-based businesses, provide residential and commercial facade improvement grants, and youth recreation programs.

Finally, CACLV operates a comprehensive financial services program that teaches dozens of low income families to save money and buy homes. Additionally, the CACLV offers free tax preparation services to over 600 taxpayers.

Beyond these impressive efforts, the CACLV has a record of building partnerships. It conceived and led a campaign that resulted in two open space referenda. This project is set to generate $70 million to create and enhance parks, protect natural areas and preserve farms. The CACLV’s housing initiatives have led campaigns to create housing trust funds in two counties in my district, and funded programs that have dramatically expanded homeownership throughout the Lehigh Valley.

The funding reductions included in this bill will greatly impact CACLV and Community Action Agencies across the country. The Executive Director of CACLV expects that a cut in excess of 50 percent will result in the closing of one of its homeless shelters and all of its small business development work and perhaps even more.

Mr. Speaker, it is clear that my district and the nation need the services that Community Action agencies provide. Although I understand the tight budget constraints we face, these programs stimulate the economy and improve the quality of life for the residents of my district. As the appropriations process advances, I would like to express my support for funding levels equal to the final FY 2005 appropriations for CSBG.
Currently, 362 hardworking Mainers are employed in the Limestone facility. Aroostook County and Northern Maine have already been devastated by the closure of the Loring Air Force Base. Additional job loss, along with the losses due to the proposed realignment at Brunswick Naval Air Station and Portsmouth Naval Shipyard, would have a serious impact in Maine. It is important for me to meet personally with General Newton, along with Governor Baldacci, so that we can stress the critical service that this facility provides for the military and its vital importance to the Maine economy.

INTRODUCING THE FREEDOM FROM UNNECESSARY LITIGATION ACT

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, June 27, 2005

Mr. PAUL. Mr. Speaker, I am pleased to introduce the Freedom from Unnecessary Litigation Act. As its title suggests, this bill provides an effective means of ensuring that those harmed during medical treatment receive full compensation while reducing the burden of costly malpractice litigation on the health care system. This bill achieves its goal by providing a tax credit for negative outcomes insurance purchased before medical treatment. The insurance will provide compensation for any negative outcomes of the medical treatment. Patients can receive this insurance without having to go through lengthy litigation and without having to give away a large portion of their award to a trial lawyer.

Relying on negative outcomes insurance instead of litigation will also reduce the costs imposed on physicians, other health care providers, and hospitals by malpractice litigation. The Freedom from Unnecessary Litigation Act also promotes effective solutions to the malpractice crisis by making malpractice awards obtained through binding, voluntary arbitration tax-free.

The malpractice crisis has contributed to the closing of a maternity ward in Philadelphia and a trauma center in Nevada. Meanwhile, earlier this year, surgeons in West Virginia walked off the job to protest increasing liability rates. These are a few of the examples of how access to quality health care is jeopardized by the epidemic of large (and medically questionable) malpractice awards, and the resulting increase in insurance rates.

As is typical of Washington, most of the proposed solutions to the malpractice problem involve the usurpation of areas best left to the states. These solutions also ignore the root cause of the litigation crisis: the shift away from treating the doctor-patient relationship as a contractual one to viewing it as one governed by regulations imposed by insurance company functionaries, politicians, government bureaucrats, and trial lawyers. There is no reason why questions of the assessment of liability and compensation cannot be determined by a private contractual agreement between physicians and patients. The Freedom from Unnecessary Litigation Act is designed to take a step toward resolving these problems through private contracts.

Using insurance, private contracts, and binding arbitration to resolve medical disputes benefits patients, who receive full compensation in a timelier manner than under the current system. It also benefits physicians and hospitals, which are relieved of the costs associated with litigation. Since it will not cost as much to provide full compensation to an injured patient, these bills should result in a reduction of malpractice premiums. The Freedom from Unnecessary Litigation Act benefits everybody except those trial lawyers who profit from the current system. I hope all my colleagues will help end the malpractice crises while ensuring those harmed by medical injuries receive just compensation by cosponsoring my Freedom from Unnecessary Litigation Act.

HONORING THE 25TH ANNIVERSARY OF ST. MATTHIAS PARISH

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, June 27, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the leaders and members of St. Matthias Parish, of Parma, Ohio, as they celebrate twenty-five years of faith, guidance, and love for parishioners, and for the greater good of the community.

Twenty-five years ago, St. Matthias was established by the late Bishop James A. Hickey. Bishop Hickey was later appointed to serve as Cardinal James A. Hickey. He announced that St. Matthias, a former mission parish, would now evolve into a full-fledged parish. Father Vincent Moraghan became the first Pastor of the church. On June 28, 1980, the first Mass was held at Green Valley School in Parma. The friendly and warm atmosphere of St. Matthias Parish has remained constant through the years. This spirit of cooperation and unity brought forth the planning and construction of a new church and rectory, completed by 1987. Following Pastor Moraghan's retirement, Father Raymond Sutter was appointed as Pastor, and continues his service to St. Matthias to this day.

The leadership and members of St. Matthias are a unified force of strength and assistance for many within the parish, and also for those in need, outside the parish. Volunteers continue to plan and implement programs such as the Volunteer Visitors Program, St. Vincent DePaul Society, Red Cross Drives, and the “Manna” Fundraiser, all of which serve to provide assistance and lift the spirit of individuals and families throughout our community.

Mr. Speaker and Colleagues, please join me in honor and recognition of every leader and member of St. Matthias Parish, as they celebrate twenty-five years of offering spiritual guidance for countless families and individuals. Since 1980, the parish has evolved in structure and location, yet it remains a steady beacon of light, faith and hope, that embraces the spiritual needs and everyday struggles of all parishioners.

HONORING ZACHARY AGETT UPON RECEIVING THE J.C. MATTESON MEMORIAL SCHOLARSHIP

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, June 27, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend Zachary Agett, a resident of Chautauqua County, City of Jamestown, upon the occasion of receiving the J.C. Matteson Memorial Scholarship.

Zachary was awarded the scholarship for his honorable character and athletic achievement. Both on and off the football field: Agett displays dedication, selflessness, integrity and leadership, many of the same admirable attributes that J.C. Matteson demonstrated.

This scholarship fund was established by the Chautauqua Region Community Foundation in honor of J.C. Matteson who died a very honorable death in Iraq last October. J.C. Matteson was a student and football player at Southwestern High School.

His father, James, has joked about heading up the fundraising efforts for the scholarship for years to come. James Matteson’s goal is to raise $29,000 and award two $1,000 scholarships in the coming years.

In the fall Agett plans to attend Washington and Jefferson University, where he will play football and major in biology. It is a wonderful honor to share the characteristics possessed by a fallen hero.

Zachary Agett is an upstanding young man and I am proud, Mr. Speaker, to have an opportunity to honor him today.

TECHNOLOGY, TRADE AND CHINA

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 27, 2005

Ms. LOFGREN of California. Mr. Speaker, Harris Miller, president of the Information Technology Association of America, recently wrote an opinion piece for the San Jose Mercury News. In this piece, Mr. Miller addresses some serious concerns about the Chinese government’s trade policies and their efforts to control and limit information on the Internet. Mr. Miller makes some excellent points and I encourage all of my colleagues to review his article.

In the House of Representatives
Monday, June 27, 2005

IN WALLING OFF SOFTWARE MARKET, CHINA FORGETS TRADE GOES TWO WAYS

(By Harris N. Miller)

Chinese trade practices have long been the subject of complaint from U.S. manufacturers, particularly in the textile industry. American high-tech firms now see the storm clouds forming for their own business sectors. Two trends are particularly disturbing: China’s leaders are quietly closing the doors to domestic market software competition while simultaneously attempting to expand government control over the Internet.

Despite U.S. protests, the Chinese government has published draft regulations that effectively would close China’s government market to American and other foreign software companies. Software is likely to be the
first of many government markets to close to foreign competition.

When it comes to information technology, China is a waging giant. With a total information and communications technology marketplace of almost $100 billion, the Chinese appetite for computers, software, and networking has doubled since 2000. All things being equal, China's high-tech growth is a good thing. With more than 1 billion people and a rapidly growing economy, China could be a tremendously profitable trading partner, and the U.S. information technology industry has championed China's ascension to the World Trade Organization. But when China embraced, the door to global trade must swing both ways. Not even considering a piracy rate exceeding 90 percent, China is now considering taking the additional step of rolling back the access that foreign software companies currently enjoy in the Chinese government procurement market.

China is in the process of implementing a “buy Chinese” software procurement policy for government systems, which, if implemented seriously, will dramatically inhibit foreign involvement in software sales to the Chinese government.

New draft procurements would require foreign software firms seeking Chinese government business to either perform 50 percent of the development work in China and assign those Chinese employees genuine R&D and capital investments in China. Even those foreign companies that might meet China’s R&D, manufacturing or outsourcing requirements could not compete fairly for government contracts. Any Chinese government entity that wants to procure foreign software eligible for purchase on these grounds would have to apply and obtain a specific waiver.

Equally troubling, China is asserting a larger government role over the operations of the Internet itself.

In a society like China’s, one that represses dissent and rewards conformity, Internet access to news and information from countless points of view is nothing less than a threat. This is no doubt why Chinese officials have jailed dozens of citizens for “subversive” Internet-related activity, including issuing warnings about the spread of SARS or advocating greater democracy. The New York Times recently apologized for not taking action against. For those young men and women to take the brave steps toward equality by presenting themselves as instruments of change must have taken a lot out of them.

Their bravery and courage nonetheless were the steps that have led this country to greater tolerance and understanding. It took heroes, like the Little Rock Nine, to lay the path for the important advances of today. Imagine where this country would be if these individuals had failed to step forward, to demand a desk at an integrated school, and to walk into American history demanding the fulfillment of the American Constitution.

With machine guns at the ready, screaming mobs, and death threats hurled at them, these nine young men and women bravely walked through the mob and into their classrooms. Their actions laid the foundations for a revolution in the American educational system. It called for an equalization of the way schools were funded and managed to ensure that all Americans received an equal opportunity to education and knowledge and that the doors of progress would no longer be closed to future generations of Americans, based on their race.

Today we have cause to applaud these valiant efforts. The Nation has moved significantly towards provided educational opportunities for all of our citizens and given them access to true opportunities of access and influence. There is still much to be done though. States still spend disproportionately more, per student, on white schools than black schools. The facilities of some minority schools lag way behind those of predominantly-white schools. Whites often take advantage of private educational systems, draining the resources of public schools. There is a confirmed deficiency in the educational opportunities of our students.

Nonetheless, we have made considerable progress in our movement towards equality. That progress is largely thanks to individuals such as the Little Rock Nine. Without their bravery and courage in the 1950s, this country would still have much work to do in terms of equal opportunity.

I also want to thank my House colleagues for introducing and passing this resolution to recognize and honor those brave nine students. It is a sign that we have accomplished so much in this country.

VENICE, CALIFORNIA TURNS 100

HON. JANE HARMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 27, 2005

Ms. HARMAN. Mr. Speaker, there are few communities in the world that are instantly recognizable, that immediately conjure up an image, an identity, a lifestyle. Venice, California, is one such place—a place that people dream about in the depths of winter; that promises eternal sunshine, warm beaches, buff and shapely lifeguards; and the soothing, ceaseless wash of the surf.

On July the 4th, as our Nation celebrates its 229th birthday, Venice, California celebrates its 100th. As a resident of Venice, I am proud to join my neighbors and local leaders in acknowledging this remarkable milestone. Founded in 1905 by real estate entrepreneur Abbot Kinney, Venice was modeled after the canals and boardwalks of its namesake in Italy. Kinney’s vision established Venice as an entertainment mecca, attracting visitors from around the world to its amusement park, boardwalk businesses, ocean swimming and street performances.

Since its inception, Venice has been a perennial attraction for artists and free spirits, beatnik writers, and innovative musicians—from Jack Kerouac to the Doors. Venice today remains a hub of artistic expression and cultural diversity with its graffiti art murals, sidewalk musicians, street basketball games, roller skate dancers, bodybuilding competitions, and lively restaurants, shops and cafes.

Venice is not only one of the nation’s most unique artistic communities, it is booming with well-informed, politically engaged, civic-minded activists. A visit to the wonderful Farmer’s Market on any weekend morning provides ample evidence of the community’s wide and varying interests. In addition to a great cup of coffee, fresh baked goods and delicious local produce to feed the body, one can feed the mind at the many booths promoting diverse and important political, environmental and local causes.

The award-winning Venice Family Clinic is the largest free clinic in the country and provides inspiration to the community through life-saving health care for low-income, uninsured and homeless individuals.

Whether through the skills they learn at the Venice Boys & Girls Club or by cultivating their imagination at Venice Arts in Neighborhoods, our children grow up to be productive citizens. Many go on to dedicate themselves to enriching the community through the Venice-Marina Rotary or the Chamber of Commerce.

Mr. Speaker, I am honored to represent the diverse Venice community in the United States Congress. Each 4th of July, we celebrate two historic events together: American independence and the founding of our country.

THE BRAVERY OF THE LITTLE ROCK NINE

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, June 27, 2005

Mr. RANGEL. Mr. Speaker, I rise today to acknowledge the bravery and courage of the Little Rock Nine as we commemorate the 50th anniversary of the integration of Central High School in Little Rock, Arkansas. At the time, these nine young African-Americans took heroic and dynamic steps toward achieving an integrated educational experience that would enhance their opportunities for a quality education.

Fifty years ago, the idea that white and black students would sit in the same classroom, amongst other places, was unbearable to many. Individuals on both sides of the race line could not fathom the possibility of an integrated educational system. The racism and segregation that dominated the country at the time was also vile and vicious. Fear and intimidation had long been the mark of this country’s racial past, evidenced by the lynching of a civilian that the U.S. government apologized for not taking action against. For those young men and women to take the brave steps toward equality by presenting themselves as instruments of change must have taken a lot out of them.

Their bravery and courage nonetheless were the steps that have led this country to greater tolerance and understanding. It took heroes, like the Little Rock Nine, to lay the path for the important advances of today. Imagine where this country would be if these individuals had failed to step forward, to demand a desk at an integrated school, and to walk into American history demanding the fulfillment of the American Constitution.

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E1366 CONGRESSIONAL RECORD — Extensions of Remarks June 27, 2005
Mr. PAUL. Mr. Speaker, I am pleased to introduce the Quality Health Care Coalition Act, which takes a first step towards restoring a true free market in health care by restoring the rights of freedom of contract and association to health care professionals. Over the past few years, we have had much debate in Congress about the difficulties medical professionals and patients are having with Health Maintenance Organizations (HMOs). HMOs are devices used by insurance industries to ration health care. While it is politically popular for members of Congress to bash the HMOs and the insurance industry, the growth of the HMOs are rooted in past government interventions in the health care market though the tax code, the Employment Retirement Income Security Act (ERISA), and the federal anti-trust laws. These interventions took control of the health dollar away from individual patients and providers, thus making it inevitable that something like the HMOs would emerge as a means to control costs.

Many of my well-meaning colleagues would deal with the problems created by the HMOs by expanding the federal government’s control over the health care market. These interventions will inevitably drive up the cost of health care and further erode the ability of patients and providers to determine the best health treatments free of government and third-party interference. In contrast, the Quality Health Care Coalition Act addresses the problems associated with HMOs by restoring medical professionals’ freedom to form voluntary organizations for the purpose of negotiating contracts with an HMO or an insurance company. As an OB–GYN with over 30 years in practice, I am well aware of how young physicians coming out of medical school feel compelled to sign contracts with HMOs that may contain clauses that compromise their professional integrity. For example, many physicians are contractually forbidden from discussing all available treatment options with their patients because the HMO gatekeeper has deemed certain treatment options too expensive. In my own practice, I have tried hard not to sign contracts with any health insurance company that infringed on my ability to practice medicine in the best interests of my patients and I have always counseled my professional colleagues to do the same. Unfortunately, because of the dominance of HMOs in today’s health care market, many health care professionals cannot sustain a medical practice unless they agree to conform their practice to the dictates of some HMO.

One way health care professionals could counter the power of the HMOs would be to form a voluntary association for the purpose of negotiating with an HMO or an insurance company. However, health care professionals who attempt to form such a group run the risk of persecution under federal anti-trust laws. This not only reduces the ability of health care professionals with HMOs and insurance companies to compete on a free market, but also constitutes an unconstitutional violation of medical professionals’ freedom of contract and association.

Under the United States Constitution, the Federal government has no authority to interfere with the private contracts of American citizens. Furthermore, the prohibitions on contracting contained in the Sherman antitrust laws are based on a flawed economic theory which holds that Federal regulators can improve upon competition by restricting the rights of certain market participants deemed too powerful by the government. In fact, anti-trust laws harm consumers by preventing the operation of the free-market, causing prices to rise, quality to suffer, and, as is certainly the case with the relationship between the HMOs and medical professionals, favoring certain industries over others.

By restoring the freedom of medical professionals to voluntarily come together to negotiate as a group with HMOs and insurance companies, this bill removes a government-imposed barrier to a true free market in health care. Of course, this bill does not infringe on the rights of health care professionals by forcing them to join a bargaining organization against their will. While Congress should protect the rights of all Americans to join organizations for the purpose of bargaining collectively, Congress also has a moral responsibility to ensure that no worker is forced by law to join or financially support such an organization.

Mr. Speaker, it is my hope that Congress will not only remove the restraints on medical professionals’ freedom of contract, but will also empower patients to control their health care by passing my Comprehensiva Health Care Reform Act. The Comprehensive Health Care Reform Act puts individuals back in charge of their own health care by providing Americans with large tax credits and tax deductions for their health care expenses, including a deduction for premiums for a high-deductible insurance policy purchased in combination with a Health Savings Account. Putting individuals back in charge of their own health care decisions will enable patients to work with providers to ensure they receive the best possible health care at the lowest possible price. If providers and patients have the ability to form the contractual arrangements that best suit their needs, the HMO monster will wither on the vine without the imposition of new Federal regulations on the insurance industry.

In conclusion, Mr. Chairman, I urge my colleagues to support the Quality Health Care Coalition Act and restore the freedom of contract and association to America’s health care professionals. I also urge my colleagues to join me in working to promote a true free market in health care by putting patients back in charge of the health care dollar by supporting my Comprehensive Health Care Reform Act.

IN OPPOSITION TO THE ONGOING WAR IN IRAQ

HON. HILDA L. SOLIS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 27, 2005

Ms. SOLIS. Mr. Speaker, I rise tonight in opposition to the ongoing war in Iraq.

The Bush Administration has no plan to secure peace in Iraq and has refused to develop a comprehensive exit strategy which ensures the safe return of our troops. When our troops return home, this Administration also has refused to provide the care and services that our veterans need and deserve.

Since President Bush stood on an aircraft carrier to declare the end of "combat," more than 13,000 troops have been injured—nearly half have sustained serious injuries that prevent them from returning to combat. More than 1,730 servicemembers have died. These servicemen and women are more than just numbers. They have families; they are mothers and fathers, sisters and brothers, daughters and sons. They have families, they are mothers and fathers, sisters and brothers, daughters and sons. And they all have Members of Congress who are supposed to represent their best interests.

I represent 10 brave servicemen who did not return to their families, nor the life they knew before the war. They are Marine Corporal Jorge A. Gonzalez, Army Sergeant Atanasio I Haromarion, Army Private First Class Jose Casanova, Marine Private First Class Francisco A. Martinez Flores, Army Specialist Leroy Harris-Kelly III, Marine Corporal Rudy Salas, Lance Corporal Benjamin M. Gonzalez, Lance Corporal Manuel A. Cenceros, Specialist Private First Class Marcos O. Nolasco, and Corporal Stephen P. Johnson. These men, our fallen soldiers, are heroes.

I have many constituents serving our Nation in Iraq and around the world. Many of them do not even have their U.S. citizenship, yet they put their lives on the line in defense of our Nation. In fact, more than 50,000 green card soldiers are proudly serving this Nation as part of the U.S. military.

Our troops continue to do their commitment and duty to our country. However, this Administration and the military’s leadership have failed in their responsibility to our troops. To date, there is no strategy to ensure that our troops return home. There is a $1 billion short-fall for veterans care. When these troops return home they are returning to a system that cannot care for them or provide the benefits they so greatly sacrificed for and deserve.

Ultimately, a successful Iraq is an Iraq run by Iraqis, not the U.S. military. We owe Iraqis a secure return home to a grateful Nation and a secure future. This mission will not be complete until each one of our servicemen and women are home, something I strongly believe needs to happen soon. Tonight I am proud to stand alongside my colleagues in honoring our fallen heroes. We owe it to them, their families and active service members at home and abroad to have a strategy to bring the troops home.

PERSONAL EXPLANATION

HON. WALTER B. JONES
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 27, 2005

Mr. JONES of North Carolina. Mr. Speaker, on Friday, June 24, 2005, I missed several rollcall votes due to a family engagement in North Carolina. I ask that my absence be excused and the CONGRESSIONAL RECORD show that had I been present:

For rollcall No. 310—an amendment to H.R. 3010, I would have voted "nay." For rollcall No.
312—an amendment to H.R. 3010, I would have voted “yea;” for rolcall No. 313—an amendment to H.R. 3010, I would have voted “yea;” for rolcall No. 317—an amendment to H.R. 3010, I would have voted “yea;” for rolcall No. 321—final passage of H.R. 3010, I would have voted “nay.”

HONORING THE UNITED STATES APPRENTICESHIP ASSOCIATION HALL OF FAME RECIPIENTS

HON. PETER A. DeFAZIO
OF OREGON
IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. DeFAZIO. Mr. Speaker, on the 16th day of August, 1937, Franklin D. Roosevelt signed into law the Fitzgerald Act, now known as the National Apprenticeship Act. In the CONGRESSIONAL RECORD of August 7, 1937, Representative Fitzgerald (CT) said, “this bill sets up standards by Federal cooperation with the States and through the formation of voluntary committees in the States, throwing a cloak of protection around boys and girls and setting up standards of training them and guaranteeing that when their time of service in a trade has expired, they will come out full-fledged mechanics”.

In 1992 the United States Apprenticeship Association initiated the U.S.A.A. Donald Grabowski Hall of Fame, honoring individuals who have served at least 25 years helping the growth and development of apprenticeship and must be at least 65 years of age.

The following names represent well over 900 years of participation in various apprenticeship trades, ranging from Bricklaying, Carpenter, Sheet Metal, Electrical, Plumbers, Ironworkers, Operating Engineers, Painters, Auto Mechanics to Machinists. The inductees are:

1992—Richard Zarobedian, Rhode Island; John Hinkson, Missouri; William Denevi, California; and Howard Kerr, New York.
1993—Louise Albrecht, Wisconsin; Charles Nye, Wisconsin; Joseph D'Aires, New Jersey; Daniel Faddis, Oregon; and John Hunt, Pennsylvania.
1994—James Garde, New York; John O'Neil, Maine; and Thomas Crosby, Oregon.
1995—Lois Gray, New York; Gerald Olejniczak, Virginia; and Jack Reihl, Wisconsin.
1996—Lawrence Carr, Jr., Maine; John Hansen, Minnesota; and Peter Marzec, New York.
1997—Robert Baumgarten, Virginia; Richard Swain, Illinois; Kenneth Pittman, Florida; and Marion Winters, Washington, DC.
1999—Albert Rowbottom, Maine; and Carl Horstrup, Oregon.
2000—Edward Marks, Massachusetts; Duane Meyer, Wisconsin; and Thomas Stanek, Wisconsin.
2001—Stephen P. Yorich, Michigan; and Kenneth “Skip” Hardt, Maine.

HON. JIM RYUN
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. RYUN of Kansas. Mr. Speaker, I rise today to recognize Gene Bicknell of Pittsburg, Kansas for his dedication to giving back to his community.

Gene has remained an active contributor to the Pittsburg community, and has greatly impacted his neighbors through his generous efforts at Pittsburg State University and the city as a whole. Gene’s devotion to charitable causes is recognized by many as truly inspirational.

The weekend of July 8, 2005 marks the fifteenth and final Gene Bicknell Charity Golf Classic, which benefits Pittsburg’s Mt. Carmel Regional Medical Center and Pittsburg State University. Gene’s alma mater. The tournament has raised over $1.2 million since its first year, and supporters hope to raise an additional $100,000 this summer.

I congratulate Gene on the great success of this annual function and celebrate his humanitarian passion that has touched so many lives.

HON. GEORGE MILLER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I rise to pay tribute to Ms. Diana Jorgenson, a friend, constant supporter and advocate for the Contra Costa community, as she retires. Diana has a long history dedicated to improving the lives of families in my district and we are all beneficiaries of her service.

Diana’s long career in mental health and disability services began after she received her Masters of Social Work from the University of California at Berkeley in 1968. From there, she went on to work in the Mental Health Agency in San Francisco and was liaison to Sonoma Development Center. She continued her work at the agency until 1971, when she moved to the Golden Gate Regional Center.

From 1973–1975 while her husband was in graduate school, Diana put her skills to work at the Family Service Agency in Honolulu, Hawaii, later returning to the Golden Gate Regional Center and serving as head of the Concord Office. It was in this role she played a major part in establishing the Regional Center of the East Bay, sharing the dream of integrating persons with developmental disabilities into the community.

By 1978, Diana had taken on the role of Manager and Acting Director of Client Services. From there she moved to the San Francisco School and facilitated services for the Visually Handicapped Program. Diana also provided services for the County Office of Education in both the Special Education Division and the Home Visiting Strategy for First Five and the Consultation and Response Team for home visitors.

Diana has served on the Board of the Infant Development Association for twenty-five years and was at one time the State Chair. For four years she also provided training on working with young children exposed to drugs.

Mr. Speaker, Diana has made monumental contributions in the world of social work world and I am pleased to recognize her many accomplishments.

Today, I am proud to commend her for her service to the community, her dedication to those in need and her commitment to the people of Contra Costa County.

In recognizing Diana’s great contributions, I would also like to wish her a happy and healthy retirement.

HON. DEVIN NUNES
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. NUNES. Mr. Speaker, on the legislative day of Friday, June 24, 2005, I was unavoidably detained with family matters and was unable to cast a vote on rolcall vote Nos. 313–321.

INTRODUCING THE CANCER AND TERMINAL ILLNESS PATIENT HEALTH CARE ACT

HON. RON PAUL
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. PAUL. Mr. Speaker, I rise to help working Americans stricken with cancer or other terminal illnesses, and their families, by introducing the Cancer and Terminal Illness Patient Health Care Act. This act exempts people with terminal illnesses from the employee portion of payroll taxes while they are suffering from such illnesses or are incurring significant medical costs associated with their conditions.

The Cancer and Terminal Illness Patient Health Care Act also provides a payroll deduction to any worker who is the primary caregiver for a spouse, parent, or child with a terminal illness.

When stricken with cancer or another terminal disease, many Americans struggle to pay for the treatment necessary to save, or extend, their lives. Even employees with health insurance incur costs such as for transportation to and from centers, prescription drugs not covered by their insurance, or for child care while they are receiving treatment. Yet, the federal government continues to force these employees to pay for retirement benefits they may never live to see.

Many Americans struggle to pay the costs of treating children, a spouse, or a parent with a terminal illness. My bill also provides much...
needed tax relief for those who are providing care to a loved one with a terminal disease.

As a physician who has specialized in women’s health issues for decades, I know how critical it is that cancer patients and others suffering from terminal illnesses have the resources they need to combat these illnesses. The Cancer and Terminal Illness Patient Health Care Act provides a realistic way to help people suffering from cancer or other terminal illnesses receive quality health care.

It is hard to think of a more compassionate tax policy this Congress could enact than to stop taking the resources away from working Americans that could help them treat cancer, AIDS, or other terrible health problems. I hope all my colleagues will help people suffering from terminal illnesses, and their caregivers, by cosponsoring the Cancer and Terminal Illness Patient Health Care Act.

A TRIBUTE TO ALAN D. BERSIN

HON. RANDY “DUKE” CUNNINGHAM
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 27, 2005

Mr. CUNNINGHAM. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Alan Bersin, who this June will conclude his seventh year as Superintendent of San Diego City Schools. As such, he finishes his term of service as the nation’s longest serving superintendent in an urban district of 100,000 or more. He has served our community in Southern California with great distinction as United States Attorney from 1993–1998 and as the Attorney General’s Southwest Border Representative from 1995 to 1998, the so-called “border czar.” Superintendent Bersin has rendered distinguished public service in the course of leading the transformation of the eighth largest public school district in America.

Under Superintendent Bersin’s leadership, San Diego City Schools earning the highest academic rank increased by more than a third while the number of schools in the lowest category fell from 13 to 1. Mr. Bersin also promoted and successfully inspired 78.8 percent of the electorate to support a $1.5 billion bond to repair and renovate the physical infrastructure of the city schools. He downsized the central office to streamline operations and directed further resources to the classroom. His outreach efforts set a new standard for community participation and dialogue and helped to foster an atmosphere of mutual respect. By maintaining a relentless focus on enhanced instruction and improved student achievement, Superintendent Bersin achieved great things for public education in San Diego.

Mr. Bersin oversaw a transformation of San Diego City Schools. The district is now better able to serve its students, their families and the broader San Diego community. The credit belongs to the teachers and hundreds of school and parent leaders who were galvanized and energized by Superintendent Bersin’s leadership. I am also pleased to announce that Mr. Bersin’s service in support of public education will continue as Governor Arnold Schwarzenegger has appointed his secretary for education in California and a member of the State Board of Education. His term commences on July 1, 2005. I want to offer my congratulations to Alan. He continues to exemplify public service and public servants at their best. I know my colleagues join me in wishing every success to California’s new Secretary for Education.

THE TRIBUTE TO DONALD RUGGERY, SR.

HON. BILL SHUSTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Monday, June 27, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to honor Donald Ruggery, Sr., owner of Ruggieri Enterprises LLC of Altoona, who has been honored as the 2005 Small Business Person of the Year by the St. Francis University Small Business Development Center. The Center recognizes businesses that have participated in the University’s small business outreach program whose primary goal is to educate new business owners on how to create a successful business plan as well as assist in locating proper financing for their fledgling businesses.

After serving for more than 30 years as the Regional Director for the State Job Services and Unemployment Compensation Office in Altoona, Donald Ruggery, Sr. retired from his duties to assume a new identity as equally as altruistic. In January 1992, he founded a Spherion staffing services franchise which today has grown into a full-service staffing and human resource consulting company providing permanent and temporary employment to thousands in the area. The success of the Spherion franchise in Altoona has spawned 11 other Spherion locations throughout central and western Pennsylvania.

Today, Ruggieri Enterprises, LLC doing business as Spherion under Donald’s helm, is one of the top franchisees of a publicly-traded, three billion dollar staffing and human capital consulting company.

Donald selflessly refuses to take full credit for such achievements and insists that others beside him were responsible for accomplishing their success in finding jobs for out-of-work Pennsylvanians. Despite Donald’s refusal to take full recognition, through his careful guidance and leadership, Spherion has developed from a small start-up with one Altoona office at its inception to a multiple location firm with over $34 million in revenue in 2004 alone.

The thousands of Pennsylvanians who now have jobs due to his continued hard work would certainly join me in thanking Donald for his contributions to the community and the economy, as well as serving as an inspiration for the spirit of chivalrous virtue.

INTRODUCING THE GERIATRICIANS LOAN FORGIVENESS ACT OF 2005

HON. ROSA L. DeLAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Monday, June 27, 2005

Ms. DeLAURO. Mr. Speaker, as our nation’s 76 million baby boomers near retirement age, the number of Americans over age 65 will double to 70 million—one-fifth of the population. Americans older than 85 represent the fastest growing segment of this population and membership in this once exclusive demographic group is projected to grow from four million Americans today to an estimated 19 million by 2050.

Unfortunately, our health care system is ill prepared to handle the strain of this enormous senior population, largely because we have a critical shortage of geriatric physicians. Fewer than 9,000 geriatricians practice in the United States, less than half of the current need. By 2030, the shortfall of geriatricians may reach 25,000 doctors. Approximately, 2,500 psychiatrists have received added qualifications in geriatric psychiatry, yet only a small percentage of geriatric psychiatrists are needed to provide patient care.

According to estimates from the President’s Commission on Mental Health, at the current rate of approximately 80 new geriatric psychiatrists graduating each year and an estimated 3 percent attrition, there will be approximately 2,640 geriatric psychiatrists by the year 2030, or one per 5,682 older adults with a psychiatric disorder.

America must plan for the burdens the baby boomers demographic shift will place on our health care system and health care providers. Our first step is ensuring the country has an adequate number of trained physicians who specialize in geriatrics.

Today, I am introducing legislation along with my colleague Congresswoman Ileana Ros-Lehtinen of Florida, that will encourage more doctors to become certified in geriatrics. The Geriatricians Loan Forgiveness Act would amend the Public Health Service Act to increase the year of fellowship training for geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program. Specifically, it would forgive $35,000 of education debt incurred by medical students for each year of advanced training required to obtain a certificate of added qualifications in geriatric medicine or psychiatry.

Geriatric medicine is the foundation of a comprehensive health plan for our most vulnerable seniors. Geriatrics, by focusing on assessment and care coordination, promotes preventive care and improving the quality of life by allowing them greater independence and eliminating unnecessary and costly trips to the hospital or institutions. A fellowship in geriatric psychiatry provides intensive training in the biological and psychological aspects of normal aging, the psychiatric impact of acute and chronic physical illness, and the biological and psycho-social aspects of the pathology of primary psychiatric disturbances of older age. Thus, these specialists are equipped to diagnose and treat these complex conditions among our frailest citizens.

Mr. Speaker, this kind of specialized care is complicated and demanding. Many doctors inclined to study and practice geriatrics are dissuaded from doing so because treating the elderly takes more time and carries financial disincentives for doctors.

Medical training takes time, and it is important that we take steps now to alleviate the shortages in geriatrics that are only going to get worse in the next beyond. This legislation is a commonsense approach and a cost-effective investment, and I hope it will receive the support of the House.
Mr. PAUL. Mr. Speaker, I am pleased to help working Americans provide for their children’s health care needs by introducing the Child Health Care Affordability Act. The Child Health Care Affordability Act provides parents with a tax credit of up to $500 for health care expenses of dependent children. Parents caring for a child with a disability, terminal disease, cancer, or any other health condition requiring specialized care would receive a tax credit of up to $3,000 to help cover their child’s health care expenses.

The tax credit would be available to all citizens, regardless of whether or not they itemize their deductions. The credit applies against both income and payroll tax liability. The tax credits provided in this bill will be especially helpful to those Americans whose employers cannot afford to provide health insurance for their employees. These workers must struggle to meet the medical bills of themselves and their families. This burden is especially heavy on parents whose children have a medical condition; such as cancer or a physical disability that requires long-term or specialized health care.

As an OB–GYN who has had the privilege of delivering more than four thousand babies, I know how important it is that parents have the resources to provide adequate health care for their children. The inability of many working Americans to provide health care for their children is rooted in one of the great inequities of the tax code—Congress’ failure to allow individuals the same ability to deduct health care costs that it grants to businesses. As a direct result of Congress’ refusal to provide individuals with health care related tax credits, parents whose employers do not provide health insurance have to struggle to provide health care for their children. Many of these parents work in low-income jobs; oftentimes, their only recourse for health care is the local emergency room.

Sometimes parents are forced to delay seeking care for their children until minor health concerns that could have been easily treated become serious problems requiring expensive treatment! If these parents had access to the type of tax credits provided in the Child Health Care Affordability Act, they would be better able to provide care for their children, and our nation’s already overcrowded emergency rooms would be relieved of the burden of having to provide routine care for people who otherwise cannot afford it.

According to research on the effects of this bill done by my staff and legislative counsel, the benefit of these tax credits would begin to be felt by joint filers with incomes slightly above $18,000 per year, or single income filers with incomes slightly above $15,000 per year. Clearly, this bill will be of the most benefit to low-income Americans balancing the demands of taxation with the needs of their children.

Under the Child Health Care Affordability Act, a struggling single mother with an asthmatic child would at last be able to provide for her child’s needs, while a working-class family will not have to worry about how they will pay the bills if one of their children requires lengthy hospitalization or some other form of specialized care.

Mr. Speaker, this Congress has a moral responsibility to provide tax relief so that low-income parents struggling to care for a sick child can better meet their child’s medical expenses. Some may say that we cannot enact the Child Health Care Affordability Act because it would cause the government to lose revenue. But, who is more deserving of this money, Congress or the working parents of a sick child?

The Child Health Care Affordability Act takes a major step toward helping working Americans meet their health care needs by providing them with generous health care related tax cuts and tax credits. I urge my colleagues to support the pro-family, pro-health care tax cuts contained in the Child Health Care Affordability Act.
Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 28, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

**JUNE 29**

**9:30 a.m.**

**Armed Services**

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 International Security Affairs; and James A. Rispoli, of Virginia, to be Assistant Secretary of Energy for Environmental Management.

SD–106

**Homeland Security and Governmental Affairs**

To hold hearings to examine vulnerabilities in the United States passport system.

SD–562

**Indian Affairs**

Business meeting to consider S. J. Res. 15, to acknowledge a long history of official deprivations 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. 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.

10 a.m.

**Finance**

To continue hearings to examine threatening the health care safety net regarding Medicare, waste, fraud and abuse.

SH–216

10:30 a.m.

**Appropriations**

State, Foreign Operations, and Related Programs Subcommittee

Business meeting to markup proposed legislation making appropriations for fiscal year 2006 for the Department of State and foreign operations.

SD–116

2 p.m.

**Commission on Security and Cooperation in Europe**

To hold hearings to examine the ongoing crisis in Uzbekistan and its implications for the United States.

SD–124

2:30 p.m.

**Commerce, Science, and Transportation**

Disaster Prevention and Prediction Subcommittee

To hold hearings to examine national weather service-severe weather.

SR–253

**Foreign Relations**

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.

SD–419

**Intelligence**

To hold a closed briefing regarding certain intelligence matters.

SH–219

**JUNE 30**

9:30 a.m.

**Armed Services**

To hold hearings to examine the status of the U.S. Army and U.S. Marine Corps in fighting the global war on terrorism.

SR–325

**Foreign Relations**

To hold hearings to examine challenges of the Middle East road map.

SD–419

**Judiciary**

Business meeting to consider pending calendar business.

SD–226

10 a.m.

**Commerce, Science, and Transportation**

Technology, Innovation, and Competitiveness Subcommittee

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.

SR–253

**Aging**

To hold hearings to examine the importance of prevention in curing Medicare.

SH–216

2 p.m.

**Appropriations**

Business meeting to markup proposed legislation making appropriations for fiscal year 2006 for the Department of State and foreign operations.

SD–106

**Finance**

Taxation and IRS Oversight Subcommittee

To hold hearings to examine savings and investment issues.

SD–215

**Veterans' Affairs**

To hold hearings to examine the nominations of James Philip Terry, of Virginia, to be Chairman of the Board of Veterans' Appeals, Department of Veterans Affairs, and Charles S. Ciccioloni, of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training.

SR–418

2:30 p.m.

**Judiciary**

Immigration, Border Security and Citizenship Subcommittee

To hold hearings to examine the cooperation of participating countries.

SD–215

**Foreign Relations**

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.
relating to the need for comprehensive immigration reform.

3 p.m.
Health, Education, Labor, and Pensions
Education and Early Childhood Development Subcommittee
To hold hearings to examine issues relating to American history.

3 p.m.
Health, Education, Labor, and Pensions
Education and Early Childhood Development Subcommittee
To hold hearings to examine stem cell research (single cell technique without destruction of the embryo).

10 a.m.
Energy and Natural Resources
To hold an oversight hearing to examine the effects of the U.S. nuclear testing program on the Marshall Islands.

10 a.m.
Veterans’ Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.

CANCELLATIONS
JUNE 29
10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine Spectrum-DTV.

JUNE 30
2 p.m.
Veterans’ Affairs
To hold hearings to examine the nominations of James Philip Terry, of Virginia, to be Chairman of the Board of Veterans’ Appeals, Department of Veterans Affairs, and Charles S. Ciccolella, of Virginia, to be Assistant Secretary of Labor for Veterans’ Employment and Training.
Chamber Action
Routine Proceedings, pages S7397–S7449

Measures Introduced: Six bills were introduced, as follows: S. 1312–1317.

Measures Reported:
S. 1017, to reauthorize grants for the water resources research and technology institutes established under the Water Resources Research Act of 1984, with amendments. (S. Rept. No. 109–90)
S. 655, to amend the Public Health Service Act with respect to the National Foundation for the Centers for Disease Control and Prevention, with an amendment in the nature of a substitute. (S. Rept. No. 109–91)
S. 268, to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, with amendments. (S. Rept. No. 109–93)
S. 432, to establish a digital and wireless network technology program. (S. Rept. No. 109–94)

Measures Passed:
Red Tide Emergency Relief Act: Senate passed S. 1316, to authorize the Small Business Administration to provide emergency relief to shellfish growers affected by toxic red tide losses.
Partners for Fish and Wildlife Act: Senate passed S. 260, to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program, after agreeing to the committee amendments.
Interior Appropriations: Senate resumed 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 amendments proposed there-to:

Adopted:
Burns (for Ensign) Amendment No. 1033, to prohibit the use of funds for the demolition of buildings at the Zephyr Shoals property, Lake Tahoe, Nevada.
Dorgan (for Feinstein) Amendment No. 1024, to authorize the imposition of fees for overnight lodging at certain properties at Fort Baker, California.
Burns (for Frist) Amendment No. 1028, to reinstate a provision relating to National Parks with deed restrictions.
Dorgan (for Wyden) Amendment No. 1035, to extend the authority for watershed restoration and enhancement agreements.
Burns (for Craig) Amendment No. 1041, to withdraw from mineral entry or appropriation under mining lease laws, and from leasing claims under mineral and geothermal leasing laws, certain land in the Payette National Forest.

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.
Burns (for Frist/Reid) Amendment No. 1022, to provide for Congressional security relating to certain real property.
Dorgan (for Boxer) Amendment No. 1023, to prohibit the use of funds by the Administrator of the Environmental Protection Agency to accept, consider, or rely on third-party intentional dosing human studies for pesticides or to conduct intentional dosing human studies for pesticides.
Dorgan Amendment No. 1025, to require Federal reserve banks to transfer certain surplus funds to the general fund of the Treasury, to be used for the provision of Indian health care services.
Sununu/Bingaman Amendment No. 1026, to prohibit the use of funds to plan, design, study or construct certain forest development roads in the Tongass National Forest. Pages S7404--05, S7409--11

Dorgan (for Kerry) Amendment No. 1029, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration. Page S7405

Dorgan (for Bingaman) Amendment No. 1030, to modify a provision relating to funds appropriated for Bureau of Indian Affairs postsecondary schools. Page S7405

Dorgan (for Bingaman) Amendment No. 1031, to set aside additional amounts for Youth Conservation Corps projects. Page S7405

Dorgan (for Durbin) Amendment No. 1032, to prohibit the use of funds in contravention of the Executive order relating to Federal actions to address environmental justice in minority populations and low-income populations. Page S7406

Dorgan (for Reed) Amendment No. 1036, to modify certain administrative provisions relating to the brownfield site characterization and assessment program. Page S7409

Dorgan (for Reed) Amendment No. 1037, to authorize recipients of grants provided under the brownfield site characterization and assessment program to use grant funds for reasonable administrative expenses. Page S7409

Salazar Amendment No. 1038, to provide additional funds for the payment in lieu of taxes program, with an offset. Page S7411--12

Salazar Amendment No. 1039, to provide that certain user fees collected under the Land and Water Conservation Act of 1965 be paid to the States. Pages S7411--12

Burns (for Bond) Amendment No. 1040, to set aside funds for the University of Missouri—Columbia to establish a wetland ecology center of excellence. Page S7412

Burns (for Warner) Amendment No. 1042, to set aside funds for the replacement of the main gate facility at the Wolf Trap National Park for the Performing Arts, Virginia. Page S7412

Burns (for Ensign) Amendment No. 1012, to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway. Pages S7412--13

Burns (for Coburn) Amendment No. 1002, to reduce total appropriations in the bill by 1.7 percent for the purpose of fully funding the Department of Defense. Page S7413

Burns (for Coburn) Amendment No. 1003, to require conference report inclusion of limitations, directives, and earmarks. Page S7413

Burns (for Coburn) Amendment No. 1015, to transfer funding to Wildland Fire Management from the National Endowment for the Arts and the National Endowment for the Humanities. Page S7413

Burns (for Coburn) Amendment No. 1019, to transfer funding to the Special Diabetes Program for Indians and the Alcohol and Substance Abuse Program within the Indian Health Service from funding for Federal land acquisition. Page S7413

Burns (for Coburn) Amendment No. 1020, to express the Sense of the Senate that any additional emergency supplemental appropriations should be offset with reductions in discretionary spending. Page S7413

Dorgan (for Feingold) Amendment No. 1043, to require the Government Accountability Office to conduct an audit of the competitive sourcing program of the Forest Service. Pages S7413--14

Dorgan (for Byrd) Amendment No. 1044, to set aside funds for the White Sulphur Springs Fish Hatchery. Page S7414

Dorgan (for Conrad) Amendment No. 1045, to set aside funds for a brownfields assessment of the Fortuna Radar Site. Page S7414

Dorgan (for Sarbanes) Amendment No. 1046, to provide for a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail. Page S7414

Kyl (for Smith) Amendment No. 1048, to require the Secretary of Agriculture to report to Congress on the rehabilitation of the Biscuit Fire area of southern Oregon. Page S7417

Kyl Amendment No. 1049, to provide certain earmarks for State and tribal assistance grant funds. Pages S7417--18

Kyl Amendment No. 1050, to modify the formula for the allotment of grants to States for the establishment of State water pollution control revolving funds. Page S7418

Kyl (for Inhofe) Amendment No. 1051, to encourage competition in assistance agreements awarded by the Environmental Protection Agency. Page S7418

Byrd (for Murray) Amendment No. 1052, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration. Pages S7419--20

Byrd/Cochran Amendment No. 1053, to provide funds for the Memorial to Martin Luther King, Jr. Pages S7420--21

Dorgan (for Bingaman) Amendment No. 1054, to set aside additional amounts for Youth Conservation Corps projects. Page S7421
Dorgan (for Bingaman) Amendment No. 1055, to provide for the consideration of the effect of competitive sourcing on wildland fire management activities.

Dorgan (for Bingaman) Amendment No. 1056, to strike the title providing for the disposition of Forest Service land and the realignment of Forest Service facilities.

Dorgan (for Bingaman) Amendment No. 1057, to extend the Forest Service conveyances pilot program.

Dorgan (for Bingaman) Amendment No. 1058, to provide a substitute for title V, Facility Realignment and Enhancement Act of 2005.

Dorgan Amendment No. 1059, to facilitate family travel to Cuba in humanitarian circumstance.

Dorgan (for Landrieu) Amendment No. 1060, to make certain funding revisions relating to Historically Black Colleges and Universities, and Department of the Interior administrative expenses.

Dorgan (for Obama) Amendment No. 1061, to provide that none of the funds made available in this Act may be used in contravention of 15 U.S.C. section 2682(c)(3) or to delay the implementation of that section.

Dorgan (for Obama) Amendment No. 1062, to provide that of the funds made available under the heading “Environmental Programs and Management,” not less than $100,000 shall be made available to issue the proposed rule required under 15 U.S.C. section 2682(c)(3) by November 1, 2005, and promulgate the final rule required under 15 U.S.C. section 2682(c)(3) by September 30, 2006.

A unanimous-consent agreement was reached providing for further consideration of the bill on Tuesday, June 28, 2005.

Energy Policy Act Amendment—Agreement: A unanimous-consent agreement was reached providing that all references to Amendment No. 978, to clarify the definition of coal to liquid fuel technology, to the bill H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy, agreed to on Wednesday, June 22, 2005, reflect that the sponsor of the amendment is Senator Conrad and not Senator Obama.

Energy Policy Act—Agreement: A unanimous-consent agreement was reached providing for further consideration of H.R. 6, Energy Policy Act, at 9:45 a.m. on Tuesday, June 28, 2005, with a vote on final passage of the bill to occur immediately thereon.

Messages From the House:

Executive Communications:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Notices of Hearings/Meetings:

Adjournment: Senate convened at 1 p.m., and adjourned at 6:24 p.m. until 9:45 a.m., on Tuesday, June 28, 2005. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S7449.)

Committee Meetings

No committee meetings were held.
House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 11 public bills, H.R. 3070–3080 and 2 resolutions, H. Con. Res. 193; and H. Res. 343, were introduced.

Additional Cosponsors:

Reports Filed: Reports were filed today as follows:

H. Res. 341, providing for consideration of H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006 (H. Rept. 109–155);

H. Res. 342, providing for consideration of 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. 109–156);

H.R. 426, to encourage the development and integrated use by the public and private sectors of remote sensing and other geospatial information, amended (H. Rept. 109–157); and

H.R. 1022, to provide for a Near-Earth Object Survey program to detect, track, catalogue, and characterize certain near-earth asteroids and comets (H. Rept. 109–158).

Speaker: Read a letter from the Speaker wherein he appointed Representative Aderholt to act as speaker pro tempore for today.

Recess: The House recessed at 12:38 p.m and reconvened at 2 p.m.

Suspensions: The House agreed to suspend the rules and pass the following measures:

Recognizing National Homeownership Month: H. Res. 312, recognizing National Homeownership Month and the importance of homeownership in the United States;

Little Rock Central High School Desegregation 50th Anniversary Commemorative Coin Act: H.R. 358, amended, to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas;

Sense of Congress that a Caribbean-American Heritage Month should be established: H. Con. Res. 71, expressing the sense of Congress that there should be established a Caribbean-American Heritage Month;

John J. Hainkel Post Office Building Designation Act: H.R. 2546, amended, to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the “John J. Hainkel Post Office Building”;

Agreed to amend the title so as to read: to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the “John J. Hainkel, Jr., Post Office Building”;

Mayor Joseph S. Daddona Memorial Post Office Designation Act: H.R. 2490, to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the “Mayor Joseph S. Daddona Memorial Post Office”;

Commemorating Mystic Seaport: the Museum of America and the Sea in recognition of its 75th year: H. Con. Res. 152, amended, commemorating Mystic Seaport: the Museum of America and the Sea in recognition of its 75th year;

Delaware River Protection Act of 2005: H.R. 1412, amended, to amend the Ports and Waterways Safety Act to require notification of the Coast Guard regarding obstructions to navigation;


Authorizing the establishment of a memorial to regiments from New Hampshire at Antietam National Battlefield: H.R. 1084, amended, to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862;


Upper White Salmon Wild and Scenic Rivers Act: H.R. 38, amended, to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System;  

Taunton, Massachusetts Special Resources Study Act: H.R. 1512, amended, to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System;  

Honoring members of the U.S. Air Force who were killed in the June 25, 1996 terrorist bombing of the Khobar Towers U.S. military housing compound: H. Con. Res. 188, honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia;  

Sense of the House regarding the massacre at Srebrenica in July 1995: H. Res. 199, amended, expressing the sense of the House of Representatives regarding the massacre at Srebrenica in July 1995, by a yea-and-nay vote of 370 yeas to 1 nay, Roll No. 322; and  

Urging the Government of the Republic of Albania to ensure that the elections on July 3, 2005 are conducted in accordance with international standards for free and fair elections: H. Con. Res. 155, urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held on July 3, 2005, a conducted in accordance with international standards for free and fair elections, by a 2/3 yea-and-nay vote of 369 yeas to 1 nay, Roll No. 323.  

Recess: The House recessed at 4:35 p.m. and reconvened at 6:30 p.m.  

Suspension—Proceedings Postponed: The House began consideration of the following measure under suspension of the rules. Further consideration will continue tomorrow, June 28.  

Military Personnel Financial Services Protection Act: H.R. 458, amended, to prevent the sale of abusive insurance and investment products to military personnel.  

British-American Interparliamentary Group—Appointment: The Chair announced the Speaker’s appointment of the following Members to the British-American Interparliamentary Group: Representative Petri, Chairman; and Representative Boozman, Vice Chairman.  

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H5216–17 and H5217–18. There were no quorum calls.  

Adjournment: The House met at 12:30 p.m., and adjourned at 11:54 p.m.  

Committee Meetings  

TRANSPORTATION, TREASURY, AND HUD, THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS FY 2006  

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on 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, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill), except as specified in the resolution. The rule authorizes the Chair to accredit priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Knollenberg and Olver.  

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS FY 2006  

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. Under the rules of the House the bill shall be read for amendment by paragraph. The rule waives all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill), except as specified in the resolution. The rule authorizes the Chair to accredit priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the rule provides
one motion to recommit with or without instructions. Testimony was heard from Representatives Kolbe and Lowey.

COMMITTEE MEETINGS FOR TUESDAY, JUNE 28, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine the Agricultural Risk Protection Act of 2000 and related crop insurance issues, 10 a.m., SR–328A.


Committee on Energy and Natural Resources: 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., 2318 Rayburn.

Committee on Finance: 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.

Full Committee, to hold hearings to examine threatening the health care safety net regarding Medicaid waste, fraud and abuse, 10 a.m., SH–216.

Committee on Homeland Security and Governmental Affairs: Subcommittee on 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.

Committee on Indian Affairs: to hold an oversight hearing to examine regulation of Indian gaming, 10 a.m., SD–106.

Committee on Veterans’ Affairs: to hold hearings to examine the shortfall in VA’s medical care budget, 10:30 a.m., SR–418.

Special Committee on Aging: 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, 3 p.m., SD–G50.

House

Committee on Appropriations, 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, Subcommittee on Military Personnel, hearing on the religious climate at the U.S. Air Force Academy, 2 p.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on Education Reform, hearing entitled “How the Private Sector is Helping States and Communities Improve High School Education,” 2 p.m., 2175 Rayburn.


Committee on Government Reform, 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.

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.


Committee on the Judiciary, 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.

Subcommittee on Courts, the Internet and Intellectual Property, to mark up the following bills: H.R. 2791, United States Patent and Trademark Fee Modernization Act of 2005; and H.R. 2955, Intellectual Property Jurisdiction Clarification Act of 2005, 10 a.m., 2141 Rayburn.


Committee on Science, hearing on The Future of NASA, 10 a.m., 2318 Rayburn.
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.

Committee on Small Business, Subcommittee on Workforce, Empowerment and Government Programs, hearing entitled "How the Clean Air Act Affects Auto Repair," 2 p.m., 311 Cannon.

Committee on Ways and Means, Subcommittee on Select Revenue Measures, hearing on Funding Rules for Multi-employer Defined Benefit Plans in H.R. 2830, Pension Protection Act of 2005, 10 a.m., 1100 Longworth.
Next Meeting of the SENATE
9:45 a.m., Tuesday, June 28

Senate Chamber

Program for Tuesday: Senate will resume consideration of H.R. 6, Energy Policy Act, with a vote on final passage of the bill to occur immediately thereon; following which, Senate will continue consideration of H.R. 2361, Interior Appropriations.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Tuesday, June 28

House Chamber


Extensions of Remarks, as inserted in this issue

HOUSe
Becerra, Xavier, Calif., E1370
Brown-Waite, Ginny, Fla., E1364
Cunningham, Randy "Duke", Calif., E1369
Davis, Danny K., Ill., E1357
DeFazio, Peter A., Ore., E1368
DeLauro, Rosa L., Conn., E1369
Dent, Charles W., Pa., E1364
Harman, Jane, Calif., E1366
Higgins, Brian, N.Y., E1368, E1362, E1364, E1365
Jones, Walter B., N.C., E1367
Kolbe, Jim, Ariz., E1358
Kucinich, Dennis J., Ohio, E1361, E1364, E1365
Lofgren, Zoe, Calif., E1365
Meech, Kendrick B., Fla., E1359
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