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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 28, 2005.

I hereby appoint the Honorable BOBBY JINDAL 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 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 1 minute.

ANNOUNCING INTRODUCTION OF CREDIT RATING AGENCIES RELIEF ACT

Mr. FITZPATRICK. Mr. Speaker, every American remembers the financial hardships they faced when WorldCom and Enron went belly up. I certainly remember the broken investment accounts of my constituents and the people of Pennsylvania's 8th Congressional District. And it is extremely troubling that little known players in this crisis, Moody's and S&P, rated Enron and WorldCom at investment grade just days prior to the filing of their bankruptcies.

Two firms dominate the ratings market with SEC approval and this, Mr. Speaker, creates an uncompetitive marketplace, stifles competition from other rating agencies, lowers the quality of ratings and allows conflicts of interest to go unchecked. It is bad for the market and it is hurtful to individual investors.

Last week, I introduced the Credit Rating Agencies Relief Act of 2005, H.R. 2990, which will inject greater competition, transparency and accountability in the credit rating industry through market-based reform. I encourage my colleagues to review and to cosponsor H.R. 2990.

WRONG PRIORITIES AT VETERANS ADMINISTRATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, despite the Bush administration finally admitting that veterans' health care is underfunded by $1 billion, yesterday we learned that the VA's main priority has absolutely nothing to do with veterans. Instead, the number one priority surrounds a picture of VA Secretary Jim Nicholson. On May 27, an under secretary at the VA sent a memo out to all veterans' facilities around the Nation voicing concern that a large number of them did not have the most current picture of Secretary Nicholson hanging in their facilities. In the memo, the under secretary writes, ''We are asking that you give this your highest priority. We will continue to ask for daily updates on the status of the picture until we are assured that all of our facilities have a current picture displayed.''

Are they kidding, Mr. Speaker? At a time when the Department of Veterans Affairs is forcing drastic veterans' cuts, do they really want their officials out at their facilities concentrating on the best place to display a picture of the VA Secretary?

Here is the response from an official at one of the VA's facilities, and again I am quoting: ''And here we're trying to figure out where our next patient meal is coming from and what furniture to sell to buy drugs next year.''

Mr. Speaker, while Washington Republicans are willing to support our troops while they are at war, they are unwilling to properly support them when they return from the battlefield as veterans.

Last week, the Bush administration finally released budget information that showed veterans' health care is underfunded over the next year by $1 billion. Many of my Democratic colleagues have long suspected this funding shortfall, but the Bush administration did not come clean with the information until just last week. When Congress learned of the shortfall, House Republicans still refused to support an amendment to the Labor-HHS bill last week that would have restored the $1 billion needed for veterans' health care, including the health care of some 86,000 veterans who have returned from Iraq and Afghanistan.

Mr. Speaker, while House Republicans refuse to fund veterans' health care, the Veterans' Administration says its top priority is to make sure veterans' facilities have the most current picture of Secretary Nicholson on the wall. Talk about misguided priorities, Mr. Speaker. Rather than worrying about a picture of Secretary Nicholson, should the VA not be focusing on how it is going to continue to provide promised services to our Nation's veterans? At a time when thousands of soldiers are returning from

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Iraq and Afghanistan as new veterans, you would think House Republicans would be willing to stand behind their promise to provide necessary health care to these new veterans.

Mr. Speaker, it is sad that Washington Republicans are unwilling to give America's veterans the support they deserve. America's veterans should be outraged by the treatment they are now receiving from the Bush administration and the House Republican leadership.

CAFTA

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last year, TOM DELAY, the most powerful Republican in the Congress, promised this House that we would vote on the Central American Free Trade Agreement, so-called CAFTA, before the end of last calendar year, before December 31 of 2004. Then earlier this year he promised we would vote on CAFTA sometime before Memorial Day. Then he promised that we would vote on CAFTA sometime before July 4. The simple question is why has Congress not voted on the Central American Free Trade Agreement? The simple answer is that dozens of Republicans and Democrats, small businesses and manufacturers, farmers, ranchers, workers, environmentalists and food safety advocates all across the board oppose this agreement. There simply are not enough votes in this Congress to pass the Central American Free Trade Agreement.

During this whole period, supporters of CAFTA continued to make the same old, tired promises about trade. They promised that passage of CAFTA would reduce our trade deficit, but it continues the failed trade policy of the last dozen years. In 1992, the year I ran for Congress, we had in this country a $38 billion trade deficit. Last year, a dozen years later, our trade deficit had mushroomed to $618 billion. From $38 billion to $618 billion and the CAFTA supporters say that CAFTA will reduce our trade deficit.

CAFTA supporters say it will increase manufacturing jobs. Again, another broken promise from these trade agreements. The facts are that in the last 5 years, the U.S. has lost more than 2 million manufacturing jobs, more than 200,000 of them in my State of Ohio, another 200,000 in Michigan and Pennsylvania and New York, hundreds of thousands in Texas and California, in the southeast North Carolina, South Carolina, Georgia, those regions of the country.

Because no one believed these promises that it would cut the trade deficit, that it would increase our exports, the promise that it would raise the standard of living in Central America, they now are bringing out a whole nother round of promises. One promise they have made, CAFTA will stop illegal immigration from Central America. The facts are that based on a report by the Pew Hispanic Center, a quarter million undocumented Mexican-born workers entered the U.S. from 1990 to 1994, prior to NAFTA. Then NAFTA passed, the number of illegals entering the U.S. sharply increased to almost a half million from 2000 to 2004. Free trade agreements are not a solution for illegal immigration.

Another promise they made, another wild, unsubstantiated promise, is that CAFTA will stop illegal drugs from entering the U.S. However, all you have got to do is look at what happened with NAFTA. Despite the passage of NAFTA, the State Department says Mexico is the principal transit country for South American cocaine entering the U.S. The report says that Mexican drug traffickers have steadily increased operations in all illicit drug sectors in the U.S. during the period after NAFTA.

Another wild, unsubstantiated claim is that CAFTA will stop al Qaeda from utilizing our southern border to enter the U.S. Geography 101, Mr. Speaker, shows that our southern border is with Mexico, not Central America, and despite claims made about NAFTA, border security remains low. CAFTA supporters fail to argue how passage of the Central American Free Trade Agreement will fix the Mexico border problem.

Another wild, unsubstantiated claim is that Central American presidents support labor unions. The facts are very different from that. In every one of these CAFTA countries, Dominican Republic and the five countries in Central America, these nations are not compliant with internationally recognized labor standards today as defined by the International Labor Organization. Most CAFTA nations have inadequate protection for workers who try to join unions in violation of ILO Convention 98's right to organize and bargain collectively. They maintain onerous strike requirements in violation of the right to associate under ILO Convention 87. In Honduras, not a single one of the 8,000 workers in the Porvenir Export Processing Zone has the right of freedom of association. One worker in that zone said, ''Look, there's a whole mountain of workers who have been fired over the last few years for trying to organize in the industrial park. They simply don't allow it.'' In other words, these nations, one after another, continue to violate International Labor Organization standards.

CAFTA would lock in those lower wage standards, lower worker safety standards, right to organize, bargain collectively, prohibition on child labor, all of those things that we hold dear as our moral values in this country, human rights issues, protecting workers, protecting children, protecting against forced labor.

Mr. Speaker, the answer is, defeat this CAFTA. It has been promised that it would come to the floor week after week, month after month. Defeat this CAFTA and renegotiate a Central American Free Trade Agreement that workers and small businesses and farmers and manufacturers and environmentalists and food safety advocates and businesses can support.

ON SUPREME COURT RULING REGARDING PRIVATE PROPERTY RIGHTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Texas (Mr. GOHMERT) is recognized during morning hour debates for 5 minutes.

Mr. GOHMERT. Mr. Speaker, in ancient days of kingdoms and fiefdoms, those in authority would sometimes arbitrarily and sometimes capriciously order the transfer of property from one owner to another person who was in greater favor with the ruler at that particular moment. The owner from whom the property was taken had no recourse once the king or ruler had made the decision to transfer the property. To back up the transfer, the tyrannical despot would make clear that the full weight of his military or local law enforcement could be brought to bear against anyone who attempted to stand in the way of the transfer.

In the recent Supreme Court case of Kelo et al. v. City of New London et al., the elaborate 20-page majority opinion of the United States Supreme Court is one of the most eloquent, articulate, intellectual efforts to ever rationalize or try to cerebrally legitimize the forced transfer from the legal, legitimate owner of nonblighted property to someone who is in greater favor with the ruler of that area. It is something that our high court can point to with pride that they almost make it sound fair that private property can be taken from one legitimate owner and forcibly transferred to one who offers greater financial rewards to the ruler of that area.

What a great day for the intellectual superiority of the highest court of the land as it gets a 10 rating in the field of mental gymnastics, even from the Russian judge. But what a very, very sad day for truth, justice and what used to be the American way.

UPPER MISSISSIPPI PROJECT TO BE CONSIDERED IN WRDA

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, the House Water Resources Development Act is on its way to the floor this week, perhaps as early as Thursday. In that bill, there is authorized a $1.8 billion expansion of lock work on the Mississippi and Illinois Rivers, despite three National Academy of Science reports concluding that realistic projections of the traffic that it is meant to

deal with do not justify it. This project epitomizes the need for reform and modernization of the Corps and for Congress to exercise its oversight role.

In the year 2000, Corps economist Donald Sweeney filed for whistleblower protection after Corps leaders fired him when he claimed that Corps officials had ordered him to underestimate how much grain would be shipped to alternatives on the river. Two generals and a colonel ultimately lost their jobs after the Army Inspector General concluded that the Corps had indeed ''cooked the books''. Yet we have the project before us here today, an example still of the continuing problems of the Corps planning system where nonstructural alternatives such as congestion fees, scheduling and switch boats are ignored. This project demonstrates the need for independent review of huge Corps projects. If outside independent review had been applied in the beginning, we would have saved millions of dollars and decades on studies and we would not be arguing about it today.

Make no mistake, every Member of Congress has a stake in this argument, because if we pass this project, it will take up 10 to 15 percent of the entire Corps construction project for years to come. It will delay or eliminate funding for many worthwhile projects around the country when we currently have a $58 billion backlog of unfinished Corps projects and less than $2 billion a year to construct them.

Each Member of Congress should ask, Is there a demand for this project? Is it worth the money? Are there cheaper alternatives?

That demand issue is particularly important because this is a project to reduce river congestion on the upper Mississippi and Illinois Rivers. But according to the Corps' own data, barge traffic has declined 23 percent from 1992 to 2003. Last year it dropped 19 percent. Lock delays have significantly declined as well in recent years.

The cost justification according to three National Academy of Sciences studies over the last 4 years and the Office of Management and Budget have questioned the methodology used in this project. In 2001, an NAS panel concluded the Corps had relied on overly optimistic barge forecasts for traffic. In December 2003, a second NAS panel reviewed the revised study and renewed their objections. Yet another NAS report came out in 2004 and concluded that, and I quote, the Corps has made substantial progress on the study in the past 3 years but the study contains serious flaws, serious enough to limit its credibility and value within the policymaking process.

There are, in fact, cheaper alternatives. The National Academy of Science concluded in its 2004 report that nonstructural approaches for managing waterway traffic appear not to have been considered at all. Why should we go forward with a project on this scale until we have examined all the inexpensive, small scale congestion management measures that could be just as effective and make a much greater difference much quicker?

Last but not least, it should be pointed out that we have been pouring money into the area for years. Over the last 15 years, the Corps has rehabilitated many of the locks they now plan to replace. They have spent over $900 million extending the productive lives of the existing locks and dams.

People ought to take a very close look at this before it comes to the floor. As I mentioned, every Member has a stake in it. When you compare this to our overall water construction projects, it is actually five or six times larger than the ''Big Dig'' road project in Boston compared to our highway system.

I plan to offer amendments with the gentleman from Arizona (Mr. FLAKE) to make sure that if we go forward, that we do so with the proper assessment. We should not have political decisions take the place of economic analysis. We have to make sure we are funding legitimate projects, not politicizing the Corps.

NATIONAL HOMEOWNERSHIP MONTH

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentlewoman from Florida (Ms. HARRIS) is recognized during morning hour debates for 2 minutes.

Ms. HARRIS. Mr. Speaker, I rise today in support of National Homeownership Month. I am a strong advocate of homeownership, not only because it is a key component of the American dream but also because it is vital to America's economic security. Statistics show that higher levels of homeownership translate into safer and stronger communities, communities in which people feel more rooted and engaged, in which they feel stronger stakes in their local schools, civic organizations, businesses as well as their churches and synagogues. Additionally, children who are raised in families that own their own homes have shown greater academic success as well as greater levels of self-esteem.

Two years ago, we passed the American Dream Downpayment Act which I introduced to help more American families enter the market for quality, affordable housing. This was an important step on the way toward making homeownership available to everyone, but it was only a first step. We still have much more work to do.

I am proud to have been a cosponsor of the resolution we passed yesterday in honor of National Homeownership Month and I look forward to working with my colleagues on both sides of the aisle to bring the American dream of homeownership to more families across this country.

COMMEMORATING THE ANNIVERSARY OF IRAQ'S SOVEREIGNTY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 1 minute.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate the Iraqi people on the anniversary of the establishment of Iraqi sovereignty. A year ago today, Iraq took the first crucial step toward establishing a democracy and rejoining the international community as a free nation. In January, as all of us know, the Iraqi people took another step forward. In defiance of an insurgency threatening to ''make the streets run with blood,'' 8.5 million Iraqis cast their ballots.

Now, the political and administrative duties of government are run almost entirely by Iraqis. With the help of U.S. and coalition troops, Iraq's security forces now number approximately 170,000. The people of Iraq deal a crushing blow to the insurgency each and every day through the spirit and courage that they demonstrate. The American people stand firmly beside the people of Iraq in their efforts to establish full democratic rule for themselves.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 23 minutes a.m.), the House stood in recess until 10 a.m.

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AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

The Reverend Dr. Ruffin Snow, Senior Pastor, Tri-City Baptist Church, Conover, North Carolina, offered the following prayer:

Heavenly Father, we bow humbly before You, for You have told us in Your word that You ''resist the proud and give grace to the humble.'' Without You we can do nothing of good consequence. We embrace our place in history and our responsibility. With the psalmist we recognize that promotion comes from God: ''He puts down one and sets up another.''

We thank You, Lord, for this Nation. We beg forgiveness for our sins. May we become the Nation You intend.

We pray for all those in authority including the Members of this Congress, their staffs, and families in their pressurized lives. Please give our troops and their families strength, protection, and encouragement. Bring confusion to the forces of evil and terrorism.

Lord, we love You. You are the way, the truth, and the life. Help us lead others to know You and Your peace. We proclaim to all that Jesus is Lord, in whose name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SHAW led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested.

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

S. 1316. An act to authorize the Small Business Administration to provide emergency relief to shellfish growers affected by toxic red tide losses.

WELCOMING DR. RUFFIN SNOW

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

Mr. MCHENRY. Mr. Speaker, I would like to recognize a great American from my district who is here this morning. Dr. Ruffin Snow, who is the pastor of Tri-City Baptist Church in Conover, North Carolina, gave the morning prayer here on the House floor this morning.

Dr. Snow is one of the strongest men of faith that I have come to know in western North Carolina. For 7 years he has headed the Tri-City Baptist Church and has worked in ministry since 1963. He has both a Master's of Divinity and a Doctorate of Ministry. I have been to Pastor Snow's church. It truly embodies what he strives for his flock to be, and that is an Acts 1:8 church, telling people about Jesus in Jerusalem, Judea, Samaria, and the uttermost parts of the world, essentially taking the message of Jesus to the world, not just to the community, but to the whole world.

As part of that tradition, he is here today sharing his words with the Speaker and the Members of Congress.

Over 3,000 people come to worship every week at Tri-City Baptist, and the Holy Spirit is doing wonders there in that body of believers. I thank Pastor Snow and his family for being here today to be a part of this and for serving as our guest chaplain.

A FISCAL FIRST STEP

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

Mr. DELAY. Mr. Speaker, this week the House will complete its constitutionally mandated initial round of work on the annual appropriations bills that fund our national government.

This spring and summer, the House's restructured Committee on Appropriations and its staff have worked under an accelerated schedule and within an extremely disciplined fiscal budget environment, and they have produced bills that are worthy of the needs and values of the American people.

When the final two of the House's 11 spending bills are passed this week, Foreign Operations and the Transportation, Treasury and Housing and Urban Development bills, the House will have put us on track to hold domestic discretionary spending next year below this year's level.

If we hold to these levels, the Federal Government will realize a real cut in domestic discretionary spending in 2006 for the first time since the Reagan administration. By the end of this week, we will have targeted more than 100 low-priority government programs for termination, more than even President Bush proposed in his austere budget.

These difficult, but necessary, reductions will tighten the Federal Government's belt to the tune of $4.6 billion. In these bills, the House has met our Nation's pressing needs here at home and around the world, but at the same time has held every program accountable to the American people. Passage of these bills puts us on a path to deficit reduction, just as Republicans promised at the beginning of this Congress.

As we showed in the 1990s, the best, and indeed the only, way to cut the deficit is to hold down government spending while creating an environment for greater economic growth through tax relief. That is exactly what is happening now.

With Federal revenues up and spending checked and even reduced, the Congressional Budget Office has lowered its projected deficit for the year. We are finally on that glide-path to balance. The gentleman from California (Mr. LEWIS) deserves an enormous amount of credit for this achievement, and I would be remiss if I did not also thank the gentleman from Wisconsin (Mr. OBEY), the ranking member, for his work, especially given this year's accelerated schedule and restructured committee.

The House has taken the first step toward reaffirming fiscal accountability again in 2006; but with the process only half over, you can bet, Mr. Speaker, it will not be our last.

SAVE SOCIAL SECURITY FIRST

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

Mr. EMANUEL. Mr. Speaker, our Republican colleagues have unveiled a new proposal to privatize the Social Security surplus. Maybe I am a little confused, but was President Bush not just in West Virginia saying the Social Security trust fund and its surplus did not exist? In West Virginia the President said, There is no Social Security trust fund, just IOUs stacked in an old filing cabinet.

In Washington, D.C., this discovery of the surplus counts as progress. I welcome the Republicans' discovery of the Social Security surplus. The problem is in the last 5 years they have spent $630 billion of the Social Security surplus on everything under the sun but Social Security.

Privatization of Social Security is the poison pill to progress. Our first priority should be to save Social Security first. That is the position of the American people, and that is the position of the Democratic Party. Before we create private accounts or do anything else to fundamentally alter Social Security, we must guarantee its future. The goal is to strengthen Social Security for the future, something privatization fails to do. The American people have rejected the President's privatization proposal of Social Security, and they will undoubtedly reject this unbaked new idea.

SUPREME COURT COURTS CONFUSION

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

Mr. POE. Madam Speaker, yesterday in the Supreme Court it was the Ten Commandments versus the Ten Commandments. The score: one for the Ten Commandments and one against the Ten Commandments.

The Supreme Court ruled in a Kentucky courthouse they have to take down those Ten Commandments. The Supreme Court ruled the same day, yesterday, that the Ten Commandments on the Texas capitol grounds, they can leave them up. This was a 5–4 decision, and the Supreme Court has created confusion to legal minds throughout the country and to citizens of this Republic.

Stephen Breyer voted one way in one case, and the other way in the other. He is the swing vote. So what do we do in the future when we want to address the Ten Commandments and where they should be placed? Do we call him

on the phone and ask permission and wait for him to deny it or grant it?

Madam Speaker, the first amendment of the Constitution is very simple. It says Congress shall make no law respecting an establishment of religion. But there is a second phrase: or prohibiting the free exercise thereof. We have a Nation with a long religious history. Contrary to France whose Constitution states that it is a secular republic, in France religion and government never meet.

We are not that way. Congress starts with a prayer. We have In God We Trust above the flag. We have Moses in the back. The Supreme Court has the Ten Commandments above it in its Chambers.

The Supreme Court's ruling is confusing and defies predictability. The Supreme Court has created a hostility towards religion. The Supreme Court has become a court of confusion.

FUTURE CONGRESSES WILL ASK

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

Mr. KUCINICH. Madam Speaker, the President will address the Nation tonight on Iraq.

At some point in the future, Members of a future Congress will look back at the war in Iraq and ask how we could have let it happen. They will ask why did our leaders try hard to convince the American people that Iraq had something to do with 9/11 when it did not. They will ask why did our government use awesome destructive power against the people of Iraq who posed no imminent threat to our Nation, and did not attack us.

They will ask how our leaders were able to convince us to stay in Iraq for so many years at the cost of so many lives. They will ask why there was no discussion about the countless deaths of innocent Iraqi civilians. They will ask why our leaders talked us into spending money for an unnecessary war when so many real needs for education and health care were unmet. They will ask how did we let fear so penetrate our hearts and our psyches that we forgot who we were, that we forgot our duty to justice, that we forgot our duty to liberty, that we forgot our duty to truth.

GIRL SCOUT GOLD AWARDS

(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. Madam Speaker, I rise today to congratulate 10 Girl Scouts from the Sixth Congressional District of Georgia for earning the highly coveted Girl Scout Gold Award.

Through hard work, dedication and perseverance, Kathryn Cook, Kristen Crawford, Aimee Jarvis, Amy Kroeger, Tera Lekan, Elizabeth Roddy, Brittany Scott, Michelle Teplis, Kelly Watson, and Jordan Wynn, with their community service projects, have positively affected, literally, the world.

Collecting school supplies to donate to young Iraqi students, sewing and stuffing 250 teddy bears for pediatric and emergency ward patients, collecting and donating essentials to foster care children, and writing books for children in both English and Spanish. These are just some of the many projects taken on by these girls.

The Girl Scout program is based on four fundamental goals that encourage girls to develop to their full potential, relate to others with increasing understanding, skill and respect, develop a meaningful set of values to guide their actions and contribute to the improvement of society.

Congratulations to each of these young American girls for their accomplishments and for embracing worthy principles. We look forward to their continued excellent example and for their future leadership.

NO SECURITY IN PRIVATIZATION OF SOCIAL SECURITY

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

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to give voice to the youth of my district. I recently had a Social Security e-town hall where young adults joined me online to discuss this important issue.

Billy, a constituent of mine from Long Beach, is currently a student at the University of Southern California. He questioned the wisdom and the solvency of the President's plan. He specifically asked me what would the worst case scenario consequences of the President's plan be.

My answer to him was simple. It is clear that Republicans have no desire to strengthen Social Security for future generations.

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Instead, their only intention is to privatize this guaranteed retirement program.

Privatization is a first step on the road to the worst case scenario. Privatization proposals hurt everyone, including today's beneficiaries. But it especially hurts young workers who end up paying for the administrative costs of privatization on the front end and then end up paying for it twice with large benefit cuts on the back end. Privatization does absolutely nothing to extend the solvency of Social Security.

If we really wanted to save Social Security, let us work to ensure its solvency. Let us not dismantle guaranteed benefits, especially for young workers like Billy.

EMINENT DOMAIN DECISION

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

Mr. RYUN of Kansas. Madam Speaker, I rise today against this recent Supreme Court decision in Kelo v. New London, which grossly misrepresents the intent and historical precedent regarding government taking of private property. Our Founding Fathers intended to protect private property by limiting government authority.

One would expect that private property taken by eminent domain would become land available for public use such as parks and roads. Unfortunately, this decision creates a loophole for government to manipulate the definition of public use simply to generate greater tax revenue.

Protection of private property is a fundamental right protected in a strong democracy. The Supreme Court's ruling is an insult to all Americans who have worked hard to have a home to call their own. It is a ruling that encourages the strong to take from the weak and flies in the face of what government is intended to do, that is, to protect the lives and property of all American citizens.

THE REPUBLICANS' SOCIAL SECURITY PLAN

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

Mr. DEFAZIO. Madam Speaker, every working day, every salary and wage-earning American will pay 6.2 percent, or 12.4 if they are self-employed, of their salary to Social Security, that is, up to the first $90,000. That is creating a $168 billion surplus, which is being borrowed and spent by this administration, some of it to give tax breaks to the wealthiest among us.

Now the Republicans have a new plan. Here is what Congressional Quarterly says: ''The House version essentially counts the Social Security surplus twice. First, the government would borrow the surplus from Social Security's trust funds in exchange for special Treasury bonds, as it does now. It would then direct the surplus into individual accounts, but then borrow it back again in exchange for more bonds. But only the debt to the individual accounts would appear in the government's budget; the debt to Social Security's trust funds would remain 'off budget,' as is now. The surplus itself would be spent as part of the regular budget.''

Huh? That is the solution to the problems of Social Security? That is making the future retirement of Americans more secure? That is dealing with the fact that you are stealing money from working people and giving it to people who invest for a living? Give me a break.

SUPREME COURT'S RULING ON THE TEN COMMANDMENTS

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

Ms. FOXX. Madam Speaker, I rise to voice my strong disapproval with the Supreme Court's ruling yesterday that barred individual States from displaying the Ten Commandments in courthouses. The five justices who voted for this ruling displayed extreme hypocrisy. As they outlawed this practice, they sat directly underneath our Ten Commandments.

In 1950, the Florida Supreme Court stated: ''A people unschooled in the sovereignty of God, the Ten Commandments, and the ethics of Jesus could never have evolved the Bill of Rights, the Declaration of Independence, and the Constitution. There is not one solitary fundamental principle of our democratic policy that did not stem directly from the basic moral concepts of the Ten Commandments . . . ''

The Ten Commandments are found more often in public buildings than in individual churches, demonstrating that Americans from all faiths and walks of life recognize their impact on our laws and culture.

Yesterday's ruling sets a dangerous precedent. What is next? Are we going to remove references to God from our pledge, remove the Bible from our court proceedings, and so forth?

Madam Speaker, I encourage my colleagues to look into ways to prevent this type of abusive judicial power. I also encourage the five justices to exercise better judgment in the future.

WE NEED A NEW TRADE POLICY

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Madam Speaker, this Bush administration keeps setting records, only they are the wrong kinds of records.

We have a record debt of over $7 trillion that breaks down to each citizen's share being over $26,000. And now they have a new record, a new record debt on our trade deficit. It set a new record of $195 billion in the first 3 months of this year. That is 6.4 percent of GDP on an annual basis, the largest such trade deficit ever in our history. This deficit has been created by the irresponsible trade policies of the Bush administration, and it is also being supported by the willingness at least so far of foreign investors and governments to keep extending us credit.

The administration cannot continue to ignore this problem. Even if we avoid a sudden flight from the dollar and an international financial collapse, the burden of paying off our mounting international debt will be a drag on our future standard of living. It will be a drag on the lives of our children and grandchildren. We need a new trade policy.

SOLDIERS AT GUANTANAMO SERVE WITH DISTINCTION

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

Mr. WILSON of South Carolina. Madam Speaker, this weekend I joined a bipartisan delegation to Guantanamo Bay, Cuba led by the gentleman from California (Mr. HUNTER), House Committee on Armed Services chairman. We were all impressed by the professionals serving at Guantanamo and their commitment to maintaining a humane detention facility for hard core killers.

The patriotic U.S. soldiers protecting America's families are successors to the 132nd Military Police Company of the South Carolina Army National Guard. Commanded by Major Brian Pitts, the 132nd served with distinction from September, 2002, through September, 2003.

Upon their return, the media reported that Major Pitts summarized his service when he stated: ''Our goal was to treat the detainees well, and hope that if we were detained, that we would be treated as well.''

Guantanamo should be kept open as a symbol of America's resolve to win the war on terrorism. Ten released detainees have already resumed their horrific efforts to kill Americans, and further releases must be subject to administrative review.

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

MIKE GORDON: A CALIFORNIA LEADER LOST TOO SOON

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

Ms. HARMAN. Madam Speaker, the seaside community of El Segundo in my congressional district, rich in so many ways, is a great deal poorer following the death on Saturday of its longtime Mayor and State assembly representative Mike Gordon. Those of us who knew Mike well and the countless others whose lives he touched are devastated by his unexpected and untimely passing.

In the course of my public career, few people have had a more profound impact on me and the policies I pursue than Mike Gordon. He was a natural politician, drawn to people, and driven to solve their problems, no matter how big or small.

Mike Gordon was a big thinker, one who could see around corners, anticipating the needs of his community and forging, in a strong but sensitive way, its future. He was a mayor, an assembly member, a baseball coach, community activist, party leader, good husband, father, and friend. And when he succumbed to brain cancer in the early morning hours of June 25, he was just 47 years old.

When Mike received his dire diagnosis 3 months ago, the broader world of California politics was just opening to him. Years of consensus building and goodwill and enormous potential were cut cruelly short.

I grieve for his family: his devoted wife, Denise; and four children; Ryan, Erika, Amanda, and Gordy; and for our larger loss.

Madam Speaker, Gordy Gordon designed a rubber bracelet which said ''I am helping Mike fight.'' Though Mike lost that physical fight, we who survive him will carry on the fight for the beliefs we share.

CAFTA

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

Mr. SHAW. Madam Speaker, I rise today in support of the United States-Dominican Republic-Central American Free Trade Agreement, which will benefit American farmers, manufacturers, and businesses both small and large. Last year alone, the Central American countries and the Dominican Republic imported nearly $15 billion worth of United States agriculture and manufactured goods.

The DR-CAFTA countries combined represent our 13th largest export partner. That is larger than Brazil. As these numbers show, there already exists a strong relationship between the United States and Central America, and this relationship is destined to grow substantially.

With the agreement in place, more than 80 percent of the United States industrial and consumer products will become duty free immediately. The agreement also levels the playing field for United States manufacturers who are at a disadvantage to other countries that already have free trade agreements with the DR-CAFTA countries. This translates into increased exports and earnings for American farmers and manufacturers and more jobs.

I urge my colleagues to support this very important piece of legislation.

REPUBLICAN SOCIAL SECURITY SHAM; QUIT RAIDING SOCIAL SECURITY TRUST FUND

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

Mr. STUPAK. Madam Speaker, congressional Republicans unveiled their own Social Security privatization plan last week, stating repeatedly that their proposal would protect the Social Security trust fund.

It is an interesting comment considering the fact that Republicans have raided $670 billion from the Social Security trust fund over the last 4 years alone to help pay for their giant tax breaks for the wealthiest elite. The majority party seems to forget that during the Clinton years, we ensured Social Security trust funds were locked away so they could not be used by the

Federal Government. That quickly changed after President Bush came to town, and now congressional Republicans are being disingenuous by attempting to sell their Social Security proposal as a way to prevent the trust fund from being raided in the future.

Republicans are simply misrepresenting their proposal. When asked last week how the government would fund the programs now being funded by the Social Security trust fund money, the gentleman from Louisiana (Mr. McCRERY), Social Security Subcommittee chairman, said that the cash can still be used the way it is now. In other words, despite their rhetoric, Republicans would continue to raid the Social Security trust fund.

Americans should not be fooled by this latest privatization proposal. If the President and Republicans are serious about saving Social Security, let us pay back what we owe on Social Security now.

TEN COMMANDMENTS

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

Mr. HENSARLING. Madam Speaker, above the Speaker's chair in the people's house are boldly written the words ''In God we trust.'' God. We, the House of Representatives, acknowledge God and have for over 200 years.

Why should it be any other way? Our Declaration of Independence states that we are endowed by our Creator with certain unalienable rights. Thomas Jefferson wrote, ''Can the liberties of a nation be thought secure when we have removed their only firm basis, a belief in the minds of the people that these liberties are the gift of God?''

Now, Madam Speaker, the Supreme Court has ruled that we Texans can gaze upon the Ten Commandments at our statehouse, but the people of Kentucky cannot gaze upon them in their courthouses. This is not helpful. The establishment clause of our Constitution was written to ensure that the State respects all religions, not to declare hostility upon each.

We can and must acknowledge God in public life and in a way that equally respects the Muslim, the Jew, the Christian, the Buddhist, and all people of faith. For when we do, God will continue to bless America.

THE PRESIDENT'S SPEECH ON IRAQ

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

Mr. McDERMOTT. Madam Speaker, President Bush has a golden opportunity to level with the American people tonight about Iraq. The question is: Will he?

The President stands at a crossroads. His credibility and the integrity of the entire administration is on the line. The American people have had enough of administration rhetoric. For a sitting Vice President to dismiss reality and proclaim the insurgency in its ''last throes'' grossly understates the threat to U.S. soldiers in Iraq and seriously undermines any shred of credibility that the administration has left with the American people. They know that U.S. involvement in Iraq is going badly. Republican Senator CHUCK HAGEL summed it up last week when he said, ''The White House is completely disconnected with reality . . . The reality is that we are losing in Iraq.''

The American people want the President to deliver a straight story and a realistic plan, something he has been unwilling to do up to now. We will see if we hear it tonight.

WE MUST NOT INDEFINITELY SUBSIDIZE TYRANNY

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

Mr. PITTS. Madam Speaker, today we will debate whether to keep pouring money into Egypt just to subsidize its military expansion. For the last 25 years we poured billions of dollars into Egypt. Each year we give that country about $1.3 billion just in military aid in addition to economic aid.

But all the money seems to do is reinforce a regime that refuses change and excuses oppression. It oppresses religious minorities, it obstructs democratic reforms, it censors the media. I think that money can be better spent elsewhere.

□ 1030

Today, I will offer an amendment redirecting some of this military aid to fighting malaria in Africa, a preventable disease that kills as many as 3 million people a year. Poor nations are most at risk, some 40 million in Africa.

While we have a strategic responsibility to support allies, we have a responsibility to help fight disease where we can, and reducing Egypt's military funding will serve as a wake-up call to a country that votes against the United States over 91 percent of the time in the U.N. We will not indefinitely subsidize tyranny.

Congress has the authority to determine what we subsidize. Today we will make that clear.

MISMANAGING NUCLEAR PROLIFERATION AND THE POLITICS OF IRAQ

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

Mr. MARKEY. Madam Speaker, the President had a historic opportunity in 2003. He had the support of the Congress. He had the support of the United Nations. We had inspectors in Iraq. It was determined that they had no weapons of mass destruction, and yet the President decided to invade.

Just think what would have happened if instead of on that day an invasion began, the President said, Let's keep this international coalition together. Let's move to Iran with the coalition. Let's ensure that they do not have a nuclear weapon.

Now the new President of Iran is stating that the United States and the world will not get in the way of Iran and nuclear weapons. The United States is more in danger, Israel is more in danger, the world is more in danger, because of the bad decision President Bush made on that day in 2003 when he invaded Iraq.

Instead, we are on the brink of a nuclear Iran and North Korea, and we are in a quagmire in Iraq as we referee an insurgency that will breakout into civil war as soon as the United States leaves.

This is a historic mess. The President had a chance for a Nobel Peace Prize. Instead, he is going to go down in history as someone who completely mismanaged nuclear nonproliferation and the politics of Iraq.

TONING DOWN RHETORIC WITH REGARD TO CONFLICT IN IRAQ

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

Mr. BURGESS. Madam Speaker, a year ago today, sovereignty was returned to the country of Iraq and the Coalition Provisional Authority left. But, Madam Speaker, over the past several weeks, the negative press over our progress and polls here at home seem to have undermined a lot of the good activity that has occurred there.

The goal of the attackers, the goal of the insurgents, is to discourage Iraqis from participating in their own government. A second goal, of course, is to weaken our resolve here at home. Ironically, they seem to be failing in the first choice, but succeeding in the second.

Madam Speaker, every time I have traveled to Iraq, I have been struck by the disparity between what I see on my television here at home in the United States and what is actually happening on the ground in Iraq. Our soldiers should not have to look over their shoulders to see if we support them in their mission.

I urge my colleagues in this House on both sides to carefully consider their rhetoric when they use words like ''quagmire'' and ''civil war'' in respect to the conflict in Iraq.

THE SITUATION IN IRAQ

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

Mr. DUNCAN. Madam Speaker, last year William F. Buckley, Jr., said if he

had known in 2002 what he had since learned, he would have opposed the war in Iraq. A few weeks ago, he wrote that it is now time for the U.S. to get out and leave Iraq to the Iraqis. This is a man who has been described as the ''godfather of conservatism.''

On June 17, Mr. Buckley wrote that opposition to the war was mounting and summed up his feelings in this way: ''A respect for the power of the United States is engendered by our success in engagements in which we take part. A point is reached when tenacity conveys not steadfastness of purpose, but misapplication of pride. It can't reasonably be disputed that if in the year ahead the situation in Iraq continues about as it has done in the past year, we will have suffered more than another 500 soldiers killed. Where there had been skepticism about our venture, there will be contempt.''

We should heed these words of this very respected conservative leader. The American people do not want this war to continue for another 10 or 12 years, or even another 5 or 6 more years.

FIXING SOCIAL SECURITY IN A BIPARTISAN MANNER

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

Mr. RYAN of Wisconsin. Madam Speaker, I want to talk about the issue of Social Security. Social Security is an important issue that affects every one of us in this country, yet it has become a partisan issue. It should not have to be a partisan issue. We are hearing comments from the other side that basically say do nothing at all to fix and address Social Security.

What we are proposing today is to try to come up with a consensus plan to at the very least take the surplus Social Security taxes that we are paying and spending on other government programs and apply that surplus to help workers prepare for their Social Security retirement benefit.

At the very least, let us make sure that the surplus taxpayers are paying today and for the next 12 years is dedicated toward preserving their Social Security retirement benefit. That is what we are hoping to accomplish here by trying to have an olive branch of consensus and bipartisanship. That is what we hope to accomplish with this latest plan we have introduced.

But more importantly, Madam Speaker, every year we delay fixing Social Security is another year where we add another $600 billion of debt to the Social Security problem. That is according to the trustees.

Congress needs to be serious about this. We need to stop being partisan, and we need to fix this very important program.

ALLOW SGT. CARLOS LAZO INTO CUBA

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

Mr. FLAKE. Madam Speaker, I rise today to draw attention to the case of Carlos Lazo. Sergeant Lazo has served our country honorably in Iraq. There has been a lot of talk about our soldiers in Iraq today. This sergeant returned from Iraq a while ago and wanted to visit his two children in Cuba. Carlos is a Cuban American who escaped that country on a raft several years ago.

He would like to go back, but our government will not let him. You see, he has visited Cuba once in the past 3 years, and that is all you are allowed under current policy. So this soldier, who received a Bronze Star in Iraq for his service and many other accolades, is not trusted by our government to visit his own family in Cuba.

This policy is wrong. The same policy prohibits a child with parents in Cuba from visiting them more than once every 3 years. So if your father dies one year, you go to his funeral. If your mother dies the next year, you cannot go to hers. How is that fair? Why is our government doing this?

We need to change this policy, Madam Speaker, and this week we may have an opportunity to do so. I would encourage my colleagues to join me in this endeavor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion 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.

Any record vote on the postponed question will be taken later today.

JUNK FAX PREVENTION ACT OF 2005

Mr. UPTON. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 714) to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

The Clerk read as follows:

S. 714

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Junk Fax Prevention Act of 2005''.

SEC. 2. PROHIBITION ON FAX TRANSMISSIONS CONTAINING UNSOLICITED ADVERTISEMENTS.

(a) PROHIBITION.—Section 227(b)(1)(C) of the Communications Act of 1934 (47 U.S.C. 227(b)(1)(C)) is amended to read as follows:

''(C) to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement, unless—

''(i) the unsolicited advertisement is from a sender with an established business relationship with the recipient;

''(ii) the sender obtained the number of the telephone facsimile machine through—

''(I) the voluntary communication of such number, within the context of such established business relationship, from the recipient of the unsolicited advertisement, or

''(II) a directory, advertisement, or site on the Internet to which the recipient voluntarily agreed to make available its facsimile number for public distribution,

except that this clause shall not apply in the case of an unsolicited advertisement that is sent based on an established business relationship with the recipient that was in existence before the date of enactment of the Junk Fax Prevention Act of 2005 if the sender possessed the facsimile machine number of the recipient before such date of enactment; and

''(iii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D),

except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile machine that complies with the requirements under paragraph (2)(E); or''.

(b) DEFINITION OF ESTABLISHED BUSINESS RELATIONSHIP.—Section 227(a) of the Communications Act of 1934 (47 U.S.C. 227(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) The term 'established business relationship', for purposes only of subsection (b)(1)(C)(i), shall have the meaning given the term in section 64.1200 of title 47, Code of Federal Regulations, as in effect on January 1, 2003, except that—

''(A) such term shall include a relationship between a person or entity and a business subscriber subject to the same terms applicable under such section to a relationship between a person or entity and a residential subscriber; and

''(B) an established business relationship shall be subject to any time limitation established pursuant to paragraph (2)(G)).''.

(c) REQUIRED NOTICE OF OPT-OUT OPPORTUNITY.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(D) shall provide that a notice contained in an unsolicited advertisement complies with the requirements under this subparagraph only if—

''(i) the notice is clear and conspicuous and on the first page of the unsolicited advertisement;

''(ii) the notice states that the recipient may make a request to the sender of the unsolicited advertisement not to send any future unsolicited advertisements to a telephone facsimile machine or machines and that failure to comply, within the shortest reasonable time, as determined by the Commission, with such a request meeting the requirements under subparagraph (E) is unlawful;

''(iii) the notice sets forth the requirements for a request under subparagraph (E);

''(iv) the notice includes—

''(I) a domestic contact telephone and facsimile machine number for the recipient to transmit such a request to the sender; and

''(II) a cost-free mechanism for a recipient to transmit a request pursuant to such notice to the sender of the unsolicited advertisement; the Commission shall by rule require the sender to provide such a mechanism and may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, exempt certain classes of small business senders, but only if the Commission determines that the costs to such class are unduly burdensome given the revenues generated by such small businesses;

''(v) the telephone and facsimile machine numbers and the cost-free mechanism set forth pursuant to clause (iv) permit an individual or business to make such a request at any time on any day of the week; and

''(vi) the notice complies with the requirements of subsection (d);''.

(d) REQUEST TO OPT-OUT OF FUTURE UNSOLICITED ADVERTISEMENTS.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsection (c), is further amended by adding at the end the following:

''(E) shall provide, by rule, that a request not to send future unsolicited advertisements to a telephone facsimile machine complies with the requirements under this subparagraph only if—

''(i) the request identifies the telephone number or numbers of the telephone facsimile machine or machines to which the request relates;

''(ii) the request is made to the telephone or facsimile number of the sender of such an unsolicited advertisement provided pursuant to subparagraph (D)(iv) or by any other method of communication as determined by the Commission; and

''(iii) the person making the request has not, subsequent to such request, provided express invitation or permission to the sender, in writing or otherwise, to send such advertisements to such person at such telephone facsimile machine;''.

(e) AUTHORITY TO ESTABLISH NONPROFIT EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c) and (d), is further amended by adding at the end the following:

''(F) may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, allow professional or trade associations that are tax-exempt nonprofit organizations to send unsolicited advertisements to their members in furtherance of the association's tax-exempt purpose that do not contain the notice required by paragraph (1)(C)(iii), except that the Commission may take action under this subparagraph only—

''(i) by regulation issued after public notice and opportunity for public comment; and

''(ii) if the Commission determines that such notice required by paragraph (1)(C)(iii) is not necessary to protect the ability of the members of such associations to stop such associations from sending any future unsolicited advertisements; and''.

(f) AUTHORITY TO ESTABLISH TIME LIMIT ON ESTABLISHED BUSINESS RELATIONSHIP EXCEPTION.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c), (d), and (e) of this section, is further amended by adding at the end the following:

''(G)(i) may, consistent with clause (ii), limit the duration of the existence of an established business relationship, however, before establishing any such limits, the Commission shall—

''(I) determine whether the existence of the exception under paragraph (1)(C) relating to an established business relationship has resulted in a significant number of complaints to the Commission regarding the sending of unsolicited advertisements to telephone facsimile machines;

''(II) determine whether a significant number of any such complaints involve unsolicited advertisements that were sent on the basis of an established business relationship that was longer in duration than the Commission believes is consistent with the reasonable expectations of consumers;

''(III) evaluate the costs to senders of demonstrating the existence of an established business relationship within a specified period of time and the benefits to recipients of establishing a limitation on such established business relationship; and

''(IV) determine whether with respect to small businesses, the costs would not be unduly burdensome; and

''(ii) may not commence a proceeding to determine whether to limit the duration of the existence of an established business relationship before the expiration of the 3-month period that begins on the date of the enactment of the Junk Fax Prevention Act of 2005.''.

(g) UNSOLICITED ADVERTISEMENT.—Section 227(a)(5) of the Communications Act of 1934, as so redesignated by subsection (b)(1), is amended by inserting '', in writing or otherwise'' before the period at the end.

(h) REGULATIONS.—Except as provided in section 227(b)(2)(G)(ii) of the Communications Act of 1934 (as added by subsection (f)), not later than 270 days after the date of enactment of this Act, the Federal Communications Commission shall issue regulations to implement the amendments made by this section.

SEC. 3. FCC ANNUAL REPORT REGARDING JUNK FAX ENFORCEMENT.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended by adding at the end the following:

''(g) JUNK FAX ENFORCEMENT REPORT.—The Commission shall submit an annual report to Congress regarding the enforcement during the past year of the provisions of this section relating to sending of unsolicited advertisements to telephone facsimile machines, which report shall include—

''(1) the number of complaints received by the Commission during such year alleging that a consumer received an unsolicited advertisement via telephone facsimile machine in violation of the Commission's rules;

''(2) the number of citations issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

''(3) the number of notices of apparent liability issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

''(4) for each notice referred to in paragraph (3)—

''(A) the amount of the proposed forfeiture penalty involved;

''(B) the person to whom the notice was issued;

''(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

''(D) the status of the proceeding;

''(5) the number of final orders imposing forfeiture penalties issued pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

''(6) for each forfeiture order referred to in paragraph (5)—

''(A) the amount of the penalty imposed by the order;

''(B) the person to whom the order was issued;

''(C) whether the forfeiture penalty has been paid; and

''(D) the amount paid;

''(7) for each case in which a person has failed to pay a forfeiture penalty imposed by such a final order, whether the Commission referred such matter for recovery of the penalty; and

''(8) for each case in which the Commission referred such an order for recovery—

''(A) the number of days from the date the Commission issued such order to the date of such referral;

''(B) whether an action has been commenced to recover the penalty, and if so, the number of days from the date the Commission referred such order for recovery to the date of such commencement; and

''(C) whether the recovery action resulted in collection of any amount, and if so, the amount collected.''.

SEC. 4. GAO STUDY OF JUNK FAX ENFORCEMENT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding complaints received by the Federal Communications Commission concerning unsolicited advertisements sent to telephone facsimile machines, which study shall determine—

(1) the mechanisms established by the Commission to receive, investigate, and respond to such complaints;

(2) the level of enforcement success achieved by the Commission regarding such complaints;

(3) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints; and

(4) whether additional enforcement measures are necessary to protect consumers, including recommendations regarding such additional enforcement measures.

(b) ADDITIONAL ENFORCEMENT REMEDIES.—In conducting the analysis and making the recommendations required under subsection (a)(4), the Comptroller General shall specifically examine—

(1) the adequacy of existing statutory enforcement actions available to the Commission;

(2) the adequacy of existing statutory enforcement actions and remedies available to consumers;

(3) the impact of existing statutory enforcement remedies on senders of facsimiles;

(4) whether increasing the amount of financial penalties is warranted to achieve greater deterrent effect; and

(5) whether establishing penalties and enforcement actions for repeat violators or abusive violations similar to those established under section 1037 of title 18, United States Code, would have a greater deterrent effect.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 714.

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

There was no objection.

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

Madam Speaker, I rise in support of S. 714, the Junk Fax Prevention Act of 2005, legislation very similar to the bill which this House passed in the last Congress that had been sponsored by me, the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Texas (Mr. BARTON), and the gentleman from Michigan (Mr. DINGELL). I want to thank those Members for their hard work and bipartisan cooperation, not only last year, but this year as well.

I also want to thank the House leadership for agreeing to expedite consideration of this very important legislation, because June 30, later this week, is when the sands of the hourglass were about to run out on the current stay of the FCC's new junk fax rules which this legislation fixes. No doubt time is of the essence and passage of this legislation is long overdue, that is for sure.

It is important to note that this bill does not overturn the ban on the faxing of unsolicited advertisements which has been outlawed since the passage of the Telephone Consumer Protection Act of 1991. So this bill does not protect the senders of those annoying, unsolicited faxes which so many of our constituents get that advertise purported investment opportunities, mortgage refinancing opportunities, vacation packages, who knows what, always sent by unfamiliar firms with whom our constituents have never done business.

I presume these firms are at best fly-by-night outfits, or at worst scam artists. In all events, they appear to be nuisances and violators of the Federal junk fax law, and this bill does not change that. Rather, the bill would clearly reinstate the FCC's previous rules which permitted businesses and associations to send faxes to those with whom they had ''an established business relationship'' without first having to get written permission slips from them.

If we do not reinstate the FCC's previous rules, the cost of complying with the FCC's new rules will be enormous, and it will severely hamper legitimate fax communications between businesses and their consumers and between associations and their members.

Additionally, and importantly, the bill would establish new opt-out safeguards to provide additional protections for fax recipients. Under the bill, senders of faxes must alert recipients of their right to opt out of future faxes and senders must abide by such requests. That is an additional level of protection that consumers do not have under the current law.

This Junk Fax Prevention Act is commonsense regulatory relief. I want to thank again the gentleman from Texas (Mr. BARTON), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Massachusetts (Mr. MARKEY) for their bipartisan cooperation on this bill; and I would urge all of my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

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

(Mr. MARKEY asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. MARKEY. Madam Speaker, I rise in full support of this legislation. I begin with my congratulations and thanks to the gentleman from Michigan (Mr. UPTON), the chairman of the subcommittee. He and I worked in the last session, along with the gentleman from Texas (Mr. BARTON) and the gentleman from Michigan (Mr. DINGELL) and other members of our committee, in order to draft legislation, which is very similar to the legislation which we are passing here today.

I would like, if it is permissible within the rules, to also thank the Democrat and Republican Members of the other body for their work on this legislation as well. We truly passed this legislation in a bicameral, bipartisan fashion.

First, let me state that back in ancient, prehistoric political times, back in 1991, that I was the principal House sponsor of the Telephone Consumer Protection Act, which contained the original junk fax prohibition. In 1991, that legislation passed this body and this general prohibition against junk faxes became law because of this intrusive form of advertising.

Every time someone junk faxes you, it is your paper that is coming out of the machine. You are paying for that paper. Your machine is tied up. It is just absolutely one of the most irritating things to people, to have to pay for someone else coming into your home or your business when you do not want them there. It is essentially a tax which is paid by the recipient of something that they never asked for in the first place.

This is something that ultimately takes up precious time as well. The machine is tied up, there is too much clutter that is associated with it, and important faxes are lost in the midst of the pile of junk faxes. How many people have just taken a pile of junk faxes, thrown it away, and in the middle of it was a fax you really wanted from someone, but you were just so ticked off by this generally unwanted clutter which has come into your home or your business.

So I think it is important to emphasize that the bill we bring to the House floor today retains the general prohibition against sending junk faxes. In other words, sending an unsolicited facsimile advertisement is against the law. We are not changing the law or the policy with respect to this. Sending a junk fax was illegal, and it remains illegal under this bill.

Neither are we changing any of the statutory enforcement mechanisms available to the Federal Communications Commission or to the individual consumers themselves in this bill. The legislation we are proposing will address certain provisions affecting an exception to the general prohibition against sending junk faxes and will improve the bill in these areas.

□ 1045

I think that it cannot be emphasized enough how this bill is the product, again, of the bipartisan work that both parties have engaged in over the last 2 or 3 years to reach today's final product, and I urge the House to adopt unanimously this legislation today.

Madam Speaker, I rise in support of this bill. This legislation builds upon legislation that was passed by the House in the last Congress and which this year was negotiated out between both Democratic and Republican members in the other body over a number of months. I encourage members to support this legislation today.

First, let me state that I was the principal House sponsor of the Telephone Consumer Protection Act (TCPA) of 1991, which contained the original junk fax prohibition. Congress endorsed my call in 1991 for a general prohibition against junk faxes because of the intrusive nature of that form of advertising. Junk faxes represent a form of advertising in which the ad is essentially paid for by the recipient. The recipient of a junk fax pays for the fax paper and printer costs, pays in the form of precious lost time as the machine is tied up, and also in the form of the clutter in which important faxes are lost in the midst of a pile of junk faxes.

I think it is important to emphasize that the bill we bring to the House floor today retains the general prohibition against sending junk faxes. In other words, sending an unsolicited facsimile advertisement is against the law. We are not changing the law or the policy with respect to this—sending a junk fax was illegal and remains illegal under this bill. Neither are we changing any of the statutory enforcement mechanisms available to the FCC or consumers in this bill.

The legislation we are proposing will address certain provisions affecting an exception to the general prohibition against sending junk faxes and will improve the bill in these areas. Since the FCC originally implemented the 1991 junk fax provisions of the TCPA, Commission regulations contained an exception for faxes that were sent because an ''established business relationship'' existed between the sender and the recipient. These regulations were in place and the ability to send junk faxes based upon this exception was permitted by the Commission for over a decade.

This concept of an ''established business relationship'' permitted a commercial entity to invoke its ability to demonstrate such a relationship with a consumer in order to contact that consumer in spite of the general prohibitions of the law. The FCC has more recently determined that the term ''established business relationship'' was not specifically included in the provisions addressing junk faxes in the TCPA

and therefore changed its regulations. The new rules proposed by the Commission require ''written'' permission from consumers and these new rules have been stayed from going into effect until June 30th of this year, just a few short days away.

The legislation before us is designed to put specific language into the statute permitting an ''established business relationship'' exception to the general prohibition against junk faxes. Many businesses have complained that written permission is too onerous a regulatory requirement for many of the faxes that they stipulate are routinely sent in the ordinary course of business to established customers or customers requesting such faxes. This has been done by reputable business entities presumably without complaints from the recipients of such faxes.

We must recognize, however, that many small businesses and residential consumers find many of these unsolicited faxes, including those faxes sent because a valid claim of an ''established business relationship'' was being asserted, to be a considerable irritant and strongly object to receiving them. The legislation, therefore, addresses additional issues, including putting into the statute an ''opt-out'' ability for consumers to object to receiving junk faxes, even when such faxes are sent to them based upon an established business relationship. For the decade that the original FCC regulations were in place, many consumers simply were not aware of the FCC's established business relationship exception, nor did very many know they had an ability to stop these faxes or any clear way in which to effectuate such a request.

The bill the House is considering includes new provisions requiring an ''opt-out'' notice and policy that we will add to the statute. The bill requires junk faxes to include, on the first page, a clear and conspicuous notice to consumers that they have the right not to receive future junk faxes from the sender. Second, the notice must include a domestic contact telephone number and fax number for consumers to transmit a request not to receive future faxes.

Third, the substitute requires the notice to conform with the Commission's technical and procedural standards for sending faxes under Section 227(d) of the law, which include the requirement to identify the entity sending the facsimile advertisement. This is an important provision because one of the biggest complaints from the FCC at the hearing, and with other law enforcement entities and aggrieved consumers, is that they have had difficulty legally identifying the source of many of the unsolicited faxes. In addition, there were some senders of junk faxes who evidently and falsely believed that simply because they were sending an unsolicited fax based upon their ability to prove they had an ''established business relationship'' with a consumer, and thus did not have to abide by the general prohibition against such faxes, that this also meant they did not have to abide by the other FCC and statutory technical rules. These statutory and regulatory rules include requirements that junk fax senders identify themselves in such faxes. Law enforcement entities and consumers need to be able to find the legal business name or widely recognized trade name of the entity sending a junk fax in violation of the rules in order to pursue enforcement actions.

Fourth, this bill makes it clear that a consumer can ''opt-out'' of receiving faxes to multiple machines, if they have more than one, rather than opting out solely for the particular machine that received the junk fax. Fifth, in this legislation the Commission is tasked with exploring additional mechanisms by which a consumer might opt-out, such as in person or by email or regular mail, and also requests that the Commission establish cost-free ways by which consumers can opt-out. These notice and opt-out requirements all represent new provisions to the law for which existing enforcement remedies will apply.

This legislation also includes the ability for the FCC to limit the duration of an established business relationship notwithstanding the fact that the law would include an opt-out notice and ability which avails consumers of the right to opt-out of receiving faxes at any point in time. I believe this is an important concept and one which deals with the legitimate expectations of consumers. If a consumer buys something from a store, consumers might expect to hear from that store within a reasonable period of time. Over time however, a consumer's expectation changes and there is a time after which the established business relationship can be said to have lapsed.

Finally, I think it is important to take a comprehensive look at overall enforcement of the junk fax law. I am concerned that some of the most egregious junk fax operations, the entities that broadcast such faxes to millions, often escape enforcement. They may be found guilty, cited by the FCC and sometimes fined—but often it appears as if they either ignore the fines, skip town, or live overseas. For these reasons the bill includes provisions that will give us an annual accounting of the FCC's enforcement activities as well as a GAO analysis of what additional enforcement tools may be necessary to provide sufficient deterrent, especially to the most egregious and abusive junk fax senders.

Again, I want to commend Chairman UPTON and Chairman BARTON for their work on this bill, and in particular for their willingness and openness in working with me and Mr. DINGELL in crafting the compromises needed to achieve consensus. I encourage all the members to support it.

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

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

In closing, let me just say that I welcome my friend's comments. I would only say that we can now refer to ''the other body'' as ''the Senate.'' We changed the rules beginning with this Congress, so we do not need to damn the other side by saying ''the other body;'' we can now thank them for their efforts, and this is maybe the first time that has ever happened. But we applaud their efforts led by Chairman STEVENS and others in the Senate.

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

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

Mr. MARKEY. Madam Speaker, I thank the gentleman very much, because this is an incantation which I have never actually been able to make legally under the rules of the House in my 29 years in this body, so I would like for the first time to utter the phrase: I would like to thank the Senate for its work on this legislation. It is much appreciated.

Mr. UPTON. Madam Speaker, I thought the gentleman might want to revise and extend since we had something so gracious coming from the other body now called the Senate. But I want to thank them as well on a bipartisan basis for getting this legislation expedited to the floor. Madam Speaker, I would ask all of my colleagues to support this legislation.

Mr. GENE GREEN of Texas. Madam Speaker, I rise in support of S. 714, the Junk Fax Prevention Act of 2005.

The FCC's recent proposal to require written permission to send commercial fax messages created a great deal of controversy, and I support this small amendment to the Junk Fax law that will make the larger law work better.

I am a strong supporter of the Telephone Consumer Protection Act and its ban on unsolicited commercial faxes, which place an undue financial burden on small business and individual recipients.

It's one thing to have to receive a unsolicited telemarketer's call—it's even worse to have to pay for it by having to replace the paper from your fax machine.

However, I agree that the explicit, written notification requirement contemplated by the FCC in its proposed rulemaking is problematic for some situations like trade associations, realtors, and others who already have existing business relationships.

As a result, I am pleased to join the bipartisan leadership of the House Energy and Commerce Committee in supporting S. 714, the Junk Fax Prevention Act of 2005.

This Act corrects the FCC's rule and allows for businesses to communicate with other businesses with whom they have an established business relationship, as long as they allow business to ''opt-out'' of future faxes.

This new law will not weaken protections for residential consumers or protection for businesses from unsolicited ads for printer toner, vacation deals, and other sales pitches that cost consumers money.

This new law will prevent businesses and realtors from having to fill out paperwork to communicate with each other about an existing business relationship.

Madam Speaker, I support this bill and urge its adoption by the full House.

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

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the Senate bill, S. 714.

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

A motion to reconsider was laid on the table.

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

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, by direction

of the Committee on Rules, I call up House Resolution 341 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 341

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with ''or'' on page 113, line 26, through page 114, line 10. Where points of order are waived against part of a section, points of order against a provision in another part of such section may be made only against such provision and not against the entire section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

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

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, the rule provides 1 hour of general debate evenly divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule also provides one motion to recommit with or without instructions.

I would like to take just a minute, Madam Speaker, to reiterate that we bring this rule forward under an open rule. Historically, appropriations bills have come to the House governed by an open rule, and we continue to do so, in order to allow every Member of this House the opportunity to submit amendments for consideration, obviously as long as they comply with all of the Rules of the House.

Madam Speaker, the legislation before us appropriates over $20 billion, an increase of $73 million, for operations across the globe. The bill is fiscally sound while, at the same time, compassionate and globally responsive to the needs of those plagued by disease and international disaster.

The bill bolsters the President's Millennium Challenge Corporation to $1.75 billion, nearly a quarter of a billion dollars more than in fiscal year 2005. The expansion of assistance is meant to help bring economic security and the rule of law to some of the most of the poorest nations of the world. The Millennium Challenge provides assistance through a competitive selection process to developing nations that are pursuing political and economic reforms basically in three areas, Madam Speaker: ruling justly, investing in people, and fostering economic freedom. Economic development genuinely succeeds when it is linked to free market economic principles as well as to democracy and where governments are committed to implementing reform measures in order to achieve these goals.

Two years ago in his State of the Union address, President Bush announced the President's emergency plan for AIDS relief, the largest international health initiative in history initiated by a single government to address one disease. This bill shows Congress's continued support of the fight against HIV/AIDS, as it includes over $2.6 billion to continue the fight against that horrendous deadly disease.

Our resolve to help all those across the globe who fight this disease is strong; it is serious. In addition to funding, the Federal Government enlists the expertise of various agencies, including the Food and Drug Administration, which assures that the medicines we send to the developing world are safe and effective to help those with HIV/AIDS.

In other foreign assistance, H.R. 3057 funds the Andean Counterdrug Initiative at the President's request, $734 million, $9 million more than last fiscal year. Economic growth in the area since the start of Plan Colombia is proof that the assistance we have provided Colombia has made a difference, a very important difference in that country. I myself visited in April of last year and was able to see the extraordinary progress that the Colombian government and the Colombian people have made against the narcoterrorists, and they constantly reiterate their gratitude to this Congress for the important assistance, Madam Speaker, that we have provided them and continue to do so.

However, we must not take progress in the Andean region for granted. If the United States turns its back on the region, a scenario may ensue which would require greater U.S. investment and involvement at a time when we obviously have significant responsibilities worldwide.

Madam Speaker, the underlying legislation also provides over $2.5 billion for military and economic assistance to Israel. We must continue to ensure that our friends and allies remain secure. I am fully convinced that a strong Israel is necessary not only for Israel, but also for the security interests of the United States. We are committed to do everything we can so that Israel is safe and secure within its borders.

Madam Speaker, H.R. 3057 was introduced by the gentleman from Arizona and reported out of the Committee on Appropriations on June 21 by voice vote. It is a good bill, essential to our continued commitment to the security and safety of all in the United States, and we bring it forth, as I stated before, under a very fair and, as a matter of fact, an open rule.

I would like to take this opportunity to thank the gentleman from Arizona and the gentlewoman from New York for their leadership on this important issue, and I obviously would urge my colleagues to support both the underlying legislation as well as this rule.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I thank my good friend, from Florida (Mr. LINCOLN DIAZ-BALART) for yielding me this time, and I yield myself such time as I may consume.

Madam Speaker, I rise today to express my significant concerns about the Foreign Operations bill for fiscal year 2006. The substance of the underlying legislation will be addressed later in my statement.

Madam Speaker, while the rule is similar to that of other appropriations bills, I am extremely disappointed that the majority has blocked our colleague, the gentleman from Texas (Mr. EDWARDS) from offering an amendment that would have provided $1 billion in emergency funding for the Veterans' Administration. All of our colleagues here in the House know that the Bush administration and the Republican majority, by their own admission, have underfunded the Veterans' Administration by $1 billion. Without the emergency funding proposed by the gentleman from Texas (Mr. EDWARDS), the VA will shortly run out of money, leaving veterans, and there are 86,000 of them coming back from Iraq and Afghanistan and elsewhere, with nowhere to turn. But because my friends in the majority on the Committee on Rules did not make the Edwards amendment in order, the House will not have an opportunity to consider this critical amendment now. Shame on all of us.

Madam Speaker, the underlying legislation has some admirable provisions yet, in several areas, it falls far short of meeting the United States' near and long-term policy needs.

The majority's excuse that the budget constraints prevent greater generosity is just that: an excuse. The simple fact of the matter is that the Republicans' reckless and irresponsible

economic policies have left the United States with little room to meet our important international and domestic obligations.

Realize, I think that it is appropriate that we have funding allocated to fighting the plagues of our time, HIV and AIDS, malaria and tuberculosis. I applaud the current appropriations and encourage this body to continue supporting these efforts until these diseases have been completely eradicated.

I am also appreciative of the assistance levels for the Middle East. This past April, with the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), I had an opportunity to visit Israel and the Palestinian territories, and we met with officials from both sides of the conflict. I found them at that time to be committed to the pursuit of a fair and just peace and dedicated to ensuring an equitable resolution to the many issues that divide the Israelis and the Palestinians. The United States must continue to show its commitment to Israel, our most reliable ally in the Middle East. This legislation does just that. Further, we must be engaged in the region and reward positive efforts by the Palestinians with appropriate levels of assistance.

I am also pleased to note that the United States is the leading donor of humanitarian assistance to Darfur, with $350 million appropriated in this legislation. This assistance is important, but not nearly enough. Frankly, the Bush administration has been neglectful of the realities on the ground, even while acknowledging that genocide is taking place. There should be no action on earth that compels us to act more than genocide. However, the House continues to refuse to move the Darfur Accountability Act, which provides for sanctions against the regime and authorizes the President to use force, if needed, to save the lives of innocent civilians.

□ 1100

Is there a reason vastly more compelling than halting genocide that is forcing the United States to merely shake our finger in admonishment at the Sudanese Government? The world long remembers those instances in which the United States failed to take action to prevent genocide, and I fear that this is going to be another one of those times.

Despite all of the positive provisions in the bill, Mr. Speaker, there are several aspects of this bill that project the wrong message to the global community. At a time of intense international hostility toward many aspects of United States foreign policy, we should not be compounding the problem with a ''sore loser'' attitude and a lack of commitment to protecting human rights.

Allow me to expand. Section 528 of the underlying legislation withholds 25 percent of funding to the World Bank's International Development Association if it fails to continue implementing some procurement reforms that are supported by the United States. Once again, as with last week's United Nations Reform Act, Republicans are insisting on a my-way-or-the-highway approach. This is plain wrong. We will never reform these institutions by staying at home and complaining. We must accept compromise and continue to press for change while remaining a committed participant.

Mr. Speaker, typically, the foreign operations bill is one of the most bipartisan bills that this body passes every year. While I will most likely support the underlying legislation, I am greatly concerned by the overall amount of money appropriated in this bill. Later today, we will hear from the chairman and other Republican leaders who will claim that they did the best they could with what they were given. I do not doubt that, Mr. Speaker; and I applaud the chairman and ranking member of the subcommittee for the hard and dedicated work which they do for all of us. Nevertheless, the budget constraints which the chairman and others will speak of are the creation of the Republicans' fiscal mismanagement.

I am appalled that we have the money to provide egregious tax cuts to extremely wealthy people in our country; yet we do not have the money to meet our international humanitarian commitment. We have the money to provide billions in tax giveaways to the Bush administration's favorite corporate donors; yet we do not have the money to provide the necessary assistance to some of the poorest countries in the world. This is beyond shameful. It is negligent, and it leads many in the world to understandably question the seriousness of our rhetoric on human rights and the promotion of democracy.

Just once, Mr. Speaker, I would like to come to this floor with Republicans in the majority and President Bush in the White House and say, We do not have the money for tax cuts for millionaires and billionaires because we have to fulfill our commitment to improving the lives of billions of people around the world, including millions right here in our own country.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

With regard to some of the many, many points that were made by my distinguished friend, and I am certainly not going to address them all at this point, but I would like to make two points with regard to this foreign aid bill which we are bringing to the floor today with an open rule. We are providing over $20 billion in foreign aid in this bill. That is an increase of $73 million over last year. We are fulfilling our obligations and being quite compassionate as we do so.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. I thank my friend for yielding and thank him for his fine management of this very important rule.

Mr. Speaker, I rise in strong support of this rule which provides for an open amendment process. Any germane amendment that any Member chooses to offer will in fact be debated and voted upon here in the House. So understand that Members under the rules of the House will have an opportunity to amend this legislation as they see fit.

I was very happy to hear praise for the bill from my good friend from Fort Lauderdale, Florida (Mr. HASTINGS) as well as the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) and an understanding that at the end of the day there will be bipartisan support for this legislation.

We know full well that this is a piece of legislation that is often misunderstood by many Americans. There is a belief that somehow we expend 10 to 15 percent of the Federal budget on foreign assistance, on foreign aid; and there is a belief that we are taking our hard-earned tax dollars and sending them down a rat hole when, in fact, there needs to be an understanding that the foreign operations bill is comprised of less than 1 percent of the entire Federal budget.

I believe that the chairman and ranking member have done a great job in putting together a bill, and I will do exactly what the gentleman from Florida (Mr. HASTINGS) said and say correctly that with the resources that are limited, we frankly have done, I believe, extraordinarily well. There is a reason that resources are limited when it comes to the Federal budget. It is not, as my friend from Florida said, because of reckless and irresponsible policies that President Bush and the Republicans have put forward. It is the fact that both Democrats and Republicans are regularly saying that we need to bring about a reduction in the Federal deficit. We cannot continue to have deficit spending.

Now, the so-called reckless and irresponsible policies that have been categorized as that by my good friend are policies that have actually brought the Federal deficit to a level that is $73 billion lower than had been anticipated and projected in February. First, we saw in April a reduction of $50 billion; and then just 2 weeks ago, we got the report of an additional $23 billion reduction in the Federal deficit. Why? Because of the fact that we have seen strong, bold economic growth. We have a 3.5 percent GDP growth rate taking place in this country, and we also have seen the unemployment rate at 5.1 percent, lower than the average unemployment rate through the 1960s, 1970s, 1980s and 1990s.

And so this view, somehow, that we have created more problems when it comes to the deficit, we not only have

not created more problems; we have got the deficit on a downward slope, we are still fighting the war on terror, and we are meeting these very important obligations.

The gentleman from Florida (Mr. HASTINGS) was absolutely right, Mr. Speaker, when he talked about the great trip that we took in traveling throughout the Middle East, going to Israel and the Palestinian territories. We were also in Egypt. I believe that the aid package that we have here for both Israel and Egypt is very important, and I would like to compliment my friend from Wisconsin (Mr. OBEY), the distinguished ranking minority member of the Committee on Appropriations, for his effort to focus resources on the democratization that is taking place in Egypt. We know that for the first time ever, we in September are going to see multicandidate elections take place in Egypt. I believe that that is a clear sign that the policies that we have been pursuing under President Bush in creating a chance for 8.5 million Iraqis to vote has been a very positive thing.

We know that today marks the first anniversary of the transition from the Coalition Provisional Authority to Iraqi sovereignty, which is a very, very important thing to mark. Obviously, we have tragically seen terrorist activities take place throughout the past year which have been designed to bring about destabilization. But because of what we have done, because of the resolve, and the President will be talking about this tonight in his nationally televised address from Fort Bragg, we as a Nation are determined to see political pluralism, the rule of law and the building of democratic institutions; and the effort that the gentleman from Wisconsin has put into that when it comes to Egypt is, I think, a very, very important one.

I also want to talk about the issue that was raised by the gentleman from Florida (Mr. HASTINGS), that being the concern that we all have over this issue of a shortfall in funding for our veterans. Mr. Speaker, we all know, Democrats and Republicans alike, that there is a great responsibility that we have to our veterans. Our veterans have shed their blood and shared their courage for the good of our country. They have given us our enduring freedom, and it is our duty to honor our country's commitment to them. It is our duty to do that.

Now, just this morning at 9 o'clock, we have seen the gentleman from New York (Mr. WALSH), the very, very distinguished chairman of the subcommittee that deals with this issue, the Subcommittee on Military Quality of Life and Veterans Affairs, hold a hearing focusing on the need to address this issue. We did, unfortunately, get this report of the shortfall, but it is important to note what it is that we have done for our Nation's veterans.

We passed by a vote of 425–1 the military quality of life appropriations bill. That legislation includes over $28 billion for the Veterans Health Administration, including $21 billion for medical services. Medical services are actually funded in the legislation at $1.6 billion above the current fiscal year. Over the last 2 years, funding for medical care for veterans has increased by 18 percent. That does not in any way diminish the fact that we have unfortunately gotten this report of the $1 billion shortfall; but, Mr. Speaker, it makes it very clear that we as an institution have a responsibility to encourage the Veterans Administration to have a degree of accountability.

When you provide $28 billion in resources, $21 billion for medical services, an increase of 18 percent over the last 2 years, it seems to me that steps need to be taken to ensure that we, in fact, look at and understand this problem of the $1 billion shortfall. We should not continue to subsidize what obviously is a problem.

That is why there is a strong commitment. The White House is committed to dealing with this issue. The gentleman from Indiana (Mr. BUYER), the chairman of the authorizing committee, is very determined to deal with this issue. And I believe that we have done the correct thing by saying the funds will be available through using surpluses that the Veterans Administration has and other operational funds while we try to deal with the challenge of this $1 billion shortfall.

There will be some who will try to claim that we are ignoring the problem of the $1 billion shortfall that has been announced if we do not defeat the previous question and turn back this rule. Nothing could be further from the truth. We face the problem head-on. We are going to responsibly deal with it working together in a bipartisan way with the executive branch and the legislative branch to ensure that we can address this issue.

I urge support of this rule. I thank my friend for his leadership that he has shown on this and a wide range of very important foreign policy issues.

I will close with one point that I raised with the gentleman from Arizona (Mr. KOLBE) when he testified and, that is, I am very proud that Speaker HASTERT and Minority Leader PELOSI have come together to establish a task force, a commission that is geared towards seeing the United States House of Representatives directly provide technical assistance and other expertise to emerging parliaments in these new democracies that are taking place around the world, and there are very important resources for that that are included in this bill. I would like to thank my colleagues who have been involved in that. I urge support of both the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN) with whom I serve on the Rules Committee.

Mr. MCGOVERN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to this rule for one simple reason: it shortchanges our Nation's veterans. I would say to my friend and colleague, the distinguished chairman of the Rules Committee, with all due respect, our veterans do not need more hearings. They do not need your sympathy. They need your action. They need this Congress to act, and they need this Congress to act now.

The Department of Veterans Affairs recently admitted they are $1 billion short. Last night in the Rules Committee, Democrats offered an amendment by the gentleman from Texas (Mr. EDWARDS) to correct this shortfall and to make sure that our veterans get the health care that they deserve. As the gentleman from Texas noted in his testimony before the committee, ''There are three basic reasons why VA health funding must be increased above present levels.

□ 1115

''First, health care inflation is approximately 7 percent a year. Second, 86,000 Iraqi and Afghanistan war veterans have needed VA care. Third, health care and prescription drug costs have caused a net increase of 250,000 veterans per year using the VA health care system.''

Mr. Speaker, despite this glaring need for more veterans health care funding, the Republican majority on the Committee on Rules refused to provide it on a partisan vote. What are our priorities?

Yesterday in The Washington Post, it was reported that senior VA officials are spending their time making sure that every VA facility has a framed portrait of the VA Secretary prominently displayed.

One senior VA official said that facilities should make the portrait their ''highest priority.''

I have a suggestion for the VA. Maybe their highest priority should be providing adequate health care for our veterans. Maybe their highest priority should be spending American tax dollars wisely.

There is a quote from Abraham Lincoln's Second Inaugural etched into the VA building downtown. It says, ''to care for him who shall have borne the battle and for his widow and his orphan.''

Lincoln did not say anything about the framed portrait of government officials.

Mr. Speaker, I urge my colleagues to vote no on the previous question so that we can provide adequate funding for veterans health care.

During this time of war, our veterans deserve more than nice words. They deserve the health care that they have earned.

I realize that this is not a tax cut for millionaires, something that you on the other side of the aisle embrace with urgency, but how can you turn your backs on the brave men and women fighting in the wars that you voted for?

Mr. Speaker, this is an outrageous situation that must be fixed today, not tomorrow, not next week, not next month. We do not need any more hearings. We need to fix it today. We owe the men and women who have worn the uniform of this country nothing less.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are very proud of our support for veterans. A few weeks ago, as a matter of fact, on May 25, this House of Representatives brought to the floor, considered and passed by a vote of 425 to 1 the appropriations bill for the next fiscal year on military quality of life. The legislation included over $28 billion for the Veterans Health Administration, including $21 billion for medical services. Medical services were funded $1.6 billion above the current fiscal year. Over the last 2 years, funding for the veterans medical care has increased by 18 percent.

We are very proud of our support for veterans. And I would like to say, Mr. Speaker, that I know of no two Members of this House who feel and have more concern for the rights of veterans than the chairman of the Committee on Veterans' Affairs, the gentleman from Indiana (Mr. BUYER), as well as the chairman, the gentleman from New York (Mr. WALSH) of the appropriations subcommittee that funds veterans affairs.

So this matter brought to our attention now of a shortfall is of extreme concern to them. And as we speak, Mr. Speaker, a hearing is taking place to fully investigate the causes and the issues of this shortfall, a hearing is taking place by the appropriations subcommittee dealing with this issue, Military Quality of Life Appropriations Subcommittee, called for by the chairman, the gentleman from New York (Mr. WALSH). And so not only are we not ignoring the issue, we are proud of our record of support for veterans and will continue to support veterans in a way which will make us all proud.

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

Mr. HASTINGS of Florida. What my colleague from Florida ignores is that we could do something today for those same veterans.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, this bill spends a lot of money on foreign aid, but there is a major problem with this bill today. And that problem is not money that the bill contains. It is money that the bill does not contain.

Last week we were told by the Veterans Administration that after continually resisting efforts to increase funding for veterans health care, they were finally admitting that there was, in fact, a $1 billion shortfall in veterans health care funding for the present fiscal year.

My understanding is that at the hearing of the Subcommittee on Military Construction this morning, the VA amended that number and they are now telling us that in addition to the $1 billion shortfall which they said they had in this fiscal year, they are saying that they are going to need $1.5 billion next year, plus another $1.1 billion if the Congress does not take action with respect to co-payments and enrollment fees that the Congress has already decided that it will not support.

So in other words, there is a huge hole in the Veterans Administration health care funding and it is growing.

Now, we have had to endure a lot of cynical comments from some Members on the other side over the past 2 years because the gentleman from Texas (Mr. EDWARDS) and I and several others have tried at every opportunity to get more money into the budget for veterans health care.

In fact, I recall at one point the gentleman from Texas (Mr. EDWARDS) was called a demagogue by a member of the majority party because he stood up and insisted that we fund veterans health care at least a billion dollars higher level than it was being funded.

I think now we recognize, and I would hope our friends on the other side of the aisle would recognize, that the numbers which the gentleman from Texas (Mr. EDWARDS) and others have been citing are correct and that the numbers that the Veterans Administration has been citing are not.

I find it ironic that the majority party even removed from the Committee on Veterans' Affairs chairmanship, the gentleman who last year recognized along with us that we need higher funding for veterans health care. He was rewarded for being frank about the needs for veterans by being bounced out of his committee chairmanship.

I think we ought to take a look at what the facts are. Right now medical facilities are literally falling down around their patients. One veterans medical clinic had to put up scaffolding around walls to protect patients from falling bricks. Physicians at VA hospitals have reported that they had to visit neighboring hospitals to borrow supplies that they needed to carry out specific medical procedures.

The VA is proposing two solutions to the problem: diverting $400 million that was to be used for medical services next year, and using $600 million that was supposed to be used to improve hospitals. This, in our judgment, is just digging the hole deeper, and it is not the first time that we have seen this resistance.

In fiscal 2002 the administration would not allow the VA to spend $275 million that Congress had provided to meet the needs of veterans. In fiscal year 2004, the VA Secretary testified that the administration had cut his own request by $1.2 billion. They now admit there is a shortfall.

For 2006 the VA bill adds only 2 percent or $661 million for the Veterans Health Care Administration. Not nearly enough in light of today's revelations.

I will place into the RECORD, Mr. Speaker, a listing of our efforts over the past 2 years to raise veterans health care.

In short, I simply want to urge each and every Member of this House on both sides of the aisle to vote against the previous question on the rule on this bill so that we can try to respond to what is obviously an emergency situation and add to this bill the money that the gentleman from Texas (Mr. EDWARDS) tried to add on the floor last week to a previous bill so that we can clean up the shortfall in the VA health care budget for this year, and so that we do not dig the hole deeper for the following year.

Even the money that the gentleman from Texas (Mr. EDWARDS) was asking for last week will not be sufficient for the 2-year problem, but it is a whole lot better than hiding the problem under the rug as the administration has done for the past 2 years.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WALSH), the distinguished chairman of the Subcommittee on Military Quality of Life of the Committee on Appropriations.

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

I do not think I am incorrect in stating that this discussion regarding veterans health care does not belong on a foreign operations bill. Clearly there is a venue for discussion of veterans funding. And as Members know, we have had a full discussion of that before the House and in committee and it was done in a proper way.

I just want to make sure that everyone understands that we were provided additional information after the House had concluded its work on the Veterans and Military Quality of Life bill. That prompted us, my colleague, the distinguished gentleman from Texas (Mr. EDWARDS), my ranking member of the subcommittee, to jointly request an oversight hearing which was conducted just this morning for 2½ hours.

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

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

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

I would simply say I appreciate the oversight hearing but what we need is not so much a hearing but action. Secondly, I would grant to the gentleman that the preferred place to deal with this problem is not on this bill. The problem is we tried to deal with it on the bill where it belongs and we were blocked by the majority for doing so.

I thank the gentleman for yielding.

Mr. WALSH. Reclaiming my time, we can deal with this before the 2006 budget is implemented. We have time. It is June. We moved expeditiously to get the bill passed. We did that.

We now have new information and we have to respond to that. And the questions I can frankly say were aggressive and thorough, and the response from the Veterans' Administration, while complete, at least we believe complete at this time, was not as thorough as we would like.

And we asked questions, the gentleman from Texas (Mr. EDWARDS) and I and other members of the subcommittee have asked questions. We want to get at what exactly is the anticipated shortfall for 2006. We want to make sure that this projected deficit for 2005 is responded to. That there is no diminution of care or quality of care in our veterans hospitals and that is our responsibility. That is the proper venue for this debate. Not on the foreign operations bill. We will have time to respond to it.

We have had discussions with OMB and with the Veterans' Administration. We will not rest until we resolve this difference of what is needed to meet the needs of our veterans. But I assure the House and Members here today that we will get to the bottom of this, we will get the proper resolution. And if additional funds are needed, and I believe they are, we will find them.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. LOWEY), ranking member of the Subcommittee on Foreign Operations who has a great deal of dedication and skill in this arena.

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

I rise in opposition to this rule and urge my colleagues to defeat the previous question. I am grateful for the Committee on Rules for granting an open rule for consideration of H.R. 3057, the FY 2006 Foreign Operations Appropriations bill.

It is always my preference each year to allow as broad a debate as possible on the provisions in the bill and on United States foreign aid policy generally.

□ 1130

I believe this rule will accomplish that.

However, I did ask the Committee on Rules to grant a waiver to one amendment during today's debate, an amendment offered by the gentleman from Texas (Mr. EDWARDS) to provide $1 billion in emergency funding for veterans health care. While I do not usually support giving waivers to amendments on the foreign operations bill that are not directly related to the bill, I wholeheartedly support the gentleman from Texas' effort.

The administration's recent revelation of a $1 billion shortfall in veterans health care funding is already significantly impacting our veterans, as facilities across the country deny new requests for appointments. This admission, which emerged during a congressional hearing last week, comes less than 4 months after Secretary Nicholson wrote to the Senate with a bold assertion that the VA ''does not need emergency supplemental funds in fiscal year 2005.'' It seems Secretary Nicholson was either misleading Congress or simply was not informed of the facts; and, frankly, I do not know which poses a greater threat to the veterans health care system.

The nonchalance with which the administration has handled funding for veterans health care is unbelievable, especially as our men and women in uniform continue to serve in Iraq, Afghanistan, and around the world. These brave Americans continue to give the ultimate sacrifice to defend our freedoms, and we must fulfill our commitment to care for them upon their return.

The gentleman from Texas' effort is not without precedent. The Committee on Rules made in order a Republican amendment to the Iraq War supplemental on REAL ID, allowing for adoption of this provision without any real debate or hearings. The committee also made in order a nongermane amendment to the legislative branch appropriations bill, arguing that the continuity of Congress was too important not to include.

Given what our veterans have done for this country, the gentleman from Texas' amendment is too important not to consider today, and I urge defeat of the previous question.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

We will get to the bottom of this problem. We will solve it, and we have heard from the chairman of the appropriations subcommittee that has jurisdiction over the veterans issue to that effect. We will hear as well shortly from the chairman of the Committee on Veterans' Affairs, and when I say we are going to get to the bottom of this and solve it, it is coming from the history of the House of Representatives that in the last 2 years alone has increased funding for veterans medical care by 18 percent. We are very proud of our record, and we are going to continue to have a record to be proud of.

So having said that, I would simply like to remind any colleagues who may be following this debate that with this rule what we are doing is bringing to the floor the foreign aid bill, the foreign operations appropriations bill, which includes about $22 billion, the foreign aid bill, includes about $22 billion, and it is almost $100 million over the amounts that we appropriated for the current fiscal year. That is what we are bringing to the floor again, Mr. Speaker, with this rule.

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

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

Mr. Speaker, my friend from Florida, the distinguished gentleman, amazes me with his logic. We gave the veterans $2 billion more he said last year. What does that have to do with today and the fact that there is a $1 billion shortfall? This shortfall that has come to the attention of people is a mistake. When can this administration say that we were wrong about something? The veterans need $1 billion and that is that.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. EDWARDS) who has been denigrated for arguing this point over the last 2 years.

Mr. EDWARDS. Mr. Speaker, I think what the House has to decide today is what is more important: House procedures that we waive every single day for the most insignificant of reasons or taking care of a $1 billion-plus shortfall in veterans health care programs during a time of war.

Quite frankly, if the gentleman from New York (Mr. WALSH), my good friend and leader of the House Subcommittee on Military Quality of Life and Veterans Affairs, were Speaker of the House, I would withdraw my opposition to the vote against the rule that denies us a chance to provide adequate care for veterans; but the fact is he is not. The fact is that repeatedly this year, not the Committee on Appropriations on veterans affairs health care spending, but the House leadership has repeatedly said no to adequate funding for VA medical care.

The gentleman from Florida talked about how proud he was of his work on veterans programs this year. Let me just point out that if we go back and look at the budget resolution passed on a partisan basis in April, that budget resolution directs a cut compared to present services of $14 billion in veterans health care over the next 5 years. I am not only not proud of that; that is the reason I voted against the partisan budget resolution in April that began this process.

This problem was not created by the Committee on Appropriations. It was created by an inadequate budget resolution that was pushed through this House in April, strictly on a partisan basis. The fact is, I am less interested in how we got here and more interested in how we take care of veterans. That is more important than all the partisan disagreements we might discuss on the floor this day.

What are the facts? The facts are that the Veterans Administration has now admitted that it has approximately, or say minimally, a $1 billion shortfall. The fact is that kind of shortfall is delaying purchasing equipment that doctors and nurses at our VA hospitals say is needed to provide quality care for veterans. That shortfall is going to have a direct impact on the quality of care for America's veterans, including veterans coming back from the Iraq and Afghanistan wars.

If anyone questions how serious this shortfall is, let me just read to my colleagues a letter dated May 3 of this year from Barbara Watkins, a medical center director for the Alexandria VA

Medical Center in Virginia. She says: ''Dear Friend: As of April 29, 2005, the Alexandria VA Medical Center is no longer scheduling appointments for new Non Service Connected veterans.'' In laymen's terms, what that means is if you are a veteran that is unemployed, if you are a veteran that is making only $10,000 a year or so, perhaps on minimum wage, and you have a serious health care concern, you will not be given a medical appointment at the Alexandria VA Medical Center. My guess is that this kind of cut in services for veterans is occurring all over the country.

The fact is that in Togus, Maine, quoting the gentleman from Maine (Mr. MICHAUD), I can tell my colleagues, using Togus VA Hospital in Maine, the Togus facility actually had to put up scaffolding over the doors to block bricks from falling on patients or staff. This crisis is real. It is serious. It is today.

The gentleman from New York (Mr. WALSH), is correct: we should not normally have to deal with this on the foreign aid appropriations bill. Frankly, we should have dealt with it in April on the budget resolution that underfunded VA medical care. I wish we could have added this money in the VA budget that passed recently in the House. The fact is that is already through the House, and the problem is that if the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies has to deal with it in a nonemergency basis, guess where we will have to take $1 billion from to take care of the VA health care crisis?

It will come out of military construction. That is housing, day care facilities for our active duty servicemen and -women and their families, or it might have to come out of the defense health care budget. That is hospital care and medical care for active duty servicemen and -women, members of the Guard and Reserve who are fighting the war on terrorism.

This is not the best place to deal with the veterans health care crisis. But if not now, when? If not this bill, what bill? Let us vote ''no'' on the rule. Let us add $1 billion today to deal with the veterans health care funding crisis.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Indiana (Mr. BUYER), the chairman of the Committee on Veterans' Affairs.

Mr. BUYER. Mr. Speaker, I thank my colleague for the time.

I would like to give an explanation of how we got here. I have great respect for the gentleman from Texas (Mr. EDWARDS), my colleague, and his sincerity and his work not only on the commitment of men and women who wear the uniform but also our veterans.

I also extend congratulations. You are either that good, or it was the best guess that turned out to be right. What I really believe in my heart, since you are my friend, is the latter because we do not understand this health financing model as well as we should. So I know you just said I really do not want to say how we got here, let us take immediate action. First of all, we do not even know how to define the word ''adequate.'' To take action, we need to have it based on an intellect, and we are not even there yet.

So what happened here? Let me tell my colleagues how we got here. Everybody in this town seems to be throwing out a budget number with regard to veterans health. Whether it is the American Legion who has a number, whether the independent budget has a number, whether Republicans have a number, whether Democrats have a number, whether VA has a number or the OMB or the President, everybody seems to have a number. So I said wait a minute, time out here.

I looked back into what we did in the mid-1990s when after the BRAC and prior to before we ever created TRICARE for life and we are trying to figure out the military health delivery system's budget number, and we never could get it right, and we always have to come back in the supplementals, right? So what do we do? We held a hearing on the finance models on the predictability of these budgets. So we increased the predictability.

What is going on now? The modeling still is wrong. So on June 23, in the full Committee on Veterans' Affairs, we held a hearing on the finance of how we do the health modeling with regard to what are the assumptions that are used in the model, what are the risk adjustments that may be necessary, what are the variances, what are the unexpected contingencies. All of these things are very important.

One thing I think is fascinating that we learned was that the model that we used, because the VA contracts with the private sector and when we contract, the model that is used in the private sector is done on an annual basis. In DOD, they use this model, and it is a 2.5 projection. In the VA, it is a 2.5 to 3.5, which means we are stressing the model itself.

I just want everybody to know this is extremely important. We are stressing the health finance model, which means we need to go back and perhaps do more science with regard to how we predict these budgets.

My colleagues say, Steve, what are you talking about? This is extremely important, and we are going to continue our work. Why? Because we need to make sure we define the word, what is ''adequate.''

So when the VA sends this dollar figure to not only the authorizers but, more importantly, the appropriators, so when you pass a budget you know what that budget is and you have confidence in it.

Now there is no hide-the-ball here. The VA conducts a mid-year review. When they conducted the mid-year review, unfortunately a week after the gentleman from New York's (Chairman WALSH) and the gentleman from Texas' (Ranking Member EDWARDS) product is passed by the floor, we learned from the mid-year review that they are off on the 2005 budget. They are off because of OIF and OEF and dental and personnel and increase on demand of services for older veterans, and now they have a shortfall with regard to 2005.

The Secretary informs us and says I have work-around solutions with regard to 2005. We in Congress authorize what is called a cushion, whether it is DOD health or VA health, and that cushion is around $400 million that goes from year to year. He says, well, I need to take $380 million out of the $400 million cushion, and I also then need to redirect or reprogram out of the capitalization accounts for 2005.

I agree with the gentleman from New York (Chairman WALSH) and the gentleman from California (Chairman LEWIS) with regard to our oversight responsibilities. Matter of fact, the Speaker said maintain our oversight to make sure that we maintain the quality of care and the services necessary for America's veterans. That is going to be done.

So as we listen and be a good listener with regard to the Secretary's work-around solutions for 2005, it is 2006. That 2006 budget number, I will submit there is no one here on this floor, despite whatever number they may advocate, that knows exactly what it is today.

□ 1145

Hearings are very important, and the hearings are going to continue. This is, as the Secretary said, evolution. Yes, this is going to be an evolutionary process to get it right about 2006. I do not care about just 2006, I care about getting it right from 2006 on. I care about getting it right in 2006 and beyond because of our commitment to veterans.

So it would be very good and very helpful and very appropriate for us to use the right words on this floor. No one owns a cornerstone in their advocacy to veterans and what they have done for this Nation. No one in this House. We all do. We all respect the service and sacrifice of our veterans.

So let us embrace the challenge of getting into the health modeling issue to make sure these issues are right; that we go in and work with our Senate colleagues to make sure we get the numbers correct with regard to the 2006 budget. And when we do this, we then define what is ''adequate funding'' for the VA.

Mr. Speaker, I want to work with my friend, the gentleman from Texas (Mr. EDWARDS) and with the chairman, the gentleman from New York (Mr. WALSH). I respect the leadership of Chairman WALSH, and I also thank him for his firmness and for his tough words with the Secretary. I look forward to working on this commitment.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I just want to indicate my strong support for the bill and particularly for the provisions relative to Armenia and the Nagorno Karabakh. Thanks to the chairman of the subcommittee, the gentleman from Arizona (Mr. KOLBE), the ranking Democrat, the gentlewoman from New York (Mrs. LOWEY), and also my friend and co-chair of the Congressional Caucus on Armenian Issues, the gentleman from Michigan (Mr. KNOLLENBERG), for their continued support we now have $67.5 million in the bill for humanitarian assistance to Armenia, which is $12.5 million more than what the President requested; and $5 million in assistance for Nagorno Karabakh, which is $2 million more than last year. I just want to thank all the members of the subcommittee for their continued support.

It is very important this House continue to recognize the plight of the victims of the Nagorno Karabakh conflict, and that is why we must support the committee's recommendations. It is also significant that the President requested and the committee has maintained military assistance parity between Armenia and Azerbaijan with $5.7 million allocated to each country. By allocating equal levels of military and security assistance to both nations, the U.S. Government will preserve its credibility as an impartial and leading mediator in the continued and sensitive peace negotiations for the Nagorno Karabakh conflict.

Given the ongoing Azerbaijani blockades and threats to renew military aggression against Armenia and Karabakh, it is critically important the administration continue to promote balanced, short- and long-term policies that elevate regional cooperation and reduce the risk of conflict in the South Caucasus region. The members of this subcommittee and the leadership on both sides of the aisle have for a long time played a major role in trying to provide balanced, short- and long-term policies that elevate regional cooperation in the Caucasus, and I thank them once again for the assistance levels that are in this legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, when the gentleman from Indiana (Mr. BUYER) was talking a moment ago about the gentleman from Texas (Mr. EDWARDS) either being lucky or being good, he chose that he was lucky during the last 2 years. However, the gentleman from Texas (Mr. EDWARDS) spoke with hospital administrators, and that is how he got his information. And if somehow or another we were not so interested in hanging the picture of the Committee on Veterans' Affairs chairman somewhere rather than trying to figure out what hospital administrators need, all of us could be good.

I know this much: At the Veterans Hospital in West Palm Beach, Florida, veterans wait 6 months on occasion to get themselves treated, and I think that is ridiculous.

Mr. Speaker, I will be calling for a ''no'' vote on the previous question. If the previous question is defeated, I will amend the rule so we can consider the amendment of the gentleman from Texas (Mr. EDWARDS) that was rejected in the Committee on Rules last night on a straight party-line vote.

Mr. Speaker, the Edwards amendment would provide additional badly needed health care funds for our Nation's veterans today. The Edwards amendment uses the supplemental authority provided in the 2006 budget resolution to correct the current $1 billion shortfall mistake in funding for the health care needs of America's veterans, including the approximately 86,000 new Iraqi and Afghanistan veterans.

Mr. Speaker, I am sure all of my colleagues are aware by now of the announcement last week by the Bush administration's own Secretary of Veterans Affairs that the VA is facing a $1 billion shortfall in veterans' health care. This is not news to this side of the aisle. We have known all along the funding was woefully inadequate. We have tried on numerous occasions to increase funding to care for our returning soldiers, but the Republican leadership has ignored our demands and has consistently rejected our many attempts to add money to the VA health care budget. Maybe now they will listen. Today, they will have a chance to show just how much they support our soldiers.

I want to assure my colleagues that a ''no'' vote will not prevent us from considering the foreign operations appropriations bill under an open rule. But a ''no'' vote will allow Members to vote on the Edwards amendment to help our brave returning veterans get the health care they need and deserve. However, a ''yes'' vote will block consideration of this amendment and, sadly, once again, this leadership will turn its back on our wounded veterans.

We make much of visiting veterans' hospitals. We make much of Veterans Day. All of these are appropriate undertakings. But when we learn that this administration has made a big mistake with reference to veterans in this Nation, we cannot muster here in the House of Representatives the oomph to do the things necessary for people that are putting their lives on the line for us and returning home in need of care.

Vote ''no'' on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote.

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

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am pleased that my good friend from Florida, as he was wrapping up his remarks, as always with eloquence, talked about the ''yes'' votes and the ''no'' votes, because just 1 month ago, Mr. Speaker, when this House brought forth the bill to fund the Committee on Veterans' Affairs, the appropriations bill to fund Veterans' Affairs, there was a very interesting ''yes'' and ''no'' vote on this floor; 425 yes and 1 no.

So I simply want to put in context what has been said today. If we would be acting with such unfairness on the majority side, if we would be neglecting the interests of those men and women who we all hold in such admiration, then why was the vote to fund Veterans' Affairs 425–1 only 1 month ago?

As we have heard from the chairman of the Committee on Veterans' Affairs, from the authorizing committee, and the chairman as well of the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations on these issues brought to our attention subsequent to that vote of 425–1, they are being addressed. They are being delved into. They will be solved. And we will continue to be proud of our record of support for our veterans.

Now, with regard to what this rule does, the rule we have been discussing today, it brings forth for consideration by this body the foreign aid appropriations bill, over $20 million in foreign aid. A lot of important programs, humanitarian programs; support for allies and friends; for poor people throughout the world; for the sick and the infirm. It is a good piece of legislation, Mr. Speaker.

So at this time, Mr. Speaker, I would request that the underlying legislation, the foreign operations legislation, be supported, as well as the rule that brings it forth, which is an open rule.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 341 RULE FOR H.R. 3057 FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS FY06 APPROPRIATIONS

At the end of the resolution, add the following new sections:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Edwards of Texas or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 3057, AS REPORTED OFFERED BY MR. EDWARDS OF TEXAS

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

TITLE VI—DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $1,000,000,000, to be available for obligation upon the enactment of this Act and to remain available for obligation until September 30, 2006: *Provided*, That the amount provided under this heading is designated as making appropriations for the purpose set forth in subparagraph (A) of section 402(a)(1) of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for the fiscal year 2006: *Provided further*, That amounts made available under this heading may be transferred to other accounts of the Department of Veterans Affairs to the extent necessary to reimburse those accounts for prior transfers to ''MEDICAL SERVICES'' after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed: *Provided further*, That the transfer authority in this paragraph is in addition to any other transfer authority available to the Department of Veterans Affairs.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed in the following order:

Motion to suspend the rules on H.R. 458, by the yeas and nays;

Ordering the previous question on H. Res. 341, de novo;

Adoption of H. Res. 341, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 458, as amended.

The Clerk read the title of the bill.

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

The vote was taken by electronic device, and there were—yeas 405, nays 2, not voting 26, as follows:

[Roll No. 324]

YEAS—405

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

NAYS—2

Flake
Paul

NOT VOTING—26

Brown (SC)
Cleaver
Clyburn
Doolittle
Engel
Etheridge
Fossella
Herger
Higgins
Jefferson
Jenkins
Jones (NC)
Kilpatrick (MI)
Kingston
McHugh
Michaud
Murtha
Ortiz
Payne
Peterson (PA)
Price (NC)
Ross
Shays
Spratt
Sweeney
Taylor (MS)

□ 1219

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''An Act to prevent the sale of abusive insurance and investment products to military personnel, and for other purposes''.

A motion to reconsider was laid on the table.

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

The SPEAKER pro tempore (Mr. LAHOOD). The pending business is the de novo vote on ordering the previous question on House Resolution 341 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

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

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 217, noes 189, not voting 27, as follows:

[Roll No. 325]

AYES—217

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

NOES—189

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

NOT VOTING—27

Beauprez
Brown (SC)
Cleaver
Clyburn
Doolittle
Etheridge
Fossella
Higgins
Jefferson
Jenkins
Jones (NC)
Kilpatrick (MI)
Kingston
McHugh
Michaud
Murtha
Ortiz
Payne
Peterson (PA)
Price (NC)
Ross
Shays
Smith (NJ)
Spratt
Sweeney
Taylor (MS)
Walsh

□ 1227

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JENKINS. Mr. Speaker, on rollcall Nos. 324 and 325 I was detained by business in my district. Had I been present, I would have voted "aye" on both.

PERSONAL EXPLANATION

Mr. FOSSELLA. Mr. Speaker, on rollcall Nos. 322, 323, 324 and 325, I was unavoidably detained. Had I been present, I would have voted "aye" on all four votes.

PERSONAL EXPLANATION

Mr. CLEAVER. Mr. Speaker, on Tuesday, June 28, 2005, I was detained and unable to cast my vote on H.R. 458, the Military Personnel Financial Services Protection Act. This important legislation will protect military services members from the sale of questionable financial products, curb abusive sales practices on military installations, and ensure regulatory oversight of financial services sales on military installations. Had I been present, I would have supported passage of the bill and would have voted "yea" on rollcall 324. In addition, I would have voted "no" on rollcall 325.

PERSONAL EXPLANATION

Mr. TAYLOR of Mississippi. Mr. Speaker, due to a family medical emergency, I missed rollcall votes 308 through 325, which took place on Friday, Monday, and Tuesday—June 24, 27, and 28, 2005, respectively. Had I been present, I would have voted as follows:

Rollcall votes—308 (Price of Georgia Amendment): "nay"; 309 (George Miller of California Amendment): "yea"; 310 (Brown of Ohio Amendment): "nay"; 311 (Filner of California Amendment): "yea"; 312 (King of Iowa Amendment): "yea"; 313 (Hefley of Colorado Amendment): "yea"; 314 (Hinchey of New York Amendment): "nay"; 315 (Hayworth of Arizona Amendment No. 14): "nay"; 316 (Van Hollen of Maryland Amendment): "yea"; 317 (Paul of Texas Amendment): "yea"; 318 (DeLauro of Connecticut Amendment): "nay"; 319 (Hinchey of New York Amendment for DeFazio of Oregon): "yea"; 320 (Motion to Recommit H.R. 3010): "yea"; 321 (Passage of H.R. 3010): "nay"; 322 (Motion to Suspend the Rules and Agree, as Amended, H. Res. 199): "yea"; 323 (Motion to Suspend the Rules and Agree, H. Con. Res. 155): "yea"; 324 (Motion to Suspend the Rules and Pass, as Amended, H.R. 458): "yea"; and 325 (Ordering the Previous Question, H. Res. 341): "nay."

Mr. Speaker, I ask unanimous consent to enter this personal explanation into the RECORD at the appropriate location.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 342 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 342

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with the comma on page 5, line 25, through ''and'' on line 26; beginning with ''for'' on page 11, line 22, through the first comma on page 12, line 1; beginning with the colon on page 12, line 12, through ''Program'' on line 17; beginning with ''Notwithstanding'' on page 16, line 8, through the comma on line 8; sections 110, 112 and 130; beginning with the colon on page 32, line 25, through ''Congress'' on page 33, line 3; beginning with ''Notwithstanding'' on page 34, line 4, through the comma on line 4; and sections 151, 218, 808, 928, and 945. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

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

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

□ 1230

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the rule provides 1 hour of general debate, evenly divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. It provides for one motion to recommit, with or without instructions.

I would like to take a moment to reiterate that we bring this rule forward under an open rule. Obviously, historically, appropriations bills have come to the House floor with open rules; and we continue to do so in order to allow every Member in this House the opportunity to submit amendments for consideration, obviously as long as they are germane.

This is the last rule bringing forth an appropriations bill for the fiscal year 2006, Mr. Speaker; and I think that it speaks very highly of the Committee on Appropriations. Obviously, the chairman and the ranking member have had much to do with that, as well as all of the members of the Committee on Appropriations who have worked very hard in bringing forth all of these appropriations bills in such a timely fashion.

The bill that we are bringing forward today appropriates over $66 billion for the Departments of Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and independent agencies, an increase of 6 percent over last year. The bill is fiscally sound. It represents our commitment to provide necessary resources for programs and projects throughout the Nation, ranging from transportation, to housing, the Judiciary, the Executive Office of the President, the District of Columbia.

As all Members of this House know, the transportation infrastructure of the country is really the backbone of the economy, and its continued strength is essential to foster economic growth. The underlying legislation brought forth today goes far in ensuring that we have a reliable and stable transportation infrastructure to continue to help the economy grow.

The bill includes $37 billion in funds for the highway system, representing an increase of almost $2 billion. H.R. 3058 includes $14.5 billion for the Federal Aviation Administration, an increase of $887 million. Included in that amount is $25 million to hire and train 595 new air traffic controllers. I think it is vitally important as air traffic controllers retire and air traffic continues to grow. This is really essential to so many of our districts.

In my district, home to Miami International Airport, the third largest international airport in the country, without an increase in the number of air traffic controllers, MIA would not be able to continue its projected growth and continue to serve really as the hub of the Americas.

The Department of Housing and Urban Development is funded at $37.5 billion, an increase of $1.5 billion. These funds will permit the Department to administer programs that assist the public with housing needs, economic and community development, and fair housing opportunities. These funds will also empower low- and moderate-income residents towards self-sufficiency.

Under HUD, the bill includes funding for such important programs as Tenant Based Rental Assistance, also known as section 8; and Project Based Rental Assistance. These two programs serve almost 3.5 million households with vouchers and project-based housing. The bill includes $20.63 billion in funds for the program, an increase of almost $1 billion. In Miami-Dade County alone, which I am honored to represent, the housing authority uses the funds provided through these programs to house over 30,000 residents and for payment vouchers for 16,000 units.

H.R. 3058 provides $5.8 billion for the judiciary, an increase of 6 percent over the current fiscal year. This will fully fund the courts' revised requests for security improvements at Federal judicial facilities and enable the courts to effectively process the priority criminal, civil, and bankruptcy cases.

This legislation was introduced by the chairman of the subcommittee, who has done a tremendous job, the gentleman from Michigan (Chairman KNOLLENBERG), and reported out of the Committee on Appropriations on June 21 by voice vote. It is good legislation. It is essential to our continued commitment to the security and safety of all in the United States, and we bring it forth under a fair and open rule.

Again, I thank the gentleman from Michigan (Chairman KNOLLENBERG) and the ranking member, the gentleman from Massachusetts (Mr. OLVER), for their leadership on this important piece of legislation. I urge my colleagues to support both the rule and underlying legislation.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself 6 minutes.

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes.

Mr. Speaker, I rise today in opposition to this rule and to the bill. Simply put, this bill significantly and irresponsibly shortchanges key funding for Amtrak and several programs in the Housing and Urban Development Department. While this bill provides slight funding increases for highways, transit and aviation programs, it slashes Amtrak to the point of extinction and eliminates important HUD programs like Brown-fnl;fields and Youthbuild.

This bill provides $550 million for Amtrak, an amount that places the future of national passenger rail in jeopardy. This $657 million cut will not only terminate all intercity passenger rail service, but will also cause a massive disruption of the commuter and freight rail system across the country. Quite literally, this allocation is a death sentence for Amtrak.

Ironically, the amount provided in this bill is a whopping $1.25 billion below the level that President Bush's appointed Amtrak Board of Directors recommended. President Bush and the Republican leadership believe that starving Amtrak will save it. The administration and the Republican leadership believe that a forced bankruptcy upon Amtrak will bring about a change for the better, that it will create a more efficient system.

Mr. Speaker, this just does not make any sense. You do not save starving children by denying them food, and I cannot understand how the President believes Amtrak can be saved by slashing its funding. I guess by ''better,'' Amtrak opponents mean no intercity rail service anywhere, and by ''more efficient,'' apparently these same opponents mean costs of upwards of $900 million for severance payments and mandatory debt service and labor payments. All in all, the closure of routes will result in layoffs of thousands of workers, which in turn creates hundreds of millions of dollars of immediate debt.

Mr. Speaker, this backward argument that squeezing the life out of Amtrak will save it is unacceptable and irresponsible. The only thing that starving Amtrak will do is destroy it.

On top of making Amtrak extinct, this bill eliminates several critical programs within HUD. Programs like brownfield cleanup, Empowerment Zones, section 108 loan guarantees and La Raza activities have all been eliminated. Every single one of these programs has contributed to the overall improvement of our communities, and it is shameful that Congress is turning its back on our neediest communities.

In my home State of Massachusetts, brownfields cleanup has proven to be a highly successful, efficient tool for cleaning up the environment and revitalizing a community. In the 2005 annual report of the Massachusetts Brownfields Redevelopment Fund, it is noted that 4,500 new housing units and 3,250 new jobs have been created by the Brownfields program. Because redevelopment is concentrated in areas that are already in use, brownfield cleanup preserves open space, bringing opportunity to economically distressed parts of a community. Zeroing out Brownfields is a bad move, and I encourage my colleagues to offer any amendments that could provide for its funding.

Another important program that has been placed on the chopping board is Youthbuild. Youthbuild is a nonprofit program which pays at-risk youth to build houses in low-income neighborhoods. This community development program offers job training, education, counseling, and leadership opportunities to unemployed and out-of-school young adults ages 16 through 24. These at-risk youth build and rehabilitate affordable housing in their own communities, garnering life skills and adding to revitalization in their own backyards.

Mr. Speaker, how can such a thoughtful program that is full of incentives be eliminated? There are 226 Youthbuild programs in 44 States across the country, attracting 7,000 young adults. In 2004 alone, 10,000 young men and women had to be turned down for the program due solely to the lack of funding. The demand is high and the need is even greater for programs like Youthbuild. We should not turn our backs on the youth of America.

It is clear that the Republican leadership is doing its best to protect tax cuts for the wealthiest in this country while eliminating programs that benefit the neediest. At the same time, the Republican leadership hides behind a veil of fiscal discipline.

Well, Mr. Speaker, that argument just does not cut it, and the American people know it. These programs are being starved simply because the Republican leadership in the House and the Senate refuse to acknowledge their mistakes. Their tax cuts have drained the Federal surplus. Their policies continue to drive this Nation further into debt.

This is an important bill. We have a responsibility to fund Amtrak, to fund Brownfields and Youthbuild, and we have the means to do it if the Republican leadership would just acknowledge their mistakes.

My friend from Massachusetts, the ranking member of the Subcommittee on Transportation of the Committee on Appropriations, the gentleman from Massachusetts (Mr. OLVER), offered an amendment in the Committee on Rules yesterday that would have restored $1.2 billion of funding to Amtrak, as well as funding to Brownfields and Youthbuild. This funding would have been paid for by a slight reduction in the tax breaks given to millionaires.

Unfortunately, the Republican leadership once again proved that protecting millionaires' tax breaks is more important than keeping Amtrak trains running, and they denied the gentleman from Massachusetts (Mr. OLVER) the opportunity to have his amendment voted on.

Mr. Speaker, the American people deserve a fully funded, nationwide intercity rail system that services the entire country. They deserve effective housing programs. They deserve Brownfields funding and Youthbuild, which revitalize our communities and improves the quality of life.

I will vote ''no'' on the rule and vote against this bill because the American people deserve better than this.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG), the chairman of the subcommittee, who, along with the chairman of the full committee, have done tremendous work in bringing forth these pieces of legislation, including the one on the floor today.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman from Florida for yielding me time and for bringing the rule to the floor on H.R. 3058. It is a bill making appropriations for, as has been mentioned, Transportation, Treasury, Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies, and that is why we call it TTHUD.

□ 1245

This is a good rule for a really good bill. We have tried diligently to work with the many authorizing committees of jurisdiction on the various provisions of our bill, and I think we have come to a great deal of agreement on those provisions. I thank my colleagues for working with us in such good faith, and I appreciate their help in bringing this bill to the floor tomorrow.

This bill fully funds surface transportation programs as authorized by TEA-LU and aviation programs as authorized in VISION–100. I want to repeat this; at least I want to say it once and maybe twice: we fully fund Section 8 and many other housing and assistance programs under HUD. We fully fund Section 8. We have even managed to keep CDBG in HUD. Not one dime did we not fund in the request. Did we have to make some hard decisions? Yes, we did. But we funded the most important, the most beneficial, the most effective programs under our jurisdiction.

There are some programs, like Hope 6, Youthbuild, and Amtrak, which are in desperate need of reform or reauthorization. We felt that rather than continuing to throw money at these programs, we would let the authorizers have their chance to provide oversight and legislative direction. All in all, this is a balanced and good bill that we will consider tomorrow.

I thank the gentleman from California (Chairman DREIER) and the Committee on Rules, particularly the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) here today, for their work, and I urge a ''yes'' vote on this rule.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. MATSUI), my colleague on the Committee on Rules.

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

Ms. MATSUI. Mr. Speaker, we have seen repeated appropriation bills moved through the House ignoring the priorities of Americans, including those residing in my hometown of Sacramento. With each bill, we see the

negative impact of the Republican-passed budget resolution on the day-to-day lives of our constituents.

As we take up the Transportation, Treasury, Housing and Urban Development, Judiciary, District of Columbia, and Independent Agencies appropriation bill, also known by some as the Throw the Leftovers Into One Tupperware Catch-all bill, we, yet again, see the bind the budget resolution has placed us in. We see the programs important to all of our constituents and our communities forced to compete against each other for limited funding, and we see these programs being gutted.

As it stands, this bill dismantles Amtrak, slashing funding by over half, threatening its long-term health. With 9.3 million passengers in California, Amtrak is extremely popular, especially in Sacramento. With the line closures and funding cuts, it will be impossible for Amtrak to continue to operate. After severance obligations and debt service pay, nothing would remain to continue running even the lines deemed successful. Further complicating the situation, the bill fails to even fund the minimum maintenance on tracks and trains necessary to keep the thriving lines operational.

I cannot begin to estimate the negative impact this will have. Businesses which rely on the dollars commuters spend in the community and the revitalization of the city, a transformation that is not exclusive to my hometown, will be affected. Because of Amtrak, Sacramentans are rediscovering downtown. And with funding from the Community Development Block Grants, the city is able to make needed improvements to downtown and the entire city, and that is a benefit to businesses and the overall economy of our region and State.

CDBG supports over two dozen projects improving Sacramento, but CDBG is not just throwing money at a city. In addition to improving the overall look of a city, it fosters a sense of community.

Earlier this year, I was home in Sacramento and participated in a program which receives money from CDBG called Rebuilding Together, an effort to rehabilitate homes for those with low and moderate incomes. Hundreds of people came out to give back to their community and neighborhood. And, because of their work, local senior citizens, who would otherwise find it challenging, received assistance to make the enhancements and repairs their homes need.

Because of funding from CDBG, Sacramento has a program to assist first-time home buyers with down payment and closing costs. We all know the benefits of homeownership to the community: improved neighborhoods, increased civic participation, and to the individual, tax benefits, increased wealth, and increased confidence.

Unfortunately, the misguided priorities of the Republican-passed budget mean cuts to funding for worthwhile programs like CDBG and Amtrak.

But this did not have to be the case. I was disappointed that an amendment offered by my good friend, the gentleman from Massachusetts (Mr. OLVER) was not made in order by the Committee on Rules. It would have restored the necessary dollars to fund programs like Amtrak and CDBG by reducing the tax benefits of those with incomes over $1 million. Instead of receiving a tax break of $140,000, they would receive $131,000, a $9,000 reduction.

Because of the need for the Olver amendment and, importantly, the need to continue these defective programs, I would urge my colleagues to vote ''no'' on the rule governing this bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

I think this is a very important piece of legislation that deserves our support. And, obviously, the rule bringing forth the underlying legislation in an extremely fair manner, with an open rule, deserves our support, but also the underlying bill, the underlying appropriations bill. It grows, it increases over last year by approximately 6 percent. It provides over $66 billion for the Departments of Transportation and Treasury and HUD, the Judiciary, and Independent Agencies. That is an increase of six percent, Mr. Speaker.

Now, we hear from our friends on the other side of the aisle more requests for spending, more and more and more and more. But I think it is important to keep in mind that what we are bringing forth, the bill that we are bringing forth to the floor increases spending, this bill increases spending by 6 percent over the current fiscal year. I think sometimes perspective is proper. So I wanted to mention that as I reiterate my support for the rule bringing forth this legislation as well as the underlying legislation and asking colleagues to support them both.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume. Let me just respond to the gentleman from Florida, my good friend.

Mr. Speaker, those on the other side keep on talking about the tough decisions that have to be made. My question is, why do always the tough decisions fall on the backs of middle income families and those who are most vulnerable? Why can not, for example, some of the sacrifice be made by those who are earning over $1 million? That is what the gentleman from Massachusetts (Mr. OLVER) tried to do yesterday in the Committee on Rules.

We disagree with your budget priorities. We disagree that all of this money should be going for tax cuts for millionaires and billionaires. We think that protecting programs like Youthbuild, that protecting Amtrak is important.

This bill, if it passes and the funding for Amtrak is not adjusted, is the death knell for Amtrak. It is that simple. There is no way to spin your way out of it. For those of us who support a vibrant, strong, intercity rail system, this bill, with these numbers right now, is unacceptable.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking Democrat on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I oppose this rule for two reasons. One is because of this, a little piece of plastic called a credit card. All too often, little cards like this are issued by bloodsuckers. This bill, as it went to the Committee on Rules, contained a provision to defend average consumers from some of these credit card companies who abuse their privileges under the law and wreak havoc on people's financial rights.

Right now, there are a number of credit card companies who feel no compunction whatsoever about the idea of changing your interest rate on your credit card, even if you have never missed a payment, even if you have never been a day late with that company. They still reserve the right to jack up your interest rate to the default rate called the universal default rate if you have missed some other payment on somebody else's bill. Example: if you go on a vacation and you are a week late paying a mortgage bill, or you are a week late paying a light bill, if that gets reported on somebody else's credit report, a credit card company can make you pay 30 percent interest, no questions asked, even though you have never been late with a payment for them.

As Linda Sherry of Consumer Action said, ''It is the only industry in the world to reprice something you have already paid for.''

Now, the bill, as it went to the Committee on Rules, contained an amendment which I offered which passed by a 10-vote margin on a bipartisan basis in the Committee on Appropriations. Yet, the rule does not protect that provision from being stricken on a point of order.

So under this rule, any one Member out of 435 in this House can come to the floor and, for any reason they want, can knock this provision out of the bill.

Now, we will be told by friends on the majority side of the aisle, ''Well, this provision belongs under the jurisdiction of another subcommittee, or another committee.'' There are dozens of provisions in the bill before us that require waivers of points of order, but this one was singled out to be not protected. It will be very interesting to see whether any individual Member has the chutzpah to come on to this floor and knock out this provision, which is a protection for consumers that is long overdue.

The second reason that I will vote against this rule is because it does not make in order the Olver amendment. The Olver amendment is very simple.

It says that instead of giving people who make a million bucks a year a $140,000 tax cut next year, we ought to scale that back to $131,000 so you have enough room in this bill to meet our national obligations in funding Amtrak and in funding the other high priority plans in this bill.

Now, the Republican majority has steadfastly insisted on hanging on to those super-sized tax cuts for the most fortunate people in this society. And that is why we had to have a hearing in the Subcommittee on Military Construction this morning when we find out that even though the Veterans Department is now admitting that they are more than $1 billion short in veterans health care funding this year and they are going to be more than $2.6 billion short next year, even though we face those shortages, the majority is insisting that we not treat that problem as an emergency because, ''oh, it will put pressure'' on them to reduce the size of those tax cuts.

These are minimal actions that this Congress ought to take to protect the public who needs decent transportation, to protect veterans who need decent health care, and to protect consumers who are sick and tired of being bullied by shysters who take advantage of little print on their forms that charge people an arm and a leg on their credit cards.

□ 1300

These three little things the majority could have helped out. They have not. Those are three good reasons for voting against this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I am going to surprise my colleague, the gentleman from Wisconsin (Mr. OBEY), and support what he just said, part of it, just parts of it. I voted with the gentleman from Wisconsin (Mr. OBEY) on the credit card issue in the committee. And I say to the gentleman from Wisconsin, I do not know where the right place is to do this, but just think about the issue itself. Any one of us, our children or anybody else can receive a notice, or the credit card company can get a notice, maybe you do not cash a check on time and you get it there, maybe you miss a payment. That person can notify the credit card company, and they can raise your rates by 30 percent. My own daughter went through a credit card fraud where there were people cashing her credit cards all over the country. And that was hard enough.

But the issue the gentleman from Wisconsin (Mr. OBEY) is talking about is a valid one. And I hope somewhere, someplace, if someone does object, I will not. We can resolve that issue because it is a terrible issue.

On the issue of tax breaks for the rich, of course we will arm wrestle. Fifty percent of the money that goes to Sub S corporations provides about 70 percent of the jobs in this country. And if you take a look, the economy is improving. The interest rates are low. Inflation is low. The job rate is 5.1 percent, and we are improving a lot because of the things that we have done together in many ways to stimulate the economy.

Now, the tax relief. I happen to believe that the death tax is absolutely wrong. You work your whole life and pay everything you have to build a farm or business, and then the government comes in and wants to take a portion of that. I do not care if it is a million dollars or a hundred million; it is money, labor that you put in to your investment. And many of us feel that that is just wrong. It is not a tax break for the rich, and it improves the economy.

So I do not disagree with my friend on the issue of the credit card. But what I would ask my colleagues, every single bill that I have seen come forward, it is bashing the administration, it is bashing the Republicans. If we take a look and get our arms around this budget and balance the budget, there is going to be more money.

It is like everybody here, you have a checkbook. If you continue to spend more money than you take in, and whether it is Big Bird, whether it is Amtrak, whether it is other things, most of us support the veterans; and hopefully that will come forward in the other body, and we will be able to add money to that. But I would sure like to see less bashing and us reaching across and trying to work together rather than partisan politics. I have a lot of friends on the other side of the aisle, and it grieves me over these last bills to see the action on the House floor.

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

Mr. Speaker, the gentleman from Wisconsin (Mr. OBEY) had asked who would have the chutzpah to come on the House floor and to object to his provision regarding credit cards. I should tell you that last night in the Rules Committee, I offered an amendment to protect this language, the language that the gentleman from Wisconsin (Mr. OBEY) championed, the language that the gentleman from California (Mr. CUNNINGHAM) has said he agrees with. I offered an amendment to protect this from a point of order, and every single Republican on the Rules Committee that was present last night had the chutzpah to not protect it, which I think is outrageous.

Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, once again the majority of this House shows its true priorities. The resolution that is before us, the rule that governs debate on the fiscal year 2006 Transportation, Treasury, Housing and Urban Development and Related Agencies bill, does not make in order my amendment that reflects important national public priorities. My amendment would have added an additional badly needed $2.092 billion to the bill.

Of that $2 billion, $657 million was for Amtrak, bringing funding for our national passenger rail system to exactly the present year's level, thereby avoiding the shutdown of 18 passenger rail routes and the termination of all passenger rail service in 23 States. But rather than funding Amtrak to keep passenger rail service available, the majority decided that tax cuts for millionaires were more important.

Of that $2 billion, $180 million was for tax law compliance. But rather than making a dent in the over $300 billion of taxes owed under the law that goes uncollected annually, tax cuts for the superwealthy were more important.

Of that $2 billion, $143 million was for the Hope VI program for revitalization of severely distressed public housing. Over the past 10 years, Hope VI has replaced thousands of the worst housing units in urban communities all over the country. Rather than funding Hope VI, which is zeroed out in this bill, tax cuts averaging $140,000 for all persons reporting taxable income of more than $1 million were more important.

Of that $2 billion, $250 million was for community development block grants, just to bring that appropriation up to the present year's appropriation, for a program that affects every State and virtually every community over 25,000 people in population, and a great many smaller communities as well. Again, tax cuts were more important for the superwealthy.

Of that $2 billion, $800 million was to fund the Help America Vote Act, the HAVA Act, and that $800 million which would pay for the national voter registration file that is mandated under the HAVA Act by the first of January 2006 in time for the 2006 elections, this Congress owes that money to the States. It is an unfunded mandate that ought to be paid. The majority chose those $140,000 tax cuts for each and every millionaire in America. Ninety-five percent of Americans do not have that total amount of income for a whole family as would be the amount of the tax cut for the few very most fortunate people.

Finally, Mr. Speaker, $62 million was for Youthbuild, a program which helps school dropouts gain construction skills and experience while building and rehabilitating housing. Rather than funding Youthbuild, which has been a proven success over 10 years and is requested by the President in his budget proposal, the majority once again believes helping the wealthiest Americans with huge tax cuts is more important.

The cost of this amendment was fully offset by a slight 6.5 percent reduction in the tax benefits received by those persons who report an annual taxable income of $1 million or more. Instead of receiving an average tax break of

$140,000, they would receive an average of only $131,000 instead. This small reduction in tax cuts for the most affluent Americans is a very small price to pay for the priorities included in my amendment, which was not allowed to even be debated under this rule. And we will not be able to debate it tomorrow.

I do not blame the chairman of the subcommittee for the difficult choices in this bill. The President's budget was inadequate in these and other respects and left gaps that had to be filled. Under these circumstances, the chairman did his best to provide a fair allocation of the money within the amount assigned to the committee. Creative ways were found to plug some of the holes; however, many problems still remain because of the majority party's decision to make huge tax cuts for the wealthiest of Americans their number one priority, first and foremost, above all else, putting aside human needs, ignoring the largest yearly deficits in the history of our Nation, and the national debt that has gone up 50 percent in just the last 4 years. The majority party would rather help those that do not need it than those that do.

My amendment would have corrected this imbalance, and I urge all my colleagues to put our national public priorities first and oppose this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a couple of points to put the debate back in the perspective and the context of what we are doing today. We are debating the rule bringing forth the appropriations bill that funds the Department of Transportation, Treasury, Housing Urban Development, the Judiciary. This bill includes over $66 billion. It provides to those Departments being funded an increase of 6 percent over the current fiscal year, an increase of 6 percent.

A number of issues have been brought out, for example, the issue of an amendment that was passed in the Appropriations Committee. The substance of that amendment was debated September 10 of the year 2003 here on the floor of this House on an authorizing bill, and again, this may sound technical to some folks, especially if they are watching on TV, the rules of the House say that appropriations bills should not be vehicles for legislating, in other words, for changing the law. Rather, they are vehicles to fund, to appropriate the Federal Government.

Now, on an authorizing bill, which is expected and called for in the rules of the House, this credit card issue was brought forth and it was debated. Again, September 10, 2003. The amendment by the gentleman from Vermont (Mr. SANDERS) on this issue was defeated 272–142. So I think it is important to mention that because facts, I think, should be relevant to debates.

And then, Mr. Speaker, again, the issue of tax cuts. We hear time and time again, no matter what the issue before us, tax cuts for the wealthy, tax cuts for the wealthy. The policies under the leadership of President Bush that we have put into law, including tax relief have benefited all taxpayers. Every taxpayer, every payer of Federal income tax in this country received tax relief. Obviously, if you paid more in taxes than someone else, and everybody gets relief, you get more relief than if you pay less taxes. But everybody obtained tax relief under our policies.

And I think it is relevant to put in context what has happened to the economy ever since we implemented those measures. Ever since we provided tax relief to the American taxpayer: 3 million jobs in the last 18 months alone, unemployment rate at 5 percent.

I think it is relevant, Mr. Speaker, when we hear these attacks continuously against the policies of the majority, I think it is relevant to learn, to note what those policies have accomplished. And the creation of over 3 million jobs in 18 months, an unemployment rate almost at record lows are something that I think all of us should be proud of.

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

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

Mr. Speaker, first of all, let me clear up one fact for my colleagues who are listening to this debate. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) just said that the rules of the House prohibit us from adding legislation to appropriations bills; that is the rules of the House. Well, the majority does that all the time. We routinely waive points of order on these appropriations bills. And this bill is no exception. We had a supplemental appropriations bill where you added the REAL ID legislation to that bill.

□ 1315

We had just recently a legislative branch appropriations bill where you added the continuity of Congress legislation.

The gentleman talks about how great this economy is. I want to tell you, there are a lot of people suffering out there. Poverty has increased since you guys took over here, since George Bush became President. There are more people that are hungry in this country. These jobs that you are talking about being created, a lot of them are jobs that provide people with less pay than they were making before.

Our problem here, and the reason why we want to amend this bill, is we think your priorities are wrong. We think it is more important to save Amtrak than to give a millionaire or billionaire a tax cut. In fact, we are even willing to give millionaires and billionaires a tax cut. What the gentleman from Massachusetts (Mr. OLVER) was trying to do was to reduce the amount of tax cut a millionaire would get from $140,000 a year to $131,000 a year. That money saved by doing that could have funded Amtrak, could have funded the Hope VI program for the revitalization of severely distressed public housing. It could have funded more money for community development block grants. It could have funded Youthbuild. It could have funded the Help America Vote Act.

But your priorities are different. You come on to the floor and you debate passionately about the need to give those with the most even more while you neglect what is happening to those who have the least.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I rise today to ask my colleagues to oppose the previous question.

Our Nation is facing a number of challenges. We are fighting a war against terror that will continue to require significant attention and resources. We are facing historic budget deficits with a national debt of almost $8 trillion.

Our country has pressing needs in education, health care, veterans services and other areas. With all of those challenges before us now, now is not the time for Members of the Congress to be voting themselves a pay raise. We need to be willing to make sacrifices. We need to behave like American families who make tough choices every day. We need to budget, live within our means, and make careful spending decisions based on our more pressing priorities.

A no vote on the previous question will allow Members to vote up or down on the automatic cost of living pay raise for Members of Congress. If the previous question is defeated, I will offer an amendment to the rule. My amendment will block the fiscal year 2006 cost of living pay raise for Members of Congress. Because this amendment requires a waiver, the only way to get to this issue is to defeat the previous question. So again, I urge my colleagues to vote no on the previous question.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wished to do when my good friend from Massachusetts (Mr. MCGOVERN) had the floor, I wanted to ask him a question. I was trying to understand and I was a little confused.

Does the gentleman admit that 3 million jobs have been created in the last 18 months in this economy?

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me say that thank God there were some jobs added in the last few months of the Bush presidency, that made up for the 3½ million jobs that were lost from the first 3 years of his presidency.

Mr. LINCOLN DIAZ-BALART of Florida. So the gentleman's answer is yes or no?

Mr. OBEY. You came within 100,000 jobs of being first President since Herbert Hoover not to add a single job in his term. It was the most anemic job growth of any president since Herbert Hoover.

Mr. LINCOLN DIAZ-BALART of Florida. Maybe the gentleman from Massachusetts (Mr. MCGOVERN) could answer. Have 3 million jobs been created in the last 18 months, yes or no?

Mr. OBEY. 3 million jobs that have been destroyed in the first place by the policies of the very administration that you are bragging about. You destroyed 3 million jobs and then gradually the economy recovered and you built back so you came back to about square one. I would not brag about having the worst job creation record of any president since Herbert Hoover. If you think that is a great achievement, that puts us in a different league.

Mr. LINCOLN DIAZ-BALART of Florida. Reclaiming my time, I think, Mr. Speaker, what I have heard is yes. And I think that what we have seen is remarkable, considering that we had a recession that began toward the end of the year 2000 and that was coupled by the unprecedented attack on in country, including on our economy and on our way of life on September 11, 2001. Despite that unprecedented attack, the policies, yes, under the President's leadership that this Congress instituted have permitted and have incentivated the creation of 3 million jobs in the last 18 months.

We have a record, almost a record low unemployment rate of 5 percent. And I think that despite the static from which I am trying to learn, understand the answers of my respectful questions, the answer is yes. It is a remarkable achievement.

And so to keep in mind and in perspective of what we have seen, Mr. Speaker, job growth, almost a record low unemployment rate, and with regard to what we are doing today, which I think is relevant to remember and put in context. What we are doing today is bringing forth legislation, the appropriations bill on the funding the Treasury Department, Housing and Urban Develop Department, the Department of Transportation, that includes a 6 percent growth, 6 percent growth over and above the legislation for the current fiscal year.

I think the gentleman from Michigan (Mr. KNOLLENBERG) has done a great job. I think the Committee on Appropriations has done a great job.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself 30 seconds.

The recession began in March 2001 under the watch of President Bush. Secondly, poverty in this country has increased dramatically, and for anybody to get up here and to try to boast about this President's job creation record when he is dead last amongst all Presidents is pretty outrageous.

Go outside the Beltway and talk to some people about how they think this economy is going right now. I will tell you, people feel it is not going as rosy as you think it is. This President has also accumulated the largest debt of any President in history. That is not something we should be proud of. That is passing on a credit card bill to our kids and our grandkids. That is something you should be ashamed about.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I know there was hard work amongst the appropriators and what they had to work with, but I rise with a great deal of disappointment because poverty has, in fact, increased.

Just look at the number of homeless persons across America and the 44 million uninsured. And I would have hoped the Olver amendment could have been passed to allow for additional funds to go into Hope 6 because Hope 6 rebuilds distressed public housing and changes it into mixed housing for those individuals who are without housing.

Right now in my district, there is an application in one of the most distressed areas for a youth bill. Does anyone understand that youth bill puts inner city youngsters, rural youngsters to work building homes in their communities?

What is going to happen to brownfields in our respective areas, rural and inner city areas where we are not cleaning up horribly poisoned areas that could, in fact, contribute to the economy?

In the month of May, the unemployment among African Americans went through the roof. There are no jobs being created. And then, of course, the community development block grant was saved but those dollars are needed, even more dollars are needed to enhance development in our cities and in our rural areas.

It is a shame on America when we do not stand up for our inter city, our Amtrak, our rail system, light rail and rail. And I would have hoped we would have added more than $25 million for air traffic controllers because America's skyways are overcrowded and air traffic employees are needed to be retrained as well as additional employees are needed. We could have done more if we had cut into that over excessive tax cut for millionaires and billionaires. We could have provided an environmentally safe America with providing dollars for brownfields, a youth bill to ensure that youngsters who are at-risk can help build their community; more dollars for community develop; more dollars for Hope 6.

Yes, poverty is raging in America. There are people without jobs, but more importantly there are people living earning under $8,000 which is extreme poverty. They do not have housing and it is difficult to house them. This bill needed to do more.

I hope my colleagues will go back to the drawing board. I ask my colleagues to consider the necessary enhancement of funding in the bill to help the most vulnerable.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself 10 seconds.

I urge my colleagues to support any amendment that will be offered today to relax the travel restrictions on Americans to Cuba. I have met with Sergeant Lazo, who is a veteran who served in Iraq who, as a result of the U.S. law, is unable to visit his own parents in Cuba. That is wrong. This man served our country. We should be able to adjust that.

Mr. Speaker, I yield the balance of my time to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman yielding me time.

I want to focus on just one deficiency in this bill. I, too, am sorry that the Olver amendment was not made in order.

I want to focus for a minute on what would have happened with Amtrak. It is interesting that we have some in this Chamber who have an almost theological zeal to eliminate national rail passenger service in the United States, leaving us the only major country in the world, in fact, almost all the minor countries have national rail passenger service.

This is not about cost effectiveness. This is made repeatedly clear since I have been in Congress this year. We are going to be giving about $14 billion for airport construction, $11 billion for air traffic control. We gave $15 billion in the aftermath of 9–11 in grant and loans, this to an industry, the air passenger industry, that in its 75-year history has shown a total net profit of zero. Actually, given the performance of the last couple of years, it is less than zero. But Congress lavishes support on air traffic but it is not about to help rail passenger service.

That is particularly ironic because rail passenger service is 38 percent more energy efficient than air travel. It is six to seven times cheaper to upgrade track than build new highways. And, in fact, rail passenger service provides some competition for hard-to-serve communities. This competition holds down the price of airline tickets which would skyrocket, if people did not have a rail passenger alternative.

I am pleased that the gentleman from Ohio (Mr. LATOURETTE) of the majority and the gentleman from Minnesota (Mr. OBERSTAR) are going to bring forward an amendment to partially restore funding. I strongly urge my colleagues to support it. Instead of dismantling and starving Amtrak, we should build on our 150-year rail passenger investment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank all the colleagues on both sides of the aisle who have participated in this very interesting debate.

We are bringing forth the last of the appropriations bills with this rule. I think it is a remarkable achievement, and I think the gentleman from California (Chairman LEWIS) really deserves commendation as do all on the Committee on Appropriations. The gentleman from Michigan (Mr. KNOLLENBERG) has done a great job on this bill.

This particular bill that we are bringing forth with this rule is the Treasury and HUD, Transportation bill. I am not sure if it is the bill that increases the most from the current fiscal year, but it certainly has to be one of the most significant increases at 6 percent. We hear from our friends on the other side of the aisle requests and demands for further spending and for further government growth; and obviously, that is legitimate, that debate is very legitimate.

I think it is also important and legitimate to put in context that this bill which has caused so much angst in terms of it being categorized as insufficient in spending from the other side of the aisle includes 6 percent more than the current fiscal year.

□ 1330

So it not only is an important piece of legislation, but it is funded, obviously, at a very high level.

With regard, again, to points that were made, so many of them were made by colleagues who took the floor. It is an undeniable fact, Mr. Speaker, that the economic downturn began in the third quarter of the year 2000.

It is an undeniable fact that September 11 of 2001 this country suffered a tremendous, unprecedented and horrible criminal attack. That obviously contributed to the economic downturn.

It is also an undeniable fact that due to the policies, certainly it is an undeniable fact that there have been 3 million jobs created in the last 18 months, that the unemployment rate is about 5 percent, and I think we all should be proud of that.

It is important to put in context, in the context of what has happened in the economy, I think, the attacks which we have heard so repeatedly, as though we were living in a different reality. The reality we are living is one of 3 million jobs being created in the last 18 months. The reality we are living is one that reflects one of the lowest unemployment rates in history. It is fair to point that out.

And I think it is fair to point out, yes, the gentleman from Massachusetts (Mr. MCGOVERN) talked about we will have a debate on the Cuban dictatorship. I am sure we will. There is a lot to report in terms of the repression and torture and the continuation in the local prisons and so much more. So, yes, we will probably see amendments to loosen sanctions on that dictatorship, amendments that, if passed and if they became law, would see flows of hard currency going to that dictatorship. We will have that debate, but at the end of the day, I am confident that this Congress will continue to stand with those who suffer and those who are repressed and not those who cause the repression.

So, Mr. Speaker, again, support the underlying legislation which I think, again, we owe a debt of gratitude to the entire Committee on Appropriations not only for having it brought it forth in such a timely way but especially the chairman who will now soon take the floor. We have much to commend, and I know that we have all of the chairmen we see here, the gentleman from Arizona (Chairman KOLBE) on the floor as well, so many who have worked so hard to make sure that all of these bills have come forth in really a remarkably timely way.

So, again, I am supporting the underlying legislation, as well as this very fair rule, which is an open rule and urging support for both by all of our colleagues.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

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

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

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

GENERAL LEAVE

Mr. KOLBE. 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. 3057, and that I may include tabular material on the same.

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

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 341 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3057.

□ 1335

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the 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, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

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

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

I am very pleased to present to the House H.R. 3057, the fiscal year 2006 appropriations bill for foreign operations, export financing, and related programs. This bill provides important funding for programs that support the global war on terror, the battle against HIV/AIDS and other infectious diseases, and the national interests of the United States.

The bill includes a total of $20.3 billion in new budget authority for fiscal year 2006. This represents a reduction of $2.6 billion, or 11 percent, from the President's budget request. The bill is $533 million above the fiscal year 2005-enacted level, not including the most recent supplemental appropriations of 2005. With all of the supplemental appropriations of last year included, the recommendation represents a decrease of $2 billion from the 2005 level.

As to whether this amount is considered adequate, I quote from two headlines in Associated Press articles that appeared after the subcommittee markup of June 14. The first reads: ''Lawmakers Propose U.S. Foreign Aid Boost,'' and less than an hour later the headline reads: ''GOP-Led Panel Slashes Foreign Aid Program.'' Those were headlines an hour apart. So Members can lend their support to this bill because it increases foreign aid, or they can oppose it because it slashes foreign aid, or they can do either way with either one of those ideas.

It is important to state at the outset that the bill was developed in a bipartisan manner. I give enormous credit to the gentlewoman from New York (Mrs. LOWEY), my ranking minority member, for engaging in a process that resulted in agreement on the basic components of this package, even if funding compromises had to be found on both sides.

We have made a focus of this year's proposal greater oversight of the expenditure of taxpayers' dollars. The report accompanying this bill includes language that requires more accountability of our foreign assistance dollars by urging the Department to set transparent goals and in tangible ways that measure progress toward these goals. Results, rather than resource levels, should be the yardstick for measuring U.S. assistance programs.

Furthermore, this bill and report include many requirements for the submission of financial plans, limiting expenditures until certain reforms are

implemented, and continuation of congressional notification requirements prior to the obligation or expenditure of funds.

With that, let me turn to some of the highlights of the bill.

First, the Millennium Challenge Corporation. The administration requests $3 billion for MCC. That would have doubled our $1.5 billion appropriation last year. We are funding it at $1.75 billion, or an increase of $250 million, 17 percent, over 2005, but $1.25 billion less than the President asked for.

As chairman of the subcommittee, I have made the MCC a priority in this bill. I believe in the President's vision for a new form of development assistance, where a country's commitment to fighting corruption, its commitment to reform, its commitment to investing in its people is complemented by an assistance package from the United States, negotiated by the country in the form of a signed compact.

On the Global Environmental Facility, the budget included a $107 million request for the GEF, up from $106 million last year. Our bill has no appropriation for GEF. As part of this multilateral agreement with donors in 2002, the GEF agreed to establish a performance-based allocation system for the disbursement of funds. Despite this agreement, GEF has resisted attempts to establish this performance-based allocation system, and I think our reduction, not including any funds for this, sends a clear message about the imperative of reform to GEF.

On Afghanistan, the budget included a $430 million request for Economic Support Funds, ESF, for Afghanistan, an increase of $205 million over the 2005 level. It also included a request for $260 million for International Counternarcotics and Law Enforcement, an increase of $170 million over the 2005 level. This bill fully funds the $430 million in ESF and $211 million in INCLE for police and counternarcotics programs in Afghanistan. The bill also limits expenditures of about half of the ESF funds, or $225 million, until the Secretary of State certifies to the committee that the government of Afghanistan, at both the national and the local level, is fully cooperating with the United States-funded narcotics eradication and interdiction efforts.

On the West Bank and Gaza, the budget included a $150 million request in ESF for the West Bank. The bill funds the request and retains the fiscal year 2005 prohibitions and restrictions on the expenditure of these funds, including a GAO audit of U.S. assistance. Neither the request nor the bill includes any direct budgetary support of the Palestinian Authority.

On the Emergency Plan for Aids Relief, the bill includes $2.695 billion for the Emergency Plan for AIDS Relief, the third year of this effort. This funding level is $131 million over the President's request and $502 million over the fiscal year 2005 level. The bill includes not less than $400 million, twice the amount requested by the President, for a U.S. contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria. Mr. Chairman, no one in this body, no one in this country, should doubt the commitment of this Congress to fighting the global AIDS battle.

Anti-corruption provisions. Following through on strengthening our oversight role, the bill includes a new anti-corruption measure, a provision that withholds 25 percent of the funds made available for the U.S. contribution to the World Bank's International Development Association, or IDA, until the Secretary of the Treasury certifies that the World Bank has incorporated certain procurement guidelines, withdraws its proposals concerning increasing the use of country systems procurement, establishes a threshold for competitive bidding and, subjects competitive bidding provisions to public advertisement.

On Iraq, the budget included a request for a total of $485 million for Iraq. Our bill includes no new appropriation for this request. We are not slighting Iraq. Instead, we assume these requirements can be financed from the nearly $5 billion that remains in unobligated funds previously appropriated in the November 2003 Iraq Relief and Reconstruction Fund in the emergency supplemental bill.

On the Andean Counterdrug Initiative, or ACI, the bill fully funds the budget of $734 million for the multiyear Andean Counterdrug Initiative, ACI. That is an increase of $9.3 million over the current fiscal year. The United States leads the international fight against coca and poppy cultivation overseas. The narcotics industry has become a source of funding for terrorists, especially in countries like Colombia and Afghanistan. As part of the war on terror, the bill funds the President's counterdrug initiatives for eradication, narcotics interdiction and alternative livelihood programs.

On the Conflict Response Fund, the bill does not include the administration's request for $100 million for a Conflict Response Fund, but it does have a new provision that allows the Secretary of State to reprogram and transfer funds as necessary for the purposes identified for the fund; and in other legislation, funds for the administration of that office and that program are included.

On Sudan, the bill includes $391 million, as requested, for assistance to Sudan, including $69 million for the terrible tragedy occurring in the western part of that country known as Darfur; but the assistance may only be given to the coalition government if it is in direct support of the comprehensive peace agreement with the southern part of Sudan. Development assistance to the government in the south and our humanitarian assistance in Darfur will continue unabated.

In preparing this bill, we were also faced with decreases in some areas of the budget, including for some key non-HIV/AIDS health programs and in the development assistance account. We have restored most of those reductions, and in the case of development assistance, added funds for basic education. I believe our development assistance program is a key component of our national security strategy and is critical to a positive U.S. image in foreign countries.

Basic education has become a signature issue for my ranking minority member, and I salute her for her commitment to this; but I will leave it to her to describe the details of our recommendation in this regard. Suffice it to say that I fully support her efforts to provide more educational opportunities to the impoverished youth of the world, especially women and girls.

□ 1345

This bill recommends $465 million for basic education activities, and that is an increase of $65 million over the amount provided last year.

The bill also fully supports USAID's work to support the microenterprise lending. Report language accompanying the bill expresses the committee's expectation that USAID programs reach the largest possible number of microenterprises and recommends $200 million for this program.

We continue an emphasis in this bill on helping developing countries build their capacity to participate in the international trading system. We have $214 million for trade capacity building efforts, an increase of $15 million over last year. Of this amount, $40 million is made available for labor and environmental capacity building activities related to the free trade agreement with the countries of Central America and the Dominican Republic.

The bill fully funds the export finance agencies to promote U.S. investment overseas and create jobs in the United States' export sectors. The committee bill provides $311 million for these agencies, including the Eximbank, the Overseas Private Investment Corporation, and the Trade and Development Agency, and $275 million of that is offset by collections.

The bill provides $791 million for migration and refugee assistance programs, continuing the United States' leadership in the world for providing humanitarian responses to refugee crises. This amount is $27 million over the 2005 level but $102 million less than the request.

Finally, the bill mostly restores the large proposed reduction to the child survival and health program, providing $1.5 billion for these programs, an increase of $246 million over the President's request.

We have had to reduce sums by almost $2.6 billion from the President's request to meet our allocation for this bill. Therefore, we could not provide funding for a number of new and expanded initiatives, though requested by the President or brought to this committee's attention by committee members and other Members of Congress and outside groups.

The major reductions to the President's budget includes a cut of $1.25 billion for the Millennium Challenge Corporation, which I have already spoken of, $458 million from various programs in Iraq, and $300 million from the President's proposed local food purchases. This latter recognizes the decision to maintain U.S. food purchases through the PL–480 program funded in the agricultural appropriations bill. And, finally, the $100 million I spoke of from the President's proposed conflict are a transfer of funds instead of a new appropriation.

I believe this is a balanced bill, one that provides important support for our most critical national security needs while substantially increasing funding to respond to the global HIV/AIDS pandemic. It also embraces our support for overseas development assistance and humanitarian assistance activities. It meets the high priority needs of the President in these areas and accommodates congressional concerns as well.

As I said, this bill was developed in a bipartisan manner and it should have the bipartisan support of this House. So, Mr. Chairman, I urge a ''yes'' vote on this important legislation.

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

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

Mr. Chairman, I rise in strong support of H.R. 3057, the fiscal year 2006 foreign operations appropriations bill, and I want to thank the chairman of our subcommittee, the gentleman from Arizona (Mr. KOLBE) for his hard work in putting together this bill. The good working relationship we share is evident in the product we present to the House today.

The President's fiscal year 2006 request, when compared with the subcommittee's 302(b) allocation, presented us with an array of difficult choices. Our allocation is a full $2.55 billion below the request level, and into this reduced allocation we had to fit increases in administration priorities, such as the Millennium Challenge Corporation and the President's emergency plan for AIDS relief.

While I do believe that the bill reflects, for the most part, a bipartisan compromise on the distribution of resources, I feel that this allocation fails to meet our overall foreign policy and national security needs at a time when the world is facing greater instability due to disease, deprivation and conflict.

The world's attention is focused on the upcoming G–8 Summit, in which wealthy nations will announce new commitments to achieve development progress. It is in this context that we must consider the bill before us today. We must ask if it is sufficient to lead the community of developed nations in creating a new compact for global development; if it will make the United States the standard bearer in a renewed effort to lift the least fortunate among us out of poverty; if it represents the commitment we must make to achieving the good governance and adequate financial resources to address the world's challenges.

My colleagues, we did the best we could with what we had, and I commend the chairman for that, but it is not enough. We are missing an opportunity today to demonstrate that the United States understands not just the need but the urgency of beating back the AIDS pandemic, getting children in school, encouraging reformers and oppressive societies, an opportunity to show that we understand business as usual simply will not do the job and that we are willing to take dramatic steps to bring the rest of the world on board.

This bill will do a great deal of good for a lot of people. It will address many of the challenges around the world that most directly affect U.S. national security, but it is not the bold statement that we all know it could be. Nevertheless, I generally agree with my chairman on the spending levels recommended within the reduced allocation. We worked closely together to ensure that in the face of these devastating cuts, we at least level-funded child survival and health and development assistance priorities.

We provided an increase over the President's request for HIV/AIDS, doubling his request for the Global Fund to fight AIDS, TB and malaria. Although I wish we could have done more for the Global Fund, I believe we are doing the best we can with the resources we have. We provided $465 million for basic education. We continued the U.S. reconstruction program in Afghanistan, and we fully funded our commitments in the Middle East, a powerful statement at such a critical time in the peace process.

The message we have sent with this bill is clear: In contrast with the President's request, Congress will not increase funding for MCC and PEPFAR on the backs of our core development accounts.

I am pleased that we were also able to restore deep cuts the President requested in reproductive health programs. This bill provides $432 million of bilateral funding, the fiscal year 2005 House-passed level, and earmarks an additional $25 million in International Organizations and Program funds for the United Nations Population Fund. The bill further specifies that any funds for the UNFPA that cannot be spent should be transferred to USAID specifically for bilateral family planning programs, a provision we carried in the fiscal year 2004 bill as well.

As I said, I am also pleased that this bill provides a total of $465 million for basic education, $65 million more than the fiscal year 2005 level. And, once again, we provide $15 million for a pilot program to eliminate school fees and, for the first time, require a GAO study on our education programs to ensure that we maximize the effectiveness of our aid dollars.

This bill fully funds Israel's annual economic and military aid package, including early disbursal of these funds within 30 days of the bill's passage. It also includes language carried in previous years, placing conditions on U.S. support for any future Palestinian state. This year, the bill includes an additional provision requiring a GAO audit of the fiscal year 2006 West Bank and Gaza program, as well as a project-by-project plan from the State Department on how these funds are being spent. And it extends a reporting requirement included in the fiscal year 2005 supplemental on the Palestinians' progress in reforming their security services, dismantling terrorist groups, and ending incitement against Israel. I agree with the chairman that these provisions are critical to monitoring the results we achieve as well as the money we disburse.

I am proud that the bill and report carry a number of provisions aimed at increasing the U.S. commitment to fighting gender-based violence around the world, including in areas with high HIV infection rates and in areas undergoing conflict and civil strife. I want to thank the chairman for including a provision requiring police, judicial, and military training programs funded in the bill to develop training curricula on how to prevent and deal with victims of gender-based violence. And I am pleased that we were able to increase funding for UNIFEM and the UNIFEM Trust Fund to a total of $5 million.

I want to point out a few specific concerns, however, I have with the bill. First, it provides no funding to the Global Environmental Facility, GEF. The GEF is the largest single funder of projects to improve the global environment, and every dollar invested by the U.S. in the GEF leverages $14 from other sources.

I do understand why the chairman has proposed this cut. The GEF has dragged its feet in implementing a performance-based allocation system. And while I agree with the chairman's desire to send a message that we are serious about reform, I do believe cutting funding is not the right way to accomplish this. I hope we will have the opportunity to restore funding to the GEF as this bill moves to the Senate and through conference.

I am also concerned that the bill places no conditionality whatsoever on U.S. military assistance to Indonesia and international military education and training for Guatemala. For the first time since Indonesian military-backed militias laid waste to East Timor in the wake of its August 1999 independence referendum, we will provide FMF to Indonesia free of any conditions. And despite the Guatemalan government's noncompliance with military reform stipulated in the Peace Accords, we have removed IMET restrictions on that country as well.

I regret that we were not able to fully fund the President's request for

refugees and peacekeeping. The reduced allocation simply made it impossible. I am pleased that we were able to provide additional funding as part of the fiscal year 2005 supplemental, and I am optimistic we can increase funding for these accounts in conference.

Let me also say that even though this bill provides no funding for Iraq reconstruction, I take seriously the role this committee plays in exercising oversight over this effort. Reports of wasted money and poor accounting for taxpayer funds are certainly alarming. Congress, and particularly this subcommittee, has a responsibility to ensure that these funds are used properly and efficiently, and the chairman and I will continue to make this a priority.

Finally, I would like to point out that the Senate's allocation for foreign operations is a full $1.6 billion above the House. It is my hope that this allocation will enable us to significantly increase funding for a number of critical priorities in the final conference measure.

I want to thank the chairman once again for being such a good partner in the process. I particularly want to thank him and wish him a very happy birthday from all of us. With few exceptions, I believe we have put together a good bill within the context of our difficult allocation.

I appreciate the gentleman's help and the work of the staff, Nisha, Betsy, Alice, Rodney, Rob, Lori, Sean, and Beth, in bringing this bill to the floor and I urge my colleagues to support it.

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

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

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

Mr. KOLBE. I yield to the gentleman from Idaho.

Mr. SIMPSON. Mr. Chairman, I appreciate the gentleman from Arizona yielding to me for the purposes of a colloquy on an issue of report language that accompanies H.R. 3057, the foreign ops appropriation bill, and for his willingness to work with me through conference on this report language.

Mr. Chairman, report language appears for a reason. It is meant to send a strong message to Federal agencies; in this case, the Export-Import Bank. I am greatly concerned about the message this report language sends. I am worried it has the appearance of trying to encourage the approval of a loan that does not meet the statutory requirements.

Before a loan should be brought before the board for a vote, it must meet the congressionally-mandated test for export additionality, foreign competition, and net benefit to the U.S. economy. If we want to consider changes to the statutory requirements, those changes should be addressed during the reauthorization of the Export-Import Bank that is scheduled to occur next year.

I look forward to working with the chairman and the Senate in conference regarding the committee's intent of any report language addressing this issue.

□ 1400

Mr. KOLBE. Mr. Chairman, I want to say to the gentleman from Idaho (Mr. SIMPSON) that I sympathize with his statement. He makes his case with passion and knowledge. I want to clarify my intent with respect to the language in the committee report referring to applications from the U.S. Export-Import Bank.

The report language urged the Export-Import Bank to act promptly on requests for assistance. It also asked for the bank to report on the status of pending applications.

The report further noted the committee's request for ''an explanation for any rejection of any requests for assistance, specifically applications affecting the semiconductor industry.'' This sentence could be misconstrued as prejudicing or prejudging possible applications for bank assistance.

Let me be clear. It was not and is not my intention to prejudice or prejudge the outcome of any pending application at the bank. This language is not intended to influence in any way any matter that is pending before the bank or reflect negatively on any decision made by the chairman or any other board member regarding any pending or past matter.

Loans brought before the bank must meet the bank's criteria for export additionality, foreign competition, and net benefit for the American economy. The Export-Import Bank has five full-time board members whose job it is to assess whether applications meet the bank's criteria for export additionality, foreign competition, and net benefit to the U.S. economy.

They are the ones who should make the judgments about which transactions the bank will support and those it would turn down. The committee report language in no way is intended to influence those judgments. I understand the gentleman from Idaho (Mr. SIMPSON) still has some concerns with the language, and I will be happy to work with the gentleman and the Senate in conference regarding the committee's intent.

Mr. SIMPSON. Mr. Chairman, I thank the gentleman.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I rise in strong support of this bill, the fiscal year 2006 Foreign Operations Appropriations Act.

Let me begin by commending the gentleman from Arizona (Mr. KOLBE) for his work as chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs. Every year he puts a great deal of effort into examining the issues thoroughly and giving sincere consideration to Members' requests. Thanks to his efforts, we have before us today an excellent bill.

I also commend the gentlewoman from New York (Mrs. LOWEY), the ranking member. She and I have worked together on a number of issues over the years, and together we have achieved some important results.

I also want to thank all of the staff for their hard work and the research they have done over the weeks and months to address the many issues in this bill. Their organization and discipline has made this year's process move more smoothly.

As Members of Congress, we have a responsibility to exercise our oversight to ensure taxpayer dollars are spent as effectively as possible. Oversight has been a primary focus of the Subcommittee on Foreign Operations this year, and there are important provisions in this bill to help make our foreign assistance programs more accountable.

This bill requires the administration and international organizations to set transparent goals and measure progress towards these goals in tangible ways. The bill also limits spending until certain reforms are implemented. Because of this oversight, the committee has been able to produce a bill that is $2.5 billion below the administration's request and still focuses on the important priorities.

Assistance to the Middle East is always a central part of this bill. For fiscal year 2006, Israel will receive $2.28 billion in military assistance, $240 million in economic assistance, and $40 million to help resettle Jewish refugees in Israel. I strongly support all of this funding.

I am also pleased that the bill provides $40 million for assistance to Lebanon, which is an increase of $5 million from last year. With Syria's military withdrawal from Lebanon and the recent elections, there is an opportunity for positive change. This extra funding will give the State Department and USAID some flexibility to take advantage of this opportunity.

There are also a variety of important programs in the bill that provide support to reform efforts within the countries of the broader Middle East, including $85 million for the Middle East Partnership Initiative.

Regarding Armenia, the bill provides $67.5 million in economic assistance. Unfortunately, Turkey and Azerbaijan continue to seal the transportation routes into and out of Armenia, so this funding is important to offset this economic blockade.

The bill also maintains parity in military assistance to Armenia and Azerbaijan, which is critical to our overall policy toward the South Caucasus.

There are other valuable programs in this bill, including the Millennium Challenge Corporation and funding to fight the scourge of HIV/AIDS.

But in addition to what this bill does include, what is equally important is what this bill does not include.

Specifically, this bill does not include any funding for the Global Environmental Facility. Plain and simple,

this is a matter of accountability, and we cannot afford to waste money on organizations that refuse to implement good-government reforms.

Mr. Chairman, this is a responsive bill. It is the result of significant oversight. It is fiscally sound, and it focuses on priorities that will advance our interests. For all of these reasons, I strongly support this bill, and I urge all of my colleagues to join me in supporting it on the floor today.

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a distinguished member of the subcommittee.

(Ms. KILPATRICK of Michigan asked and was given permission to revise and extend her remarks.)

Ms. KILPATRICK of Michigan. Mr. Chairman, I thank our ranking member, the gentlewoman from New York (Mrs. LOWEY), for yielding me this time and wish a happy birthday to our chairman and thank the gentleman from Arizona for his leadership as we work for the world right here in this Chamber.

I also want to thank the gentleman from California (Chairman LEWIS) and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for helping us to fashion a bill that is fair. Yes, we could use more money. Our 302(b) allocations limit what we can do, but I think it is a perfect start. The Senate has $1.5 billion more to spend than we have in our bill, and I believe in conference we will see a better bill.

I want to highlight a few things about why I strongly support this bill. Everyone says it is not enough. It is never enough. HIV/AIDS is funded at the highest level it has been. I want to commend the leadership of the subcommittee. We are over a billion dollars more than the President requested for HIV and AIDS.

The Sudan and peacekeeping operations there, we are going in the right direction. We believe with this money to help Sudan we will be able to see some stability in that region soon.

I want to speak about the Middle East. I am a strong proponent of peace in the Middle East. We must have that, and our partners there are working for that.

I recently visited Egypt on my second visit there, and found that Egypt, which I already knew, some 70-plus million people, is our strongest military ally in the region. Egypt purchases our weapons and does our training and also stabilizes the other countries: Israel, with 3 to 4 million people; Jordan with 7 or 8 million people; Lebanon, Syria. The government of Egypt and President Mubarak are the peacekeepers and have been very instrumental in the Abbas-Sharon talks, as well as the Lebanon and Syria talks. So I would hope we continue to fund Egypt to work with Egypt to make sure that they keep their commitments to the Middle East as well as to this government. I am very confident that as we work together with Egypt and with the Middle East, we will hope to see peace as we work there.

This bill also provides educational opportunities for thousands of young people all over the world who are unable to fund their own education. We know education is the difference between success and failure in young people's lives; and the better the education, the more options young people have.

Mr. Chairman, let us continue to work to build a better, stronger world. The U.S. is the largest country, the strongest country in the world. I would not want to be anywhere else. We have a responsibility to build, to grow, and to be good foreign partners. I believe this foreign ops bill for 2006 continues that effort. I urge a ''yes'' vote on the foreign operations bill. It is not perfect, but it is certainly a good piece of legislation as it moves through Congress.

Mr. Chairman, I rise in support of H.R. 3057, the Foreign Operations Appropriations bill for FY 2006. As a member of the House Appropriations Committee, subcommittee on foreign operations, I want to commend subcommittee Chairman JIM KOLBE and Ranking Member NITA LOWEY, Appropriations Committee Chairman JERRY LEWIS and Ranking Member DAVID OBEY for fashioning a bill that reflects consensus and a commitment to supporting the needs of the global community.

Our work on this bill was difficult given the limited 302(b) allocation that was imposed on the subcommittee. Despite the allocation constraints, the subcommittee members developed a bill that was roughly $2.5 billion below the president's request of $22.8 billion. Our bill recommends a funding level of $20.3 billion and includes a number of strong provisions.

Our bill provides substantial funding for HIV/AIDS, including a plus up of $131 million above the president's request. The Global Fund is funded at $400 million, and is an increase of $200 million above the president's request. The President's Emergency Plan for AIDS Relief (PEPFAR) is funded at $1.72 billion which is $150 million less than the president's request, and HIV/AIDS in the Child, Survival and Health (CSH) account is funded at $350 million, including $20 million in bilateral assistance to non-focus countries. Other HIV/AIDS funding totals $55 million. The level of funding in the bill reflects an awareness of the dimensions of the global pandemic and the necessity to commit resources to global communities that are being ravaged by the disease.

I am also pleased that my colleagues recognized the importance of funding peacekeeping operations (PKO) in Sudan. The conflicts in the north/south and Darfur necessitate a financial and peacekeeping commitment to mitigate the proliferating violence, despair and disease that is rampant in Sudan.

Given the prevailing tensions in the Middle East, particularly as those tensions relate to peace negotiations between Israel and the Palestinians, I am pleased about the level of funding provided to support the Palestinian Authority (PA) and for our allies in Egypt and Jordan. Our funding to the region reflects the importance the committee attaches to supporting countries that are committed to the goals of democratization and fighting terrorism. I also want to remind my colleagues that it is imperative that we continue to send the message to our allies in the Middle East and the Gulf region that their efforts to aggressively support democratization and to provide military security are greatly appreciated and reflected in our ongoing financial support.

Despite the good news in this bill, I want to stress my concern that U.S. foreign assistance comprises only 1 percent of our Federal budget. I believe more could be done around the world if our Nation did not have to contend with a spiraling deficit that continues to balloon because we are entrenched in a military engagement in Iraq that costs roughly $150 million per day, $5 billion per month and $60 billion per year. I am very dismayed by these figures because they highlight the reality that there is no prospect for the removal of our troops from harm's way in the near term.

Mr. Chairman, the bill before us, I believe, represents a good faith effort to address the foreign assistance needs of our global neighbors. And while I wish that more resources were available to support worthy programs, we were limited in our allocation. Given current economic realities, this bill represents a good faith effort to fund essential programs around the world. The Senate allocation for foreign assistance is $1.5 billion higher than the House figure, so I am hopeful that perhaps even greater levels of funding will be provided for other critical areas of need. I am pleased to support this bill and encourage my colleagues to vote ''aye'' on H.R. 3057.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK), an outstanding member of the subcommittee.

Mr. KIRK. Mr. Chairman, I congratulate the gentleman from Arizona on his birthday, rise in support of this bill, and compliment the ranking member, the gentlewoman from New York (Mrs. LOWEY), for her work.

This bill is vital to winning the war on terror. I am particularly happy that we have focused the soft power of the United States, USAID, the Board for International Broadcasting, et cetera, on key parts of Pakistan where the leaders of al Qaeda are hiding.

I do want to strike one note of warning, though. In the last 2 years, we have witnessed an explosion of heroin production in Afghanistan. Last year, drug lords in Afghanistan made over $6 billion in drug profits with some of the proceeds supporting terrorist groups. Al Qaeda and the Taliban now depend on the sale of heroin to wage their war on terror. Two years ago, drug profits sustained just two terror groups. Today, drug profits sustain four terror groups.

Last year, more drug money arrived in Afghanistan than it had in any other country, including Colombia, in history. Two years ago, only 8 percent of Afghan heroin arrived in the United States; now it is up to 12 percent, a 50 percent increase. Two months ago, the United States arrested Osama bin Laden's banker, Haji Bashir Noorzai, for attempting to smuggle $50 million of heroin into the United States. His attempt provides a stark warning that if Afghan drug dealers can smuggle heroin into the United States, they can also smuggle terrorists.

To date, our program to reduce the Afghan heroin crop has failed. From a low of only a few hundred acres in 2001, the Afghan heroin crop topped over 200,000 acres last year.

Alternative development programs for Afghan farmers are key, and we fully fund such programs to help farmers switch from poppies to the traditional products of Afghanistan, like wheat. But even the best legal crop can only command one-twelfth the price of heroin, so we also must fund enforcement programs.

Congress approved $92 million in the fiscal year 2005 supplemental to provide helicopters for the Afghan police to catch drug lords. The program inside the administration is now adrift, and we have wasted 6 months in designing a helicopter program to help Afghan police officers. Repeatedly, some in the administration have proposed cutting this program by half to fund other programs, proposing that we largely ignore the narcoterror threat in Afghanistan.

Mr. Chairman, Afghanistan now teeters on the brink of becoming a failed narco-state. Violence against American and other NATO peacekeepers is picking up, much of it funded by narcoterrorists. As our full committee chairman, the gentleman from California (Mr. LEWIS), advised Secretary Zoellick, Congress is looking for strong action against Afghan heroin; and we want the fiscal year 2005 funding for the helicopter program to move forward, and an end to rumors that the administration is cutting the fiscal year 2007 budget for this activity.

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FATTAH), a distinguished new member of the committee.

Mr. FATTAH. Mr. Chairman, I rise to thank the gentleman from Arizona (Mr. KOLBE) and the ranking member, the gentlewoman from New York (Mrs. LOWEY). In working on this bill, we found agreement on an initiative that is very important to me, and I think important to our efforts in Africa in terms of combating some of the difficulties there, particularly related to HIV and the growing threat of AIDS.

We have report language that accompanies this bill that the chairman and his staff were willing to agree to that would bring together a number of our more capable agencies, including the Centers for Disease Control, the USAID and others, and have them develop a plan to take a nonincremental approach at creating a healthier blood supply in Africa. In Africa, millions of people who have contracted AIDS have done so through tainted blood transfusions, particularly pediatric AIDS cases. The ranking member and the chairman and the staff have helped us move forward an initiative to focus on this problem. I rise to thank them.

Secondly, the bill also talks about creating a more coordinated and comprehensive effort on infectious diseases and health challenges on the continent of Africa, particularly in the sub-Saharan region.

Also, I have had a chance to speak to the gentleman from California (Mr. LEWIS) and his top staffer, Frank Cushing, on this matter; and I really appreciate the majority's willingness to look anew at some of these issues and think through how we can approach this matter in a creative way. I thank the gentleman from Arizona (Mr. KOLBE) and his staff and the gentlewoman from New York (Mrs. LOWEY) and her staff.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume for the purpose of a colloquy.

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

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

Mr. ROYCE. Mr. Chairman, I think the gentleman from Arizona (Mr. KOLBE) has done well to craft a bill in a very difficult budgetary environment. It prioritizes funding for important programs. I believe his and the ranking member's efforts are appreciated.

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I do, however, rise to express concerns about the Global Environment Facility, or GEF, whose funding is eliminated in this bill. As co-chair of the House International Conservation Caucus, I am keenly interested in conservation programs because I believe that how nations of the world manage their natural resources is a vital U.S. interest, impacting our efforts to help create a more secure and prosperous world.

The GEF is the largest international funding source for programs and support good natural resource management around the world. In the roughly 15 years since its creation, the GEF has implemented 1,500 projects in 140 countries, with biodiversity and habitat conservation being the largest single area of focus. Importantly, U.S. funding has leveraged at least $14 for every $1 we have contributed. I believe this model where our resources are matched many times over by other public and private donors is a good approach. However, I strongly agree with the chairman's push for reform at the GEF. The United States should always be pushing for transparency and accountability at multilateral institutions, and the GEF is no exception. As the chairman knows, at the request of the U.S. Treasury and other donor nations, the GEF has been working to implement a variety of management improvements. Currently, the GEF is in the final stages of adopting a major element in this reform process, a system of prioritizing its funding decisions called the Resource Allocation Framework.

The Council of the GEF is meeting in late August in a special session to finalize the structure of this framework. The GEF Council recognizes the need for reform and is meeting in less than 2 months to complete work on the reform element most important to the U.S. Government.

And I would respectfully inquire whether the gentleman agrees that the GEF's programs and projects are beneficial to conservation worldwide and to the United States, and assuming that a framework is finalized at the upcoming special meeting of the GEF, would that constitute sufficient progress on reform to have the gentleman revisit GEF funding in the conference?

Mr. KOLBE. Mr. Chairman, reclaiming my time, I thank the gentleman from California for raising this important issue. I also support international conservation efforts, and I applaud the gentleman for his leadership as co-chair of the International Conservation Caucus.

I believe that the Global Environment Facility has done good work over the years to help conserve the environment and to address some of the more difficult international environmental problems that require international cooperation to be solved. Nevertheless, I have been concerned about the pace of reform within this organization.

My purpose in eliminating its funding is to ensure that the limited amount of resources in this bill are used in the most efficient possible way. My goal is not to definitively end U.S. contributions to the GEF this year or in the future. However, until the final GEF reforms are in place, I am concerned that GEF funding is not being used optimally.

I appreciate the unique role that GEF can play in international conservation, and I believe that a reformed and functioning GEF is worthy of support. If the GEF agrees to implement a performance-based allocation system at the August-September, 2005, Special Meeting of the GEF Council, then I would be willing and will be willing to work with the gentleman and the other body to help restore the U.S. contribution to the GEF during conference.

Mr. ROYCE. Mr. Chairman, I thank the gentleman for his response.

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

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

I want to thank the gentleman from California for raising this important issue. As I have said repeatedly throughout the process of moving this bill to the House floor, I am deeply disappointed that this bill does not fulfill the U.S. commitment to the Global Environmental Facility.

Since its establishment in 1991, the GEF has provided $5 billion in grants, leveraged $16 billion in co-financing for projects in 140 countries around the world, has provided more than 4,000 grants directly to smaller organizations. The U.S. has provided close to $1 billion to the GEF over this same time frame.

The GEF is unique in its laser-like focus on environmental sustainability. It is the most effective way for the United States and other donor nations

to support biodiversity and prevent climate change.

House passage of the bill with no funding for the GEF will send a strong message, but I hope not the wrong message. I agree with the chairman that the U.S. should encourage transparency, responsibility, and accountability of the institution. And I hope that is what the international community takes away from today's debate.

However, I do believe that in cutting off all funding to the GEF, we run the risk of sending the message that the United States no longer supports the good work of the organization. I am pleased that today's discussion will clarify that this is not true, and I join the chairman and the gentleman from California (Mr. ROYCE) in looking forward to the August GEF Council meeting, which will hopefully include the adoption of a performance-based Resource Allocation Framework. I am optimistic that the Senate will do the right thing by the GEF and that we will be able to provide the requested levels in conference. I look forward to working with the chairman and the gentleman from California (Mr. ROYCE) to see that this happens.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. FARR), who has been a real advocate for the environment.

Mr. FARR. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise today to speak on an issue that is probably best spelled out in The Los Angeles Times today by Sonni Efron, who is a writer for the Times. The Times article is entitled ''Drug War Fails to Dent U.S. Supply.''

I would like to thank the chairman and the ranking member for their commitment to international development and improving our national security by attacking the culture of poverty and injustice, which I think are the root causes of terrorism in this world. I would also like to thank the chairman for engaging in a debate with me during the full committee markup regarding the increased funding for alternative development in Colombia.

I had offered an amendment in committee that would have shifted funding from the military and fumigation side of the Andean CounterDrug Initiative to funding more alternative development programs. My amendment would have shifted funds in five of the departments, which are like ''states'' in Colombia that are receiving little or no alternative development assistance; yet they are being heavily fumigated. While we are using all stick and no carrot in these regions, only spraying a farmer's crop but not providing for an alternative livelihood is not a sustainable solution to a coca growing problem in the Andean region.

Given the chairman's commitment to work in conference to increase the funding for alternative development programs in Colombia and the Andean region as a whole, I withdrew my amendment in committee.

I would like to take this opportunity to remind the chairman of his commitment and thank him again for his efforts regarding the alternative development in Colombia, and I know the chairman has been a tireless supporter of development and security in Latin America. I look forward to working with him and the gentlewoman from New York (Mrs. LOWEY), ranking member, on these important issues and hope in conference that they can restore the funding that I am sure the Senate side will add to.

I would like to close by referring everyone to this L.A. Times article today. I think it speaks to the point that America needs to focus on working itself out of jobs, not making people dependent upon American jobs to develop economic security in their own countries.

[From the Los Angeles Times, Jun. 28, 2005]

DRUG WAR FAILS TO DENT U.S. SUPPLY

(By Sonni Efron)

WASHINGTON.—The Bush administration and congressional allies are gearing up to renew a plan for drug eradication in Latin America despite some grim news: The $5.4 billion spent on the plan since 2000 has made no dent in the availability of cocaine on American streets and prices are at all-time lows.

United Nations figures released this month show that coca cultivation in the Andean region increased by 2 percent in 2004 as declines in Colombia were swamped by massive increases in Peru and Bolivia. And the nonpartisan Congressional Research Service said last week that the anti-drug effort had had ''no effect'' on the price or purity of drugs in the United States.

The findings have fueled skepticism in Congress, where conservative groups have joined efforts to lobby against continued funding. The National Taxpayers Union called the anti-drug program a ''boondoggle.''

Nonetheless, a House committee last week approved the administration's request for $734.5 million for next year as part of a foreign aid bill. Debate on the bill could start as early as today. President Bush also may unveil a renewed multiyear commitment to South American anti-drug efforts this year when Colombian President Alvaro Uribe, a staunch U.S. ally, is expected to visit.

''We are heading in the right direction and we are winning,'' the federal drug czar, John P. Walters, told Congress last month.

''Plan Colombia''—a six-year effort by Washington and Bogota to eliminate drug trafficking, end more than 40 years of armed conflict with rebels and promote economic and legal reform in Colombia—expires this year. The Bush administration wants to continue it, a senior State Department official said.

''You adjust your tactics and you adjust your resources,'' the official said. ''There's no inclination on the part of our administration to give up just because it's tough.''

Negotiations with Bogota over details of a successor program to Plan Colombia will begin next month, the official said.

Administration and some congressional officials say Plan Colombia has had some striking success. Killings, massacres of villagers and other attacks blamed on drug trafficking all have fallen sharply since 2002, and kidnappings have fallen by half, according to Colombian Defense Ministry figures, even though this year has seen a resurgence of violence.

Drug crop eradication and drug interdictions are cutting into the profits of Colombia's right-wing paramilitaries and leftist rebels, Walters told Congress last month.

Walters testified that ''cocaine production in the Andes has declined by 29% since 2001, and Colombia's opium crop was cut in half from 2003 to 2004.'' He said the reason that price and availability had not been affected was the lag of six months to a year between the time when the coca plant was harvested and when its cocaine was available on American streets.

The reports call the administration's assessment into question. Whereas cocaine production fell 11% in Colombia in 2004, it soared by 23% in Peru and 35% in Bolivia, according to the report by the U.N. Office on Drugs and Crime. Overall, coca cultivation in the region increased 2%, the U.N. study said.

''The [U.N.] numbers are devastating,'' said Adam Isacson of the Center for International Policy, which has argued that eradication campaigns must be accompanied by large-scale development efforts that offer peasants alternative livelihoods.

''The spraying, when it isn't accompanied by any alternative development, doesn't seem to discourage [coca farmers] from trying again, because there just aren't a lot of other good choices out there,'' Isacson said.

Peasants have responded by planting even more coca, hiding it under trees and among other crops, and turning to varieties that produce a higher yield, the U.N. report said.

Whether or not the anti-drug effort is succeeding, the U.S. foreign aid budget is under new scrutiny, especially with the war in Iraq costing more than $4 billion a month and a $379-billion deficit looming for 2006. Colombia, the fifth-largest recipient of U.S. aid after Iraq, Israel, Egypt and Afghanistan, could be a target for cuts.

The Congressional Research Service tallied State Department and Defense Department spending on the Andean Counterdrug Initiative at $5.4 billion since 2000. Though the anti-drug program aids Peru, Bolivia, Ecuador, Brazil, Panama and Venezuela, Colombia has received most of the money, about $4.5 billion. ''While there has been measurable progress in Colombia's internal security, as indicated by decreases in violence, and in the eradication of drug crops, no effect has been seen with regard to price, purity and availability of cocaine and heroin in the United States,'' the research agency report said.

The report said Colombia was no closer to ending its decades-long armed strife. The conservative National Taxpayers Union last week called for the program to be cut back or killed.

''By all measurable criteria, Plan Colombia's effectiveness is dubious,'' said Paul Gessing, governmental affairs director of the anti-tax group. ''It's a big taxpayer boondoggle.''

Liberals also contend that the program is wasteful. Rep. James P. McGovern (D-Mass.) plans to offer an amendment to the foreign aid bill that would slash $100 million in U.S. military and security aid to Colombia.

One senior U.S. government policy advisor, who spoke on condition of anonymity out of fear he would be excluded from administration policy discussions, agreed with many of the critics.

''It's a complete waste of money,'' the advisor said. ''You have to ask yourself, why are we in Colombia?''

He added: ''The bottom line is not how much they produce or how much we eradicate, the bottom line is, is there enough supply to meet the demand [in the United States], and there always is. . . . The traffickers are always one step ahead of us.''

Plan Colombia began under the Clinton administration primarily to fight drugs. But after the Sept. 11, 2001, attacks, the Bush administration has emphasized counter-terrorism and regional security.

While some conservatives wish to cut funding for Colombia, many Democrats want to spend less on its military and more on rural economic development. Democratic critics also wonder whether the U.S. has an exit strategy for Colombia.

Rep. Sam Farr (D-Carmel), a former Peace Corps volunteer in Colombia, said the U.S. effort there violates a key principle of international aid: ''Work yourself out of a job.''

After five years of U.S. funding, American military advisors are still training Colombian troops and American companies are still being paid to maintain expensive U.S. Black Hawk helicopters, Farr said.

''Look at how much attention is being paid to building local capacity in Iraq so we can leave,'' Farr said. ''This is where we're failing in the war on drugs, because we're not developing the capacity of these countries to handle their own problems.''

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a distinguished member of the full committee.

Mr. CUNNINGHAM. Mr. Chairman, I would like to thank the ranking member and the chairman for this bill.

It is easy for some people to vote against foreign ops until they understand what it is. There are four legs of a table: the military foreign ops, intel, and homeland security; and probably a fifth now with the rising cost of fuel, energy.

Foreign ops is critical in that security table. Why? If we think about the position of the Palestinian-Israeli issue with Sharon, for the first time, I heard the gentleman from California (Mr. BERMAN) speak that we have hope in the Middle East, hope. If we take a look, it is easy to think about cutting certain countries, but think of what a thin edge they are on right now. Look at Indonesia with its problems, how they help us. Look at Saudi Arabia that is moving more and more toward a moderate state. Do they have problems? Yes. Look at Egypt, and it would be easy for someone to come up and have an amendment to cut them. But in Saudi Arabia I sure do not want ''King Osama bin Laden,'' or in Indonesia, if we look at the thin thread. Or Pakistan. In Pakistan take a look at Hamboli; KSM, Khalid Sheikh Mohammed, who was a guy who planned 9/11. We just caught Abu al-Libbi, who is the guy who took Khalid Sheikh Mohammed's position. And they have stopped major events and attacks within the United States because of our foreign operations bill.

Look at Sudan. They ethically cleansed probably as many people as Saddam Hussein or in Kosovo or Bosnia, and that brings world peace.

But even worse, look at the HIV threat. There are more deaths in HIV in Africa than during the plagues, and if we support that, A, it makes a safer America, but it also protects and stabilizes Africa itself.

Mrs. LOWEY. Mr. Chairman, I yield 3¼ minutes to the gentleman from Maryland (Mr. HOYER), our distinguished minority leader, who has been a strong advocate for the United States' increased role in the world today.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for yielding me this time. This is an important bill. The United States is the leader of the free world, and, frankly, the United States is far behind many in the industrialized world in investing in the peace and security of the international community.

Mr. Chairman, for several years, however, I have expressed serious concerns about the amount of dollars that we give to Egypt. Egypt is a friend and an ally. Egypt is number two in terms of the dollars that we invest, both in military and economic aid. However, Egypt has one of the largest and most modern militaries in the Middle East, with approximately $2.4 billion in annual defense spending. More than half of that funding, $1.3 billion in this bill, is provided by the United States.

Notwithstanding that, however, I do not believe that Egypt and its leadership is conducting itself in a way consistent with its alliance with this country. Nearly one out of five Egyptians live in poverty; yet we give very little economic aid, relatively speaking. Roughly half of Egypt's adults are illiterate. Unemployment is in double figures, and the country has a per capita income of just $700 per year.

In this context, Mr. Chairman, I am concerned that the United States provides almost three times the amount of military assistance to Egypt than we provide in economic assistance, $1.3 billion to $495 million in this bill.

That is not my principal concern. My principal concern is the relationship between the extraordinary investment that America makes in Egypt and the lack of cooperation as it relates to some of their policies not only on the military side, but on the human rights and discrimination side.

Regional stability and the efforts to stem the development of terrorist organizations are served not only by providing for Egypt's military strength, but also by ensuring prosperity and economic opportunities for the people of Egypt, and having Egypt cooperate in bringing down the level of hatred, discrimination, and prejudice in its own country and in the Middle East. Mr. Chairman, I would hope that we would make that message clear to our friends in Egypt.

I offered an amendment in committee. That amendment would have shifted $40 million from military assistance to the economic assistance. That, in my opinion, would have had the effect of educating more Egyptian children, bringing more Egyptians out of poverty, perhaps investing greater amounts in the economic development and job creation seen in Egypt. That would, in my opinion, have been a very positive step forward.

My friend, the chairman of the Foreign Operations, Export Financing, and Related Programs Subcommittee of the Committee on Appropriations urged me not to do that. And as a result of his urging, I withdrew that amendment.

One of the reasons I withdrew that amendment is because Egypt is an important ally. But I would hope that our Egyptian friends would address the issues of anti-Americanism, anti-Semitism, anti-Catholic/Christian, prejudice, and destabilization within their own country and within the Middle East. We need to continue to send that message.

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

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ROTHMAN), distinguished member of the subcommittee.

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

Mr. ROTHMAN. Mr. Chairman, I thank the ranking member for yielding me this time.

Let me just say at first that this bill is a well-crafted bill that I support within the confines of the amount of money that the majority has chosen to give us to work with.

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I also want to acknowledge the extraordinary bipartisan work that has taken place here, and I want to thank our chairman and his staff for reaching out to us in the minority to include our priorities as well. I think this is a real bipartisan effort, and I am grateful for that.

I also want to acknowledge the support of our ranking member, the gentleman from Wisconsin (Mr. OBEY), and I want to thank our chairman, the gentleman from California (Mr. LEWIS), for all their support of the foreign operations bill this year and over the years.

Mr. Chairman, most Americans believe that America spends 10 to 15 percent of its budget on foreign aid. That is simply not the case, though. We only spend about 1 percent of our budget on foreign aid, and that 1 percent is very well spent.

We use that money, that foreign assistance, to help fellow democracies stay strong and secure. We help struggling democracies who are undergoing tough times because of the neighborhood they live in or because of their own economies. We also help people who want to be free and live in a democracy help create democracies.

Why do we care about democracies, other than being Americans and we believe everyone has a right to live free? Because we know that democracies are good trading partners and they do not go to war against one another. So there is a very practical reason for our foreign assistance program.

Beyond that, of course, is the humanitarian obligation, the moral obligation that we have to help people in need. Virtually every major religion in the world acknowledges our moral obligation to help poor people and those in need of charity and compassion.

So for all those reasons, Mr. Chairman, I believe this foreign aid bill is important. I do regret that the Global Environmental Facility is not being funded under this bill, and I look forward, as the chairman suggests, to that money perhaps being included in conference. That would make this bill complete. Then, of course, if there were as much money as the other body is designating for this foreign assistance, that would be even better.

But this is a good, bipartisan bill, because foreign assistance is in America's vital national interest, and also because it is the right thing to do.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY), who has been very active in a whole range of issues involving our foreign aid program.

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

Mr. CROWLEY. Mr. Chairman, I thank my friend for yielding me this time. I want to commend her and the gentleman from Arizona (Mr. KOLBE) for their fine work on this balanced and bipartisan bill.

Under tight budgetary restrictions, they have crafted an important bill which addresses the priorities that affect the developing world while also shoring up our global allies. I thank the chairman and ranking member for supporting priorities of mine, including the Asian University For Women that is located in Bangladesh, and increased funding for Peace and Reconciliation programs in this legislation as well.

One of the groups included in the Peace and Reconciliation program is Project Children and Cooperation Ireland. Many of my colleagues have taken on interns from this program, and the young men and women from the north of Ireland have benefited greatly from these internships. As progress in the peace accord remains unsteady, we in the United States must continue to support programs that bring together the future leaders of the north of Ireland and show them their differences are not insurmountable. I hope the House conferees will work with the Senate to see that this program is funded during the conference committee.

This bill also includes $34 million for the U.N. Population Fund; but as has become a norm under this administration, the restrictions on providing this important funding will not be released by this administration. The administration seems determined to hinder the health of women around the world; and while I am troubled that this detrimental policy continues, there is much good in this bill, particularly when you look at the Middle East.

I strongly support the increase of $60 million to the State of Israel for a total of $2.3 billion in foreign military financing and economic aid in this bill. I believe the United States must do more, though, to combat the anti-Israeli and Western stances taken by our supposed allies like Saudi Arabia. Saudi Arabia still has not lived up to the test of the President's ''you are either with us or against us.'' It is time for this administration to start treating Saudi Arabia like the supporter of terrorists that they are. We must take a stand in this House and let the Saudis know that their time of extremism is over, because we will not stand for it anymore.

Mr. Chairman—I want to commend my colleague Chairman JIM KOLBE and my good friend NITA LOWEY for their work to craft a fair and balanced bipartisan bill.

Representing one of the most diverse Congressional districts, I know how important U.S. foreign assistance is to nations around the World and I have seen the success of our assistance firsthand.

Under tight budgetary restrictions they have crafted an important bill which addresses the priorities that affect the developing world while also shoring up our global allies.

I was proud to work with the Chairman and Ranking Member on several initiatives that are important to my constituents and their families overseas.

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I hope the House conferees will work with the Senate to see that this program is funded during the conference committee.

I believe these types of programs are a step in the right direction to help solve some of the problems that we face around the world.

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I strongly support the increase of $60 million to Israel, for a total of $2.3 billion in foreign military financing and economic aid in this bill.

As Prime Minister Sharon begins the courageous disengagement plan of removing Israeli settlers from the Gaza Strip, this funding is more needed than ever to help Israel's security and shore up civil society programs in the Palestinian Authority.

As we continue to support our friend Israel from outside threats, I believe it is time to start to rethink the way we provide aid to Egypt.

In the House International Relations Committee recent markup of the Foreign Relations Authorization Act the way aid is given to Egypt was changed by our Chairman and Ranking Member.

Egypt is at peace with all of its neighbors and I see no external threats against them that warrant the need for keeping military assistance constant.

The real threat in Egypt is from within, the limited amount of freedom that exists for her people as the level of poverty increases is a dangerous mix.

The Government of President Mubarrak has shown that it is quite quick to throw dissidents into jail, discriminate against the Catholic Minority, tolerate anti Semitism and anti Zionism in the official press, throw gay Egyptians into jail and some of my colleagues say this is ok, that the devil you know is better than the devil you don't know.

The United States must do more to help end this dangerous mix before the problem creates instability.

Egypt has been a strong friend and ally and has done much to help bring about a peaceful solution to the Israeli Palestinian conflict but we cannot allow that to cloud our judgment.

I believe the United States must do more to combat the anti Israeli and Western stances taken by our supposed allies like Saudi Arabia.

Saudi Arabia has still not lived up to the test of the Presidents you are either with us or against us.

It is time for this administration to start treating Saudi Arabia like the supporter of terrorists they are.

We must take a stand in this House and let the Saudis know that their time of extremism is over because we will not stand for it anymore.

I also commend my colleagues for holding this Administration accountable on their lack of distribution of funds in the Millennium Challenge Account. The MCA created with great fanfare, has not lived up to the expectations set by this Administration.

I will hope that during the next few months of the Conference this Administration will work with Congress to insure that the MCA reaches the potential it was created under.

I urge my colleagues to support this bill.

Mrs. MALONEY. Mr. Chairman, I rise today in support of H.R. 3057, the FY06 Foreign Operations Appropriations Act.

I am pleased that the bill includes $55 million in funding for Afghan women, including $5 million for the Afghan Independent Human Rights Commission. This funding builds upon funding for Afghan women and girls included in an amendment that I offered to the FY04 Emergency Supplemental Appropriations bill.

Over the past four years, the United States has invested in the reconstruction and development of Afghanistan both because it is the right thing to do and because it is critical to our security.

Afghan women were brutally oppressed by the Taliban regime, but they have been reclaiming their role in society, in part because of critical U.S. assistance provided to Afghanistan. Millions of girls are attending primary schools, equal rights for women are guaranteed in the constitution, and approximately three million women voted in the election held last year. These victories are especially important given that women comprise 55–60 percent of the total Afghan population and should be a driving force in Afghanistan's economic and political viability.

However, while women are vastly better off than they were, many continue to endure many hardships including targeted violence, limited mobility, illiteracy, and the highest rate of maternal mortality in the world. By improving health care facilities and by giving women access to the skills and opportunities that they need to become partners in creating Afghanistan's future, we will ensure that women will no longer be second-class citizens.

While I hope that all the aid for Afghanistan will help women, I commend the Appropriations Committee for continuing to recognize the needs of Afghan women.

I also am pleased that the bill includes $34 million for the life saving work of UNFPA, the United Nations Population Fund. UNFPA is a global leader in providing reproductive health care, including family planning services to the world's poorest women. UNFPA helps women undergo pregnancy and childbirth safely and helps women and men to plan their families and avoid unintended pregnancies and protect themselves from HIV/AIDS infections.

UNFPA also is a leader in addressing the reproductive health care needs of women in emergencies. Humanitarian crises are often reproductive health disasters. Complications of pregnancy and childbirth are the leading causes of death for displaced women of childbearing age, and UNFPA takes the lead in providing supplies and services to protect the reproductive health of people in crisis. Most notably, UNFPA has played an instrumental role in helping to save the lives of women in Afghanistan by providing mobile health facilities as well as rebuilding maternity hospitals. The Afghan government was so grateful for this assistance they gave UNFPA a symbolic donation of $100 to support their work.

As we are all aware, for each of the last three years, President Bush has refused to release the funding that Congress has appropriated for this vital program due to this Administrations' unproven assertions that UNFPA supports coercive abortion in China. It has been estimated that the loss of each year's funding could prevent 2 million unintended pregnancies; nearly 800,000 abortions, 4,700 maternal deaths, nearly 60,000 cases of serious maternal illness; and more than 77,000 infant and child deaths. The Bush administration's refusal to release these funds puts at risk the very lives and health of women and children in the world's poorest regions.

It is my hope that this year, President Bush reconsiders the impact of his decision and releases the life-saving funding that this chamber is wisely approving today.

Mr. NUSSLE. Mr. Chairman, I rise in support of H.R. 3057, the Foreign Operations, Export Financing and Related Programs Appropriations Act for Fiscal Year 2005, which funds programs and activities carried out by the Departments of State, Treasury and Agriculture, the United States Agency for International Development, the Millennium Challenge Corporation, and the Export-Import Bank, among others.

This measure is the tenth appropriations bill to be considered under the fiscal year 2006 budget resolution, and provides for the foreign operations and export financing needs of our nation, clearly national priorities in a time of war.

I am pleased to report that it is consistent with the levels established by the conference report to H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006.

H.R. 3057 provides $20.3 billion in appropriations for Foreign Operations, Export Financing and Related Programs for fiscal year 2006. The bill provides $571 million in funding above fiscal year 2005, but it is $2.6 billion below the President's request.

The bill provides $1.25 billion less then requested for the Millennium Challenge Corporation, $478 million less in Economic Support Funds and $146 million less in Foreign Military Financing funding. In addition, the bill recommends no funding for Iraq—a reduction of $459 million—as over $5 billion in funds previously appropriated for Iraq relief and reconstruction remain unobligated and could be used to fund the requirements presented in the fiscal year 2006 request. H.R. 3057 also provides no funding for the World Bank's Global Environment Facility until it adopts a performance-based allocation system—a reduction of $107 million from fiscal year 2005.

H.R. 3057 provides a record level of $2.7 billion in funding to combat HIV/AIDS, tuberculosis, and malaria: $131 million more than requested by the President land $502 million, or 23 percent, more than provided in fiscal year 2005. Of this total, $2.3 billion is provided specifically for HIV/AIDS programs. The bill also fully funds the President's request of $2.5 billion in assistance for Israel, $1.8 billion in assistance for Egypt, $1 billion in assistance to support reconstruction and democratization activities in Afghanistan. In addition, $437 million in funding is provided for International Narcotics Control and Law Enforcement, an increase of $111 million, or 34 percent, over fiscal year 2005.

H.R. 3057 does not contain any emergency-designated budget authority or advance appropriations, but it does include a rescission of $64 million in previously enacted discretionary budget authority.

With total fiscal year 2006 appropriations equal to its allocation, the bill conforms with the budget resolution. Accordingly, the bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an Appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

In conclusion, I express my support for H.R. 3057.

Mr. JACKSON of Illinois. Mr. Chairman, I want to start by saying that I support H.R. 3057, and intend to vote for it in its current form. I also want to recognize the majority and minority subcommittee staff for their dedicated and professional work in meeting the demands of all subcommittee members despite scarce resources.

However, in a forum such as this, I would be remiss if I did not raise the following issues that I have consistently raised over the last several years in every relevant hearing, markup and floor debate of this committee.

Yesterday, around the world, 15–20 thousand people died of extreme poverty. Today, around the world, 15–20 thousand people will die of extreme poverty. Tomorrow, around the world 15–20 thousand people will die of extreme poverty. Extreme poverty, like malnutrition and disease,—not conflict—are claiming these lives.

The Foreign Operations Appropriations bill has a real opportunity to turn around these numbers. Look at what has been done to date. Smallpox eradication begun in the 1960s. Control of river blindness in the 1970s. Increased child immunizations in the 1980s. Initiatives to fight Guinea worm, trachoma and leprosy in the 1990s. And the effort to end polio in this decade. Measurable results produced with the dollars the Foreign Operations subcommittee provides.

But more can be done.

There is a phrase that former Labor-HHS Chairman Porter, a member of the Foreign Ops. subcommittee, was fond of saying, ''Noblesse oblige, the belief that the wealthy and privileged are obliged to help those less fortunate. In Luke, chapter 12, verse 48, Jesus simply says, ''To who much is given, much is expected.''

We are the wealthiest country in the world. We spend more money on our military than the entire world combined with the sole mission of protecting this country, its citizens and advancing U.S. interests.

We protect this country and advance U.S. interests by embracing the three Ds to a successful foreign policy: diplomacy, democracy and development. However, looking at all of FY 06 discretionary spending, I think we have been strongly emphasizing diplomacy and democracy and only given cursory treatment to development.

Providing significantly more resources to development would only further the dollars we spend on defense. Last year, Vice Admiral Lowell Jacoby of the Defense Intelligence Agency said, ''a number of factors virtually assure a terrorist threat for years to come . . . Despite recent reforms, terrorist organizations draw from societies with poor or failing economies, ineffective governments and inadequate education systems.''

I don't want anyone to misunderstand me. Given the circumstances, this bill is a tremendous effort. Chairman KOLBE, Ranking Member LOWEY and the subcommittee staff have put forward a laudable product.

But more should be done.

I keep hearing members of this committee and the House leadership say that this is a tight budget year. This tight budget year was not created by immaculate conception. Congress voted to make it a tough budget year. Congress approved the budget resolution. Saying it is going to be a tough budget year is like a farmer saying he is going to have a bad harvest because he didn't plant any seeds. Mr. Chairman, when Congress approved the FY '06 budget resolution we didn't plant any seeds. The budget allocation given to this subcommittee is not a natural disaster like a drought. This disaster was of our making.

In Matthew chapter 6, verse 21 , Jesus said, ''For where your treasure is, there will your heart be also.'' If this verse is true, what does it say about us, about Congress, about our government that we pass budget resolutions each year that spend almost $400 billion on defense, and hundreds of billions on all kinds of tax cuts for the most well off, yet we can't even match the President's request for international development. I have a masters in theology from the Chicago Theological Seminary and have read my bible from cover to cover, and nowhere does it say, ''only take care of the poor if it fits into your annual budget resolution.''

Noblesse oblige Mr. Chairman.

In 1984, referring to Marxist-ruled Ethiopia, President Ronald Reagan said, ''a hungry child knows no politics.'' I would also add that

a hungry child doesn't know a 302(b) allocations from a point-of-order.'' All he knows is that he is hungry.

Again, I plan to support this bill.

But more needs to be done.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to voice my support for the Global Environment Facility. The Global Environment Facility, GEF, is the primary financing mechanism for addressing global threats to the environment. After only a little more than a decade, the GEF has already established an outstanding record for cost-effective assistance to developing countries struggling with critical issues such as land-degradation, toxic pollution, energy efficiency, the elimination of ozone depleting chemicals, and the difficult task of facilitating sustainable development.

The GEF puts money into countries whose stability matters to us, and our participation in the GEF builds partnerships and a sense of cooperation with other donors in tackling global environmental issues. In addition to furthering U.S. interests, the GEF deserves support for the simple reason that it works. In the Middle East, for example, the GEF is crossing borders, bringing countries together to protect vital water and wetland resources.

U.S. leadership has played an important role in the GEF both as its leading donor and as a powerful voice for reform. Largely because of the United States, the GEF is now more effective, transparent and accountable than ever before. The institution has already met most of the reform criteria we have put forward, and the governing Council is nearing a compromise on the issue of performance-based allocation. Reaffirming our commitment in the current budget cycle will also send a positive signal for the next phase of GEF operations in which U.S. leadership will remain critical.

Clearly, I appreciate the tough decisions that this subcommittee has had to make with the allocation they were given. But we cannot allow the GEF to fail on our watch. I would like to thank Chairman KOLBE for his consideration in giving the GEF Council the opportunity to adopt pending reforms and, if they do so, in being willing to work to restore funding in conference for the GEF. I would also like to acknowledge the good work of my fellow co-chairs of the International Conservation Caucus, CLAY SHAW, JOHN TANNER, and especially Mr. ED ROYCE, for their good work on this issue.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today to voice my support for this bill, the Foreign Operations Appropriations Act for Fiscal Year 2006.

A strong foreign operations budget enables the U.S. to confront national security threats such as international terrorism and the proliferation of weapons of mass destruction, as well as strengthen relations with other countries, address challenges like the genocide in Darfur, help safeguard human rights, and address problems such as hunger and AIDS.

I am especially pleased with the strong and continued support in this bill for our close ally, Israel. This bill provides $2.5 billion in assistance for Israel, including $2.3 billion for military grants, and $240 million in economic assistance.

As Israel takes bold steps to promote the peace process by disengaging from Gaza and parts of the West Bank, relinquishing security control of West Bank towns, and releasing hundreds of Palestinian prisoners, this funding will be essential to Israel's security and economic well-being.

This bill also includes an important provision expressing the sense of Congress that Arab League countries should immediately end the boycott against Israel and its trading partners, and calls on President Bush to consider a country's participation in the boycott when determining whether to sell U.S. weapons to the country.

The bill also withholds U.S. funds for the International Red Cross headquarters building in Geneva until the organization recognizes the Magen David Adom Society as the national humanitarian society of Israel. Finally, the measure includes $40 million for the resettlement of refugees from the former Soviet Union, Eastern Europe and Ethiopia to Israel, provided through the Migration and Refugee Assistance Account.

To uphold our commitment to the only true democracy in the Middle East and America's closest ally in the war on terror, Congress must ensure Israel has the means necessary to defend herself.

Mr. Chairman, this bill provides these funds and reaffirms our dedication to Israel's well being, and for that reason, I urge my colleagues to join me in supporting it.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 3057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2006.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word for the purpose of entering into colloquy with the distinguished chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations regarding the fiscal year 2006 budget for counternarcotics programs in Peru.

Mr. Chairman, as chairman of the Committee on International Relations Subcommittee on the Western Hemisphere, I have been extensively involved in United States counternarcotics efforts in Central and South America. As a result, I was deeply disappointed to see that the President's fiscal year 2006 request for the Andean Counterdrug Initiative for Peru is 16 percent below last year's enacted level. The President's budget aims to reduce the U.S. assistance for Peruvian counternarcotic eradication and interdiction from a level of $62 million enacted in 2005 to a request of $54 million in 2006, and reduces alternative development funds from a level of $54 million to $43 million.

I believe this is absolutely the wrong time for such a cut and such a low level of funding, if enacted, will only jeopardize the gains we have made in Peru in the areas of coca eradication, interdiction and alternative development.

In 2004, with the assistance of the United States, Peru eradicated almost 10,000 hectares of coca, of which 7,500 hectares were eradicated manually by the Peruvian police, and another 2,500 hectares were voluntarily eradicated by Peruvian communities in exchange for community development programs. Moreover, alternative development programs supported legally grown crops on almost 20,000 more hectares of Peruvian farmland.

Historically, Colombian narcotraffickers sent cocaine base from Peru to Colombia for conversion into cocaine HCL, but in recent years the traffickers have relied more on coca cultivation and base production in Colombia. But the traffickers in Colombia are under increasing pressure from the Colombian Government, thanks to the successes of Plan Colombia.

So far we have successfully avoided a so-called ''balloon effect'' from the successes of Plan Colombia in terms of seeing Colombian traffickers substantially shifting cultivation of narcotics crops back to Peru. But there are warning signs, indications that coca cultivation is starting to spring up outside the traditional cultivation zones in Peru that point to this happening if we do not take steps to prevent it.

Additionally, there is good intelligence that appears to indicate an upward trend in terms of poppy cultivation in Peru regarding heroin. I have spoken to officials in Peru, and they are deeply concerned about these warning signs, as well as the emerging opium threat.

Recent Ministry of Peru data indicates that Peru now may have 1,400

hectares of opium crops, mostly in the north near the Ecuadorian and Colombian borders, and there are strong indications that opium latex is now being moved by Colombian drug dealers through Ecuador into Colombia for processing into heroin. A recent seizure of 4,440 kilos of opium in Peru, nearly half a ton of opium, potentially 40 kilos of processed heroin, shows just how serious the growth of opium is becoming.

Taken as a whole, I believe, as do my colleagues in Peru, that this data indicate that enacting drastic cuts for Peruvian counternarcotic efforts at this time would seriously undermine Peru's coca eradication efforts in the long term and the ability of Peru to implement a similar opium eradication program.

So, Mr. Chairman, the government and, more importantly, the people of Peru have recognized the dangers of narcotics to their society. Public polls last year consistently found that Peruvians see narcotics as the second most serious problem in the country after the state of the economy. The people of Peru have taken a courageous stand against the drug traffickers; and like the people of Colombia, they are taking their country back from the criminals and terrorists. Now is not the time to reduce U.S. support for their efforts.

I would like to yield to my colleague from Arizona to hear his views about this funding.

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

Mr. BURTON of Indiana. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding, and I am happy to respond. I want to thank the gentleman for his stalwart efforts in fighting narcoterrorism in Latin America. I share the gentleman's concerns and thank him for raising this issue here today.

Since 2002, Peru's budget under ACI has decreased slightly each year, but the decrease in the 2006 request was for an astounding 16 percent. Therefore, the committee included language in the House report rejecting these cuts and directing that not less than $61 million be made available for eradication and interdiction for Peru and not less than $53 million shall be available for alternative development and institution-building in Peru.

When the committee proceeds to conference negotiations with the Senate later this summer or fall, I commit to the gentleman that we will push for this funding in the final agreement.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, I thank the gentleman. I really appreciate his hard work in this effort. We can count on the gentleman, I know.

Mr. BAIRD. Mr. Chairman, I rise to strike the last word to engage the Chairman in a colloquy for the purpose of discussing the international narcotics control in methamphetamine.

Mr. Chairman, 2 weeks ago, Members of both sides of the aisle joined me in affirming this body's strong support for combating international methamphetamine trafficking. Today, I would like to thank the Chair and ranking members for their work on the foreign operations approps bill and for supporting the State Department's international narcotics control and law enforcement efforts above the FY 2005 level, particularly the $40 million in programs for Mexico.

As you know, the effects of international methamphetamine trafficking have invaded our communities and homes. SONDCP reported earlier this year that approximately two-thirds of meth production comes from large labs increasingly from Mexico. The trade also has origins in China, India, Germany, and the Czech Republic in the form of precursor manufacturing.

Recently, the Oregonian reported that only nine factories manufacture the bulk of the world's supply. We simply must get a handle on this situation in order to stop the sweep of this drug across this country and prevent it from infesting our areas.

I see mention in this bill report language on poppy cultivation and heroin trafficking. However, I do not see any explicit language on the importance of controlling the importation of meth precursors such as sudafedrine and efforts to train international customs officials to better control these imports.

Has the chairman considered addressing this issue in report language of this legislation?

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

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

Mr. KOLBE. The report language does not specifically raise the topic raised by the gentleman from Washington. I am certainly glad that he has taken this moment on the floor because of his interest in this issue, and I agree with him about the importance of our counternarcotics and law enforcement assistance in Mexico.

He correctly points out that the bill includes $40 million in international narcotics and law enforcement assistance for the country of Mexico. Part of this represents a restoration of funding to last year's level. The President had only requested $30 million for this purpose in this year's bill.

So I would be happy to work with the gentleman from Washington as we move forward with this bill with the Senate and in conference. We can work together to make sure that the issue of methamphetamine trafficking as it relates to Mexico is forthrightly addressed in the administration's request or in the final budget account. In representing a district right along the border, I understand fully the importance of this issue.

Mr. BAIRD. Mr. Chairman, reclaiming my time, I thank the gentleman for his leadership on this issue and his willingness to work together on this and appreciate the time.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word for the purpose of a colloquy.

Mr. Chairman, 25 years ago this April, the breakaway British colony of Rhodesia emerged from years of guerilla conflict as the new nation of Zimbabwe. The United States and many other Western nations were hopeful that Zimbabwe's new President, Robert Mugabe, who came to prominence as a guerrilla leader in the 1970s, would moderate his Marxist views and build a better future for all Zimbabwe citizens.

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Zimbabwe's people also had high hopes. The country had considerable natural wealth and, despite years of bitter warfare, many in the business community opted to remain, providing crucial economic stability. Zimbabwe's people were determined not to share in the fate of so many of their neighbors, who had also emerged from colonialism amid fanfare and high expectations.

Now, after a quarter century of tyrannical and frequently bizarre misrule by Mr. Mugabe, Zimbabwe is shattered. Its inflation rate is the highest in the world, unemployment estimates range up to 80 percent, with seven in 10 Zimbabweans living below the poverty line. Zimbabwe has one of Africa's highest HIV/AIDS infection rates, with more than a quarter of the adult population infected.

While the Mugabe regime has frequently resorted to Draconian internal security laws and plain old thuggery to suppress and divide the Zimbabwe opposition, Harare's intimidation tactics have taken an especially nasty turn in the last 3 months since the country held parliamentary elections at the end of March.

Those elections, which were won by Mugabe's ruling party, were fraudulent and widened the schism between Zimbabwe's urban masses, who tend to support the opposition, and rural voters, who make up the bulk of the ruling party supporters.

To punish his opponents, Mr. Mugabe's government has waged a 6-week campaign, revealingly called ''Operation Drive Out Trash,'' against opposition strongholds in Zimbabwe's cities. Tens of thousands of bewildered families have been forced into the open of the cold winter after police torched and bulldozed their shanty town homes on the flimsiest of pretexts. Street markets were also targeted and left smoldering in ruins.

Last week, the government, in a nation facing severe food shortages, moved on to vegetable gardens planted by the poor in vacant lots around Harare. Authorities claimed the gardens threatened the environment.

International human rights groups say at least 300,000 people have lost their homes by conservative estimates. The United Nations puts the figure as high as 1.5 million.

Mr. Chairman, I know that many of our colleagues share my anger and my sorrow at a state of affairs that is beginning to look eerily like Cambodia

after the Khmer Rouge came to power in 1975. I have no desire to cut U.S. aid that goes to help the people of Zimbabwe and their struggles against HIV/AIDS and one-party rule, but I feel that we cannot stand by and watch Zimbabwe become a failed State.

I am especially frustrated by the failure of the African Union and SADC, the Southern African Development Community, to confront the horrors going on in Zimbabwe. I hope that the AU will, at the weekend summit in Sirte, Libya, take a firm stand against the Mugabe regime's excesses, and I urge President Bush to make it clear at next week's G–8 meeting that South Africa's President Thabo Mbeki, who has refused to confront Mr. Mugabe and we hope Mr. Mbeki will take a strong and unequivocal stand against the Zimbabwe regime.

Will the chairman work with me and the chairman of the full Committee on International Relations and other interested Members in developing policies that continue to assist the Zimbabwe people while putting additional pressure on the Mugabe regime?

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

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

Mr. KOLBE. Mr. Chairman, I want to say that I share my colleague's abhorrence regarding the rule in Zimbabwe, and he has outlined it, I think, extraordinarily well. Through his mismanagement and outright oppression, he has driven Zimbabwe, once known as the bread basket of southern Africa, into the greatest source of instability in the region. I want to make it clear that no funding, no funding from this bill will be used to support Mr. Mugabe's government.

The bill does include $15 million to help the people of Zimbabwe. I feel strongly that this assistance is critical and must be sustained. Over $11 million of this is for HIV/AIDS and other health programs. Most of the rest is used to help strengthen citizen groups and other organizations, so one day the people may have an effective voice against Mr. Mugabe and his cronies.

Democratic change must be driven by the people. As we have seen in Georgia and Ukraine, our democracy programs can be effective in supporting that process. And, the people of Zimbabwe must not feel that the international community has given up on them.

While I feel strongly that our assistance to the Zimbabwean people must be sustained, I will be happy to work with the gentleman to find ways to increase pressure on President Mugabe.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for his leadership.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the gentleman from California for raising this issue. I too am very concerned about the repressive and totalitarian turns that Zimbabwe has taken in recent years under Mr. Mugabe.

The decision to evict thousands of poor people from their homes and bulldoze their property is one of the worst forms of brutality Mr. Mugabe has used against his own people, who are already suffering from food shortages and economic stagnation. He is truly relentless in his effort to quash any opposition he perceives.

As the chairman has said, there is no U.S. funding for Mr. Mugabe's regime contained in the bill. However, at a time when Zimbabweans are suffering so much, I am loathe to place conditions or limitations on any assistance that might help the beleaguered people of the country and ease their isolation from the rest of the international community. I am particularly concerned about any limitations on HIV/AIDS programs which comprise the bulk of our assistance to Zimbabwe.

Once again, I thank the gentleman from California (Mr. SCHIFF) for raising this issue, and I hope to work with him and the chairman as the bill progresses.

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

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

Mr. MENENDEZ. Mr. Chairman, last year I joined the chairman and the ranking member here on the floor to send a clear and, I thought, bipartisan message that it is not in the national interest, nor in the national security interest, of the United States to slash our development funding to our neighbors in our own front yard here in the Western Hemisphere.

Yet, I find myself here once again to send the same exact message. To be frank, it makes me question whether the administration was listening to what Congress said last year.

As the ranking member on the Subcommittee on the Western Hemisphere and as a member of the Congressional Hispanic Caucus, and as an American, I was outraged when the President, in his proposed fiscal year 2006 budget, slashed core development funding to Latin America by over 12 percent.

In his fiscal year 2005 budget, Latin America was the only region in the world, the only region in the world, to be cut in both total economic and development aid, and total narcotic and military aid. In his fiscal year 2006 budget, the President once again broke his pledge to the people of the Western Hemisphere. So much for looking southward, not as an afterthought, in U.S. foreign policy, an integral part of a forward-looking vision we were promised, this certainly is not it. So much for being an amigo, a friend of Latin America.

And, if we look below the broad 12 percent cuts, we find even more disturbing trends. Under the administration's proposed budget, basic education funding would be cut by over 20 percent and adult literacy funding would be cut by 28 percent, as compared to the fiscal year 2004 budget. In the midst of the debate on CAFTA, the President cuts development assistance funding to El Salvador by over 30 percent, and child survival and health funding to the Dominican Republic by over 18 percent. This will only exacerbate the gap between those who have and have not.

At a time when Latin American presidents are being toppled left and right by crowds frustrated with the failure of government to provide them with adequate education, housing, and health care; at a time when anti-Americanism is on the rise throughout the hemisphere; at a time when our hemisphere is growing smaller, when infectious diseases move throughout the hemisphere, when crime penetrates borders, when terrorists may use failed States as safe havens, these cuts are the wrong policy for the United States of America.

Let me be clear: a stable, safe, and prosperous neighborhood is in the national interest and national security interest of the United States. It is in the national interest of the United States to increase demand for U.S. goods in a region of 500 million people by enhancing economic development. It is in the national interest and national security interest of the United States to create greater economic growth in Latin America so that people will not seek to leave their homes out of despair. It is in the national interest and national security interest of the United States to increase stability in our hemisphere, because chaos and insecurity creates unwanted opportunity for terrorists and criminals throughout the region. That is the reality.

So I want to take this opportunity, as I express these frustrations and these criticisms, at the same time to commend the gentleman from Arizona (Chairman KOLBE) and the gentlewoman from New York (Ranking Member Lowey) for their bipartisan effort on this issue, particularly for including language which restores funding specifically to Central America directly in the bill text, since similar report language in our statements on the floor have been ignored in the past. I also hope our friends in the administration understand that the report language disagrees with the deep cuts to development assistance for the entire hemisphere.

I believe that we should restore all development funding that was cut to the hemisphere, not just to Central America. It has been static for so many years, and then we cut it in addition to that. It is woefully inadequate for the national interest and security interest of the United States.

But I do not believe that restoring funding to fiscal year 2005 levels is enough. In fact, that would be an overall decrease, even then, since there is no increase that accounts for inflation.

So I hope that we can move in a different direction. I know that Hispanic Americans in this country are increasingly paying attention to this issue. We are going to hear a lot of debate

about Central America and the Central America Free Trade Agreement at the same time we are eviscerating the very programs that can help create stability and opportunity within the hemisphere.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes.

There was no objection.

Mrs. LOWEY. Mr. Chairman, I want to thank the gentleman for raising this important issue today. I agree with him that ensuring a robust level of funding for all of Latin America, particularly in the Child Survival and Development Assistance account, serves U.S. national interests. We need to remember that the challenges of development are not only found halfway around the world, they exist in America's own backyard as well.

I want the gentleman to know that the chairman and I worked hard to restore cuts proposed to these two accounts in the President's budget request, and it would be my expectation that the funding in this bill is sufficient to ensure that at least the fiscal year 2005 levels would be achieved. That was certainly our intent in working to avoid the proposed cuts.

I thank the gentleman again for raising this very important issue.

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

Mr. Chairman, I just want to make one point to the membership on both sides of the aisle. As has been the case with most appropriation bills this year, we are trying to work our way to a unanimous consent agreement that will limit time for discussion of amendments to this bill in such a way that we can finish this bill today.

Right now, the unanimous consent agreement which is being worked on would result, if you take into account the debate time plus the slippage time that occurs between each speech, we would probably be on the floor for about 6 to 6½ hours, not counting vote time. That means that we would be very lucky to finish this bill by 10 o'clock tonight.

We are being asked to do so earlier if possible so that we can finish the transportation bill by debating it on Wednesday and Thursday, trying to avoid a Friday session before the July Fourth break.

We are getting, frankly, crossed signals from Members. Some Members want to see to it that we get out by Thursday; other Members want to see the time on their amendments extended. We cannot accomplish both goals at the same time. So I ask Members to choose for themselves what they want, whether they want to be here Friday or whether they would like to reach a reasonably congenial agreement on time limits so that we can finish this bill at a reasonable hour tonight and finish the remaining appropriation bill by Thursday.

But this is really up to Members. We cannot control what Members offer on the floor; all we can do is deliver the bad news.

□ 1500

Ms. SOLIS. Mr. Chairman, I move to strike the last word.

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

Ms. SOLIS. Mr. Chairman, today I rise in strong support of the United Nations Population Fund. Regrettably, the underlying bill continues the Bush administration's policy of prohibiting the use of U.S. funds to pay for vital family planning services for millions of women around the world.

As we all know, UNFPA is the single largest global source of multilateral funding for maternal health and family planning programs. It works to provide support to over 150 countries by helping with the delivery of healthy babies, providing prenatal care and educating men and women about HIV and AIDS and other sexually transmitted diseases so people can live healthier lives.

This fund helps women and families in 30 countries in Latin America and the Caribbean and many more in Asia, Africa and Arab countries. In Nicaragua, Central America where my mother was born, families and poor women in particular struggle for survival. Infant mortality rates there are three times higher in the lowest income group and almost half of all Nicaraguan girls become pregnant by the age of 19. These infant mortality rates and teen pregnancy rates demonstrate the need for maternal health care and family planning services through this fund.

Also, the underlying bill continues the global gag rule which prohibits U.S. funding to any private or nongovernmental or multilateral organization that uses its own funds to directly or indirectly perform abortions abroad except in instances of rape and incest.

Restoring the UNFPA funding could prevent 2 million unintended pregnancies, nearly 800,000 abortions, 4,700 maternal deaths, and nearly 66,000 cases of serious maternal illnesses and more than 77,000 infant and child deaths.

We must work together to restore this funding and improve the lives of women all over the world.

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

Mr. Chairman, I may not be able to be here during the debate on an amendment for veterans, and I wanted to speak to it. I want to offer a little history, but I think it is a balanced history from both sides. I remember when President Clinton's budget on the veterans, the VFW, the American Legion, Vietnam veterans, all rallied against the budget because it cut veterans health care. We worked with the other body, both of us on both sides of the aisle; and even some of those that voted with President Clinton on his budget voted with us to restore that health care by $1 billion.

We have increased veterans health care by 16 percent. But it is not enough. There is a shortfall and we must attend to it.

Historically, this body works with the other body in conference and I believe that some of those dollars will come forward, maybe not what we all want, but I believe some of those dollars will come together for veterans health care.

I remember in 1993 when my colleagues occupied the White House, the House and the Senate, veterans COLAs were cut. Military COLAs were cut. And there was a tax increase on the middle income.

In 1994, when Republicans took the majority, together with Republicans and Democrats, many of the same Democrats that voted with the President on his budget restored the military COLAs. We worked together to restore the veterans COLAs. And I would have to say probably on this side we will take a little more credit for restoring and reducing the tax on the middle class.

We have worked together, although we have not got what we want on concurrent receipts. For 40 years my colleagues on the other side did not address concurrent receipts. And we have. But at the same time, when it has been addressed under a Republican majority, then the Democrats have come forward and helped us.

Two different sessions we have passed bills on concurrent receipts together. And now there is a bipartisan commission going forward to see what direction we will write down.

I look at TRICARE for life, which we worked together on.

Subvention. I did not write the subvention bill, but my veterans in San Diego, California wrote that bill and put it forward, basically, where you can use Medicare dollars at VA health care.

The Filipino Veterans Equity Act. One of the gentlemen on the other side I very rarely vote with. But we worked together to restore the promise that was made to our Filipino veterans back during the MacArthur days, and we have worked together on that as well.

You do not have to look far to see where we come together, and I do not think any Member on either side of the aisle can look at another one and say, you do not care about veterans; you do not care about our military; you do not care about our Guard and Reserve. That is just not true.

Some people vote against military issues. Maybe their district has got extreme poverty and it is a way of funding their issues and their problems. It does not mean they do not care about the military itself.

The Republican budget looked at many years of substantial increases and almost every account, including veterans, including education and health care. But we decided to get our arms around the deficit.

Many of my colleagues on both sides talk about the deficit and the debt. If we, as Members, or you, Mr. Chairman, if you have got a checkbook and you spend more than you are going to take in, you are going to be bankrupt, and you are going to have less in the future to spend. For us to get our arms around this budget and still fund our priorities, I think we will when we come together with the other body.

A classic case of savings: the welfare reform bill passed many years ago which was lauded by President Clinton as one of the best bills to help people in this country. I also happen to agree with him.

But at the same time we have gone through these increases, we have been fighting the war on terror. If you look at Kadafi, his nuclear weapons are in the United States today. And even more important, we have found the black market that supported North Korea, Pakistan, India, and others. What kind of value is that to us, not just to our veterans, but our military and our homeland security?

I mentioned a minute ago Khalid Sheikh Mohammed and Hambali and Abu Halibi, the people that were actually planning raids on the United States. Now, those people are all made up of military that then become veterans, and we owe them a priority.

Ms. WATERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to ask the gentleman from Arizona (Mr. KOLBE) to engage with me in a colloquy. And I take this opportunity to thank the gentlewoman from New York (Mrs. LOWEY) for all of the fine work that she has done on this appropriation. And I would like to thank the gentleman from Arizona (Mr. KOLBE) for the concern and care that he has shown for Africa and on this issue of HIV/AIDS over the years. And I do appreciate it.

But I rise today to talk about the fact that back in 2003, January 2003, the President made a commitment. If you recall in his State of the Union address, he said he was going to provide $15 billion over 5 years. That is $3 billion a year for global HIV/AIDS programs.

In the past year, the President's Emergency Plan for AIDS Relief, or as it became known as PEPFAR, has been underfunded significantly. I do appreciate the work that you have done. But in fiscal year 2003, we only received $1.6 billion for global HIV/AIDS programs.

In fiscal year 2004, only $2.3 billion was provided for those programs. We have done better in 2005, receiving $2.9 billion.

So the total funding for the last 3 years is only $6.8 billion. Congress would have to appropriate $8.2 billion over the next 2 years to complete the commitment for $15 billion for the 5-year commitment.

Why do I push this? I push this because every year 3 million people die of AIDS. Every year 5 million people become infected with AIDS. Over 25 million are living with HIV/AIDS in sub-Saharan Africa and over 7 percent of the adults in sub-Saharan Africa are infected by this deadly virus.

So while I thank you, I guess the question I am asking is can we do more and can we even save this funding that is in the budget, given that one of your Members, the gentleman from Iowa (Mr. KING) is talking about cutting it?

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

Ms. WATERS. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentlewoman for her comments and for her kind remarks about my support for HIV/AIDS funding. It is a commitment that I share with the gentlewoman from California. I believe very strongly in the importance of this. In fact, when I became chairman of this subcommittee, I said there were three primary things that I wanted to do, and this was one of them.

I think the gentlewoman is forgetting something, and that is there is funding in another appropriation bill for international AIDS, largely in CDC and NIH, in the Labor-HHS bill. When you add those amounts in, this year, we are at $3.2 billion total funding for HIV/AIDS and international programs, so we are above. If you take the $15 billion over 5 years that the President talked about, $3 billion would be a level funding. We started off below that. This year in the third year we are above it. We are not only on target to meet the $15 billion; we will be above that by the end of the fifth year. So we are moving clearly in that direction. And I believe that we are showing our commitment.

We are $131 million this year above the amount requested by the President. We are $502 million above the amount that was appropriated in 2005. That is just in our particular appropriation bill.

So I do share the gentlewoman's concerns about this, and I believe, however, that we are moving very strongly in that direction. And perhaps the gentlewoman from New York would like to add something.

Ms. WATERS. Mr. Chairman, reclaiming my time, I was referring to the PEPFAR portion of this. It was my understanding that the $15 billion commitment was above and beyond the other programs that you are alluding to. But I do appreciate that.

Mr. KOLBE. If the gentlewoman would yield just for one clarification, I think the gentlewoman is mistaken on that. The $15 billion was a total for all HIV/AIDS programs, not just the PEPFAR's program. So when you look at all the programs that were already under way in bilateral programs, things being done in NIH and CDC as well as in the new PEPFAR program, the global fund, all of that, we will be well above, I think we will be considerably above the $15 billion.

Ms. WATERS. Well, I understand that and I appreciate the gentleman correcting my thinking relative to where the money was to come from, because in the AIDS activist community, we were all under the impression that the PEPFAR fund alone would produce the $15 billion. But we will certainly take that information.

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

The CHAIRMAN. Without objection, the gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

There was no objection.

Mr. KOLBE. Mr. Chairman, continuing this colloquy, just so you have the numbers correct here as we see them here: in 2004, total appropriations for international AIDS programs was $2.4 billion. In 2005 it was $2.9 billion; and in 2006, the current year that we are funding, it is $3.2 billion. That gives you a total of $8.5 billion which means that we have $6.5 billion left to do in the next 2 years in order to reach the $15 billion. That would be slightly less, actually, than $3 billion a year to meet that. So I do believe we are on target.

Mr. Chairman, I yield to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I thank the gentleman and I want to thank the gentlewoman for her commitment to combating the HIV/AIDS pandemic. She has been a strong and constant voice championing the cause of the poorest, and I agree with my colleague from California that more needs to be done to help address the HIV/AIDS pandemic.

The gentleman from Arizona (Mr. KOLBE) discussed the funding in the bill. However, we all agree, and I know the chairman agrees, that more needs to be done. And the U.N. has estimated the total resources needed to combat HIV/AIDS around the world to be $15 billion per year. An additional $5 billion is needed to combat TB and malaria. And while I do not believe that the United States can or should fulfill all of the need on our own, the amount that we are currently contributing, about 15 percent of the total need, is not representative of what we are capable of doing.

□ 1515

So although the Chair has mentioned, and I would agree that we have done as much as we possibly can in this bill, I would like to work with him, you, and certainly with the Chair to make sure that we continue to increase our commitment to HIV/AIDS. I thank the gentlewoman for entering into this colloquy.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I want to thank the gentleman for his commitment. The gentleman has demonstrated his commitment to this issue as much as anyone, more than most in the Congress of the United States. And I am going to review the numbers and

take his representation of how that funding has come together and have further discussions with the AIDS community. They are so concerned because since the President's commitment, over 7 million people have died. And also we will have an amendment coming up today from the gentleman from Iowa (Mr. KING), and although I do not want to preempt the gentleman's presentation, I would hope the gentleman would join me in helping to put that down because that would undermine all the work that he has done.

Mr. KOLBE. I thank the gentlewoman for her comments.

My purpose in going through those numbers was simply to illustrate that we are meeting this commitment, not as the gentlewoman from New York (Mrs. LOWEY) suggested, not that it is enough. There is not enough. We are not doing enough. But I think we are meeting the commitment we did make. This is a pandemic of absolutely unprecedented proportions, and we need to be doing a lot more in Africa, in the Caribbean, in Southeast Asia, now in countries like China and in Russia where it is growing with great rapidity. So there is a lot more that needs to be done. I thank the gentlewoman for highlighting that and providing the clarion call today for this country and for the AIDS community around the world to respond to this need in this pandemic.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $125,000,000, to remain available until September 30, 2009: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until September 30, 2024, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2006, 2007, 2008, and 2009: *Provided further*, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $73,200,000: *Provided*, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2006.

AMENDMENT OFFERED BY MS. HOOLEY

Ms. HOOLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOOLEY:

Page 4, line 1, after the dollar amount, insert the following: ''(reduced by $5,000,000)''.

Page 30, line 8, after the dollar amount, insert the following: ''(increased by $5,000,000)''.

Mr. KOLBE. Mr. Chairman, I say to the gentlewoman from Oregon (Ms. HOOLEY) that I am prepared to accept this amendment.

I have concerns about a large cut in Ex-Im Bank expenses, but I certainly agree that the need in Mexico is very great to fight methamphetamines, and I certainly am prepared to accept this amendment.

Ms. HOOLEY. Mr. Chairman, I appreciate the chairman's willingness to accept this amendment. I will be extremely brief.

Methamphetamine has traveled across this country. It is a huge problem. There are many children who are being referred to other people because of methamphetamine. In my State, 75 percent of the crime that is committed is because of methamphetamine.

We know that roughly 200 tons of pseudoephedrine is needed to produce all the meth sold in the United States. This pseudoephedrine from Mexico can produce half of our Nation's supply of this deadly drug. Again, we need to do everything we can to fight the spread of methamphetamine.

My amendment would provide the State Department with additional resources. With so much of meth in this country coming from Mexico, we must take action to stop the production and importation of this dangerous drug. As any cop in America will tell you, meth is destroying our communities. This should be one of the top foreign policy items on our bilateral agenda.

I thank the gentleman for accepting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The amendment was agreed to.

Ms. BERKLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to discuss foreign aid, American tax dollars that are going to the Palestinian Authority.

The problem the Palestinians have has nothing to do with money. The problem is a complete failure of their leadership. The United States has provided an average of $85 million a year per year since 1993. Not counting inflation, this comes to over a billion dollars. We have provided direct aid to the Palestinian Authority on three occasions, $36 million in 1994, $20 million in 2003, and another $20 million again in 2005.

Since 1975 we have given over $1.2 billion of assistance for the West Bank and the Gaza. Between 1994 and 1998 American taxpayers gave $65 million to expand economic opportunity in the Palestinian controlled areas and $85 million to help the Palestinian people establish their own government.

Before Congress decides to spend another $150 million, I would just like to know exactly what the Palestinian Authority has done with all of this money. With all of the money the United States has spent, with all of the international aid, the Palestinian people still live in squalor. After decades of aid and billions of dollars, it boggles the mind that there is no economic self-sufficiency and no improvement to the quality of life.

How is that possible? Because it is not about the money. It is about the Palestinian Authority failing to do what any responsible government would have done with several billion dollars, build infrastructure, improve health care, provide economic opportunities, improve education, and move the Palestinian people into the 21st century.

The money is not going into housing. Palestinians continue to live in wretched conditions in refugee camps with corrugated tin roofs and dilapidated ramshackle huts. The money is not going to schools. If it was, Palestinian children would not be rioting in the streets. They would be sitting in classrooms being trained as the next generation of doctors and engineers who will lead their people in the 21st century instead of being trained as terrorists and suicide bombers.

Palestinian education is little more than anti-Israel, anti-Semitic and anti-American rhetoric. The Palestinian Authority continues to be financially corrupt and morally bankrupt and that is why the Palestinian people turn to Hamas, the most dangerous terrorist organization on the planet, to get their basic needs met.

The problem is not a lack of money. The Palestinian leadership is either unable or unwilling to provide for basic needs of its people. It is either unwilling or unable to lift them out of poverty. It is either unwilling or unable to prepare them for statehood and self-sufficiency.

Until they disarm the terrorists and dismantle the terrorist organizations, Abu Mazen and the Palestinian leadership are sentencing their people to continued misery, continued hopelessness, continued anger and continued self-loathing. Year after year, generation after generation.

The problem is a lack of Palestinian leadership, a lack of vision, a lack of hope for the future, not a lack of money. Mr. Chairman, if our money has not been doing any good, why are we giving more? Until we get some answers we should not give another penny to the Palestinian Authority. As a matter of fact, we should be asking for a refund.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $42,274,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $20,276,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2006 and 2007: *Provided further*, That such sums shall remain available through fiscal year 2014 for the disbursement of direct and guaranteed loans obligated in fiscal year 2006, and through fiscal year 2015 for the disbursement of direct and guaranteed loans obligated in fiscal year 2007: *Provided further*, That notwithstanding any provision of the Foreign Assistance Act of 1961, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,900,000, to remain available until September 30, 2007.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2006, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, $1,497,000,000, to remain available until September 30, 2007: *Provided*, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children displaced or orphaned by AIDS; and (6) family planning/reproductive health: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: *Provided further*, That of the funds appropriated under this heading, not to exceed $250,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: *Provided further*, That the following amounts should be allocated as follows: $347,000,000 for child survival and maternal health; $25,000,000 for vulnerable children; $350,000,000 for HIV/AIDS; $200,000,000 for other infectious diseases; and $375,000,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: *Provided further*, That of the funds appropriated under this heading, and in addition to funds allocated under the previous proviso, not less than $200,000,000 shall be made available for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (the ''Global Fund''), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2006 may be made available to the United States Agency for International Development for technical assistance related to the activities of the Global Fund: *Provided further*, That of the funds appropriated under this heading, $65,000,000 should be made available for a United States contribution to The Vaccine Fund, and up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading ''Operating Expenses of the United States Agency for International Development'' for costs directly related to international health, but funds made available for such costs may not be derived from amounts made available for contribution under this and preceding provisos: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That to the maximum extent feasible, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement shall be made available only for the procurement of condoms manufactured in the United States: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

AMENDMENT OFFERED BY MR. PITTS

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

The Clerk read as follows:

Amendment offered by Mr. PITTS:

AMENDMENT TO H.R. 3057, AS REPORTED, OFFERED BY MR. PITTS OF PENNSYLVANIA

Page 7, line 2, after the dollar amount, insert the following: ''(increased by $750,000,000)''.

Page 8, line 3, after the dollar amount, insert the following: ''(increased by $750,000,000)''.

Page 41, line 1, after the dollar amount, insert the following: ''(reduced by $750,000,000)''.

Page 41, line 4, after the dollar amount, insert the following: ''(reduced by $750,000,000)''.

Mr. PITTS. Mr. Chairman, I commend the chairman for his work on these complicated issues but I rise to raise an issue that we just heard about from the gentleman from Maryland (Mr. HOYER) and which we have heard about in past years from the gentleman from California (Mr. LANTOS). I think the time has come to say enough is enough.

Since 1979 Egypt has been the second largest recipient of U.S. foreign assistance. Each year Egypt receives about $2 billion in economic and military aid. The money goes to support our strategic ally in the Middle East. But I think this money is largely misspent today on a nation that refuses change and excuses oppression.

The State Department tells us that Egyptian police routinely use torture to extract confessions and detain suspects without charge or trial. Egyptian authorities harass and imprison opposition party candidates on trumped up charges. The government is engaged in an unwarranted and dangerous military build-up. It oppresses religious minorities. It violates human rights. It obstructs democratic reforms. It censors the media. In fact, the media is controlled by the government there and they permit a lot of anti-Semitism and hate speech. It continues to arrest Christian converts who leave Islam. I could go on and on.

Egypt is an ally. But we can no longer afford to excuse oppression with the rhetoric of stability and the politics of fear.

We can no longer afford a wholesale subsidizing of such huge violators of basic human rights and basic freedoms.

My amendment would take some of the money that we spend to underwrite the Egyptian military and send it to programs that fight malaria by increasing USAID's Child Survival and Health Account for other infectious diseases, particularly malaria. Malaria kills as many as 3 million people each year. Up to 90 percent of these deaths occur in Africa and 90 percent are children under the age of 5. And though it is difficult to accurately assess the scale of the disease, the WHO estimates that 40 percent of the world's population is at risk of malaria, and there are between 350 and 500 million clinical cases every year.

Malaria disproportionately affects the poor. Fifty-eight percent of malaria deaths occur in the poorest 20 percent of the world's population, a higher percentage than for any other disease of major public health importance.

Reducing Egypt's military subsidy by $750 million will serve to send a strong message. Money sent to a nation, even a strong ally like Egypt, that refuses to make the necessary political, democratic and human rights reforms should be redirected to a place that better represents our values. In this case I can think of no better use for this funding than to treat and prevent malaria in Africa.

According to the CBO, this transfer will result in a savings of $400 million in FY 2006 in net outlays. A vote for this amendment is a vote for more responsible Federal spending. It is a vote for American values. It is a vote for kids. It is a vote against the status quo of Egypt's dictatorship.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I do rise in strong opposition to this amendment. Our assistance to Egypt has been longstanding and Egypt remains an important ally in the Middle East.

I would be among the first in this body to admit my concerns about Egypt's actions or sometimes their lack of actions when it comes to building programs of democracy in that country. And we have had a lot of discussion at both the subcommittee and full committee levels regarding ways to address these concerns.

I accept the amendment offered by the gentleman from Wisconsin (Mr. OBEY) to fence $100 million of our economic assistance to Egypt and to put an earmark around those or to fence it so they could be used specifically for democracy and education programs. That is the first time that we have ever done that in this earmark for Egypt.

□ 1530

I think that sends a very strong message to Egypt. So this amendment, however well-intentioned, is not going to be constructive.

The relationship that we have with Egypt goes back 2 decades. We should not forget that prior to the Camp David agreement Egypt and Israel engaged in several wars and Egypt was an ally of the Soviet Union. That changed when President Sadat and Israeli Prime Minister Begin negotiated a peace agreement in 1978 with the help of the United States.

As part of that agreement and in an effort to bring stability and security to the region, the United States agreed to provide major economic and military assistance packages for both Israel and Egypt. Six years ago, the Committee on Appropriations under the leadership of my predecessor, former Congressman Sonny Callahan, initiated a policy to begin a phase-down of economic assistance for both Israel and Egypt. This resulted in a decision to phase out Israel's economic assistance by $120 million per year over 10 years, while increasing military assistance by $60 million. Egypt's economic assistance declines $40 million per year with no increase in military assistance.

The agreement reached 6 years ago modifying the Camp David funding formula was agreed to by the parties involved, including the administration. An amendment that would help to impose a new funding regime, a new funding formula on this money, this carefully balanced money that goes to the partners in the Camp David accords, not as a result of any discussion or negotiations with them, but by unilateral action by this body, would undo the delicate balance of economic and military assistance and would be diplomatically disastrous for the United States.

It would not be wise for Congress to disrupt any cooperation that exists between Israel and Egypt by cutting the military assistance to Egypt; and I can assure my colleagues, this is certainly not supported, though I do not speak for them, I feel quite certain in saying this is not supported by the Government of Israel.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman raises important issues. For the last several years, I have joined many of my colleagues in expressing concern about the composition of the U.S. aid package to Egypt. Why, at a time when Egypt has no major enemies, should we be providing over $1 billion each year in military assistance? Why, when Egypt lacks economic prosperity, should we maintain such a high level of military aid even as economic assistance levels drop?

In Cairo last week, Secretary of State Rice announced a new commitment to human rights in the Arab world, imploring the Egyptian Government to hold free and transparent elections and end human rights abuses, and I was very pleased to hear her remarks. For too long, we have coddled undemocratic regimes, looking the other way as democracy and freedom have been stifled.

Despite President Mubarak's pronouncements to the contrary, Egypt is a hotbed neither of democratic reform nor respect for the rights of the opposition.

In late May, members of the Egyptian movement Kifaya, which means ''enough'' in Arabic, were beaten and dragged through the street by a government-organized mob. Police stood by as women were sexually assaulted; and in some cases, police actively participated in beating and arresting protesters. What radical agenda does Kifaya have? Free, fair, and transparent elections.

Or consider the case of Ayman Nour, leader of a small Egyptian opposition party, who was jailed on charges of faking signatures to form his party. In the weeks leading up to his arrest, Nour had called for a constitutional overhaul to restrain Mubarak's powers.

Nour spent 42 days in prison being beaten and held under inhumane conditions and is awaiting a trial that will start next week.

The Egyptian record on human rights is rivaled by its record on incitement in the media. Even as diplomatic relations between Israel and Egypt continue to progress, with the recent return of Egypt's ambassador to Israel, anti-Israel and anti-Semitic attacks in the official Egyptian media persist, with claims of Holocaust exaggeration, Zionist-Nazi collaboration, and anti-Semitic canards.

The amendment sends the message that the status quo is not okay. Baby steps toward political reform are unacceptable and will no longer be tolerated. Tepid efforts to stop smuggling along Egypt's border with Gaza are not enough. Disclaimers that the Egyptian press is free and cannot be influenced by the government will not be believed.

The tide in the Middle East is turning toward democracy and freedom, toward rights for women and educational opportunities for children. The tide is turning toward peace between Israel and its neighbors, toward economic cooperation and coexistence.

Egypt has been part of this turning tide. It was the first Arab country to make peace with Israel, and it is a needed partner in closing any peace deal between Israel and the Palestinians. But too often we have seen this powerful player in regional affairs place stumbling blocks in front of progress instead of easing the way.

We know Egypt is listening to our debate today. A lot is at stake. So the one message I have is this: great nations recognize when the changing times will leave them behind, and they stay ahead of the curve. I hope we will see the pace of reform quicken and the quality of cooperation increase in the coming weeks and months.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as this amendment is considered, I think it would be useful to remember what the committee has done with respect to our assistance to Egypt. As the gentleman from Arizona has indicated, the committee adopted an amendment offered by me which earmarked ESF funds for Egypt, doubling the amounts spent on democracy, governance, and human rights and providing additional funding for education within that account.

The amendment earmarked $50 million in ESF for democracy, governance, and human rights and $50 million for education. Both categories were projected at about $25 million in the administration request. So this essentially doubles that amount.

The reason for that has already been stated. We were looking for a way to send a clear signal to Egypt that we find their human rights record to be an embarrassment without thoroughly upsetting the administration's ability to continue to negotiate in that region, to try to move what is left of the peace process forward.

I have no idea whether the administration will be sufficiently serious about the issue. I have no idea whether or not they will be successful if they are serious, but I do just want to say one thing. I think every Member of this House would like to be able to vote for this amendment because we like where the money would be put; but we also have a responsibility, regardless of party, to try to see to it that in the attempt to send messages we do not blow things up in different regions of the world.

So I have absolutely no doubt that this amendment would produce a most irresponsible result in the region, but I think it will be interesting to note who supports the administration's position on this roll call and who does not. I intend, for one, to watch very carefully to see whether or not the leadership of the President's own party is going to be sticking with the President or not, and whether they do or not will send an interesting signal to those of us on this side of the aisle.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague yielding.

Indeed, this issue was discussed extensively in our full committee. There is little doubt that the committee, in a totally nonpartisan way, is interested in sending this message; and we are laying the foundation here to reflect the reality that America is at its best when we express ourselves overseas in as close to a bipartisan way as possible.

I must compliment the gentleman for his own statement at this time, but also in the full committee. I think we laid the foundation to let people in the Middle East know how serious we are about a clear message, and this message will be carried forward to the conference with other body as well.

So I appreciate my colleague yielding.

Mr. OBEY. Mr. Chairman, if I could just say, I would be most curious to know what the administration is clearly saying on this subject. I have just received a message which indicates that the administration is pleased with the language in the committee bill. I hope that they continue to clarify their position to make clear exactly where they stand on this amendment. If they do not, they will be the ones who have to explain the consequences.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

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

RECORDED VOTE

Mr. PITTS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 87, noes 326, not voting 20, as follows:

[Roll No. 326]

AYES—87

Akin
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Berry
Bishop (UT)
Blumenauer
Bono
Bradley (NH)
Brown (OH)
Burton (IN)
Cannon
Cantor
Cardoza
Carson
Clay
Coble
Crowley
Deal (GA)
DeFazio
Doggett
Duncan
Fossella
Foxx
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gerlach
Gibbons
Gohmert
Goode
Goodlatte
Gordon
Gutknecht
Harris
Hayworth
Hefley
Herseth
Hinchey
Hostettler
Jenkins
Johnson (IL)
Jones (NC)
Kennedy (RI)
King (IA)
Lantos
Lewis (GA)
LoBiondo
Lofgren, Zoe
Maloney
Matheson
McCollum (MN)
McHenry
Melancon
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Northup
Norwood
Otter
Paul
Payne
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Rogers (AL)
Royce
Ryun (KS)
Sensenbrenner
Serrano
Sherman
Souder
Stearns
Strickland
Tancredo
Tiberi
Towns
Udall (CO)
Udall (NM)
Watson
Weiner

NOES—326

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bass
Bean
Becerra
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp
Capps
Capuano
Cardin
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Gingrey
Gonzalez
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott

McGovern
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Neal (MA)
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (PA)
Pickering
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Stark
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Brown (SC)
Capito
Clyburn
Doolittle
Etheridge
Hayes
Higgins
Hunter
Kingston
Linder
McHugh
McIntyre
Michaud
Mollohan
Ortiz
Price (NC)
Rahall
Ross
Spratt
Wolf

□ 1605

Messrs. WAMP, MARSHALL, ROHRABACHER, OWENS, BUTTERFIELD, HYDE, THOMPSON of California, GREEN of Wisconsin, CULBERSON, and Ms. ESHOO changed their vote from ''aye'' to ''no.''

Ms. ZOE LOFGREN of California, Messrs. LoBIONDO, HEFLEY, GOODLATTE, UDALL of Colorado, UDALL of New Mexico, FRANKS of Arizona, CANTOR, FRANK of Massachusetts, BURTON of Indiana, SERRANO, Towns and Ms. McCOLLUM changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WOLF. Mr. Chairman, earlier today I was at Walter Reed Army Medical Center visiting Army Specialist Matt James, a constituent from Virginia's 10th District, who was wounded while serving in Iraq, and I missed the vote on rollcall 326.

Had I been present and voting, I would have voted "no" on rollcall 326, the Pitts amendment to H.R. 3057, Foreign Operations, Export Financing and Related Programs Appropriations Act for Fiscal Year 2006.

Mr. KOLBE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

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

The SPEAKER pro tempore. The pending business is the question on ordering the previous question on H. Res. 342 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on which the yeas and nays are ordered.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution and on any other votes arising in this series.

The vote was taken by electronic device, and there were—yeas 263, nays 152, not voting 18, as follows:

[Roll No. 327]

YEAS—263

Abercrombie
Ackerman
Akin
Alexander
Andrews
Baca
Bachus
Baker
Baldwin
Barton (TX)
Bass
Beauprez
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capuano
Cardin
Carter
Clay
Cleaver
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doyle
Dreier
Ehlers
Emanuel
Engel
Eshoo
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gohmert
Gonzalez
Goodlatte
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hefley
Herger
Hinchey
Hinojosa
Hobson
Hoekstra
Honda
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kennedy (RI)
Kilpatrick (MI)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Marchant
Markey
Matsui
McCarthy
McCotter
McCrery
McDermott
McGovern
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (MI)
Miller, Gary
Miller, George
Moore (WI)
Moran (VA)
Murtha
Myrick
Nadler
Neal (MA)
Ney
Nunes
Oberstar
Olver
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rangel
Regula
Rehberg
Reyes
Reynolds
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Saxton
Schakowsky
Schwarz (MI)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Solis
Souder
Stark
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—152

Aderholt
Allen
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Bishop (NY)
Blackburn
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brown (OH)
Brown-Waite, Ginny
Burgess
Capps
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Coble
Cuellar
Davis (CA)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Dent
Doggett
Drake
Duncan
Edwards
Emerson
English (PA)
Evans
Fitzpatrick (PA)
Flake
Forbes
Ford
Fossella
Foxx
Gerlach
Gibbons
Gingrey
Goode
Gordon
Graves
Green (WI)
Hart
Hayworth
Hensarling
Herseth
Holden
Holt
Hooley
Hulshof
Inslee
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
Kucinich
Kuhl (NY)
LaHood
Langevin
Latham
LoBiondo
Lofgren, Zoe
Maloney
Manzullo
Marshall
Matheson
McCaul (TX)
McCollum (MN)
McHenry
McKinney
McMorris
Melancon
Mica
Miller (FL)
Miller (NC)
Moore (KS)
Moran (KS)
Murphy
Musgrave
Napolitano
Neugebauer
Northup
Norwood
Nussle
Obey
Osborne
Otter
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Ramstad
Reichert
Renzi
Rogers (AL)
Rogers (MI)
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Sanders
Schiff
Schwartz (PA)
Scott (GA)
Sensenbrenner
Sherwood
Shimkus
Shuster
Simmons
Smith (WA)
Snyder
Sodrel
Stearns
Strickland
Stupak
Tanner

Taylor (MS)
Udall (CO)
Udall (NM)
Walden (OR)
Wamp
Wu

NOT VOTING—18

Brown (SC)
Capito
Clyburn
Doolittle
Etheridge
Hayes
Higgins
Kingston
Linder
McHugh
McIntyre
Michaud
Mollohan
Ortiz
Price (NC)
Rahall
Ross
Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1623

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

Mr. LEVIN and Mr. HONDA changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 219, noes 193, not voting 21, as follows:

[Roll No. 328]

AYES—219

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

NOES—193

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

NOT VOTING—21

Brown (SC)
Capito
Clyburn
Doolittle
Etheridge
Gingrey
Hayes
Higgins
Kingston
Lewis (KY)
Linder
McHugh
McIntyre
Michaud
Mollohan
Ortiz
Price (NC)
Rahall
Ross
Spratt
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1631

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BROWN of South Carolina. Mr. Speaker, I was absent from 12:00 p.m. until 7:00 p.m. on June 28, 2005. The reason for my absence was that I was required to testify before the Regional BRAC Commission hearing in Charlotte, North Carolina on behalf of my constituents. Regarding the votes that I missed please see below for the way that I would have voted if I had been present:

Vote No. 324—Rolled Suspension Vote on H.R. 458—Military Personnel Financial Services Protection Act. ''Yea.''

Vote No. 325—Previous Question on the Rule for H.R. 3057—Foreign Operations, Export Financing and Related Programs Appropriations Act for Fiscal Year 2006. ''Yea.''

Vote No. 326—Pitts Amendment. ''Nay.''

Vote No. 327—Previous Question on the Rule for H.R. 3058—Transportation, Treasury, Housing and Urban Development, The Judiciary, District of Columbia, and Independent Agencies Appropriations Act for Fiscal Year 2006. ''Yea.''

Vote No. 328—Adoption of the Rule for H.R. 3058—Transportation, Treasury, Housing and Urban Development, The Judiciary, District of Columbia, and Independent Agencies Appropriations Act for Fiscal Year 2006. ''Yea.''

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 3057 in the Committee of the Whole pursuant to House Resolution 341, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

the amendment printed in the RECORD and numbered 4;

the amendment printed in the RECORD and numbered 6, which shall be debatable for 60 minutes;

an amendment by Mr. SANDERS regarding Export-Import Bank loans for nuclear power plants in China, which shall be debatable for 30 minutes;

an amendment by Ms. LEE regarding excess property transfers to Haiti,

which shall be debatable for 20 minutes;

an amendment by Ms. LEE regarding the U.S. fund to fight AIDS, tuberculosis, and malaria;

an amendment by Mr. SCHIFF regarding funding for the Human Rights and Democracy Fund;

an amendment by Mr. KING of Iowa regarding funding for the Global HIV/AIDS Initiative;

an amendment by Mr. BEAUPREZ regarding assistance to countries that refuse to extradite certain individuals;

an amendment by Mr. DEAL of Georgia regarding assistance to countries that refuse to extradite certain individuals;

an amendment by Mr. BONILLA regarding an Inspector General at the Export-Import Bank;

an amendment by Mr. WEINER or Mr. FERGUSON regarding limiting funds for Saudi Arabia;

an amendment by Mr. BRADLEY of New Hampshire regarding limiting funds for Romania;

an amendment by Mr. OTTER regarding assistance to the Palestinian Authority;

an amendment by Ms. MILLENDER-MCDONALD regarding funding for pediatric HIV/AIDS centers;

an amendment by Mr. SIMPSON regarding Export-Import Bank loans to China;

an amendment by Mr. GARRETT of New Jersey regarding Federal employee participation in overseas conferences;

an amendment by Ms. WATERS regarding sense of Congress on Haiti elections;

an amendment by Ms. JACKSON-LEE of Texas regarding employment of minors in the military of other countries;

an amendment by Ms. JACKSON-LEE of Texas regarding funding for Sudanese refugees in Chad;

an amendment by Ms. JACKSON-LEE of Texas regarding funding for water security improvements in Sub-Saharan Africa;

an amendment by Ms. JACKSON-LEE of Texas regarding funding for children in developing nations;

an amendment by Ms. LORETTA SANCHEZ of California regarding IMET funding for Vietnam;

an amendment by Mr. HEFLEY regarding an across-the-board cut;

an amendment by Mr. INSLEE regarding renewable energy;

an amendment by Mr. CAPUANO regarding Darfur;

and an amendment by Mr. KOLBE regarding funding levels.

Each such amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Foreign Operations, Export Financing, and Related Programs each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I certainly will not object. I simply want to take this opportunity to explain to the House that what this timetable means is that if all of these amendments are indeed offered and debated to the full extent allowed under the unanimous consent request, we will be fortunate to be out of here by midnight tonight. That is how much time it will take, assuming that we have about one-third of these amendments that proceed to roll calls.

So for those Members who are asking what time we intend to get out tonight, I think it depends upon the zeal with which Members push forward with their amendments and with requiring recorded votes.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 341 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3057.

□ 1638

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Pennsylvania (Mr. PITTS) had been disposed of and the bill was open for amendment from page 6, line 20, through page 12, line 9.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

the amendment printed in the RECORD and numbered 4;

the amendment printed in the RECORD and numbered 6, which shall be debatable for 60 minutes;

an amendment by Mr. SANDERS regarding Export-Import Bank loans for nuclear power plants in China, which shall be debatable for 30 minutes;

an amendment by Ms. LEE regarding excess property transfers to Haiti, which shall be debatable for 20 minutes;

an amendment by Ms. LEE regarding the U.S. fund to fight AIDS, tuberculosis, and malaria;

an amendment by Mr. SCHIFF regarding funding for the Human Rights and Democracy Fund;

an amendment by Mr. KING of Iowa regarding funding for the Global HIV/AIDS Initiative;

an amendment by Mr. BEAUPREZ regarding assistance to countries that refuse to extradite certain individuals;

an amendment by Mr. DEAL of Georgia regarding assistance to countries that refuse to extradite certain individuals;

an amendment by Mr. BONILLA regarding an Inspector General at the Export-Import Bank;

an amendment by Mr. WEINER or Mr. FERGUSON regarding limiting funds for Saudi Arabia;

an amendment by Mr. BRADLEY of New Hampshire regarding limiting funds for Romania;

an amendment by Mr. OTTER regarding assistance to the Palestinian Authority;

an amendment by Ms. MILLENDER-MCDONALD regarding funding for pediatric HIV/AIDS centers;

an amendment by Mr. SIMPSON regarding Export-Import Bank loans to China;

an amendment by Mr. GARRETT of New Jersey regarding Federal employee participation in overseas conferences;

an amendment by Ms. WATERS regarding sense of Congress on Haiti elections;

an amendment by Ms. JACKSON-LEE of Texas regarding employment of minors in the military of other countries;

an amendment by Ms. JACKSON-LEE of Texas regarding funding for Sudanese refugees in Chad;

an amendment by Ms. JACKSON-LEE of Texas regarding funding for water security improvements in Sub-Saharan Africa;

an amendment by Ms. JACKSON-LEE of Texas regarding funding for children in developing nations;

an amendment by Ms. LORETTA SANCHEZ of California regarding IMET funding for Vietnam;

an amendment by Mr. HEFLEY regarding an across-the-board cut;

an amendment by Mr. INSLEE regarding renewable energy;

an amendment by Mr. CAPUANO regarding Darfur;

and an amendment by Mr. KOLBE regarding funding levels.

Each such amendment may be offered only by the Member named in the request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Foreign Operations, Export Financing, and Related Programs each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

AMENDMENT OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LEE:

Page 12, after line 9, insert the following:

In addition to the amount provided in the preceding paragraph for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, $600,000,000 for such purpose, to remain available until September 30, 2007: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. KOLBE. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. LEE) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. LEE).

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

Mr. Chairman, I want to first start by thanking the chairman, the gentleman from Arizona (Mr. KOLBE), and our ranking member of the Subcommittee on Foreign Operations, Export Financing and Related Programs, the gentlewoman from New York (Mrs. LOWEY), for their hard work on this bill and for making sure that it is a bipartisan bill. I also thank them for their very difficult work in establishing the priorities in terms of our foreign policy funding priorities. I know that every year they are given, I believe, an inadequate allocation and that they both wish that they could do more to meet our foreign assistance priorities.

But, Mr. Chairman, I am compelled to come to the floor today and offer this amendment because every year the global HIV/AIDS, tuberculosis and malaria pandemics kill over 6 million people combined. Just imagine that, over 6 million every year. That is more than the number of people who die from war, famine, terrorism or natural disasters each year combined. That is really quite mind-boggling. What is worse, each of these three diseases is completely, completely preventible and treatable; and in the case of tuberculosis and malaria, they can be completely cured.

So while we have begun to focus our efforts and funding with regard to this pandemic, I believe that we cannot afford to drag our feet and just let 6 million people die like this year after year. When do we draw the line and say enough is enough and we are going to escalate our efforts and put more resources into this pandemic?

We cannot in good conscience, Mr. Chairman, ignore this human tragedy that unfolds around us each and every day. We must act, and we must act in a bold fashion.

That is why today I am offering an amendment to add $600 million in emergency funding to the Global Fund to fight AIDS, tuberculosis and malaria, adding to the $400 million already in the bill, and bringing our total contribution to $1 billion.

Unfortunately, last week $100 million was actually cut from the Global Fund in the Labor-HHS bill by this body. The Global Fund is one of the most powerful tools that we have as an international community to combat these three diseases. In fact, we created the framework for the Global Fund back in 2000 with the passage of the Global Aids and Tuberculosis Relief Act of 2000, which was signed into law by President Clinton.

□ 1645

And we provided the very first contribution in 2001 to help attract further financing from other donor nations.

Today, the Global Fund is a model for what the future of international development may look like. Designed strictly as a financing instrument, the Global Fund seeks to attract, manage, leverage, and disburse funding to support locally-driven strategies to combat AIDS, tuberculosis, and malaria. To date, the Global Fund has approved $3.4 billion for over 300 grants in 127 countries.

However, this year the Global Fund faces one of its biggest challenges: renewing over the $1.8 billion in existing grant agreements and approving upwards of $1 billion in new contracts, and this is still not enough. With the renewing of these contracts, there is just not enough money.

Without increased support from the United States and other donor nations, the fund may be forced to cut back on funding new grants and, worse, may be forced to cut crucial funding for people already on anti-retroviral therapy. Mr. Chairman, that would quite frankly just be totally disastrous.

Around the world, momentum is building in support of increased funding for the Global Fund and other international development initiatives. Two weeks ago, France announced it that would double its Global Fund contribution through 2007. Last week, Japan pledged $5 billion in new funding to help Africa combat AIDS, TB, and malaria, with a sizable contribution going to the Global Fund. And, with the upcoming G–8 summit taking place in Scotland next week, and with the British Prime Minister's focus on a huge new development initiative for Africa, the United States can and must do more. By providing $600 million in emergency funding, my amendment would take that first step.

Mr. Chairman, because my amendment is an emergency spending request, it will exceed the foreign operations subcommittee's 302(b) allocation and, therefore, I know that that is subject to a point of order. But I would hope that given the gravity of the pandemic, that my colleagues would consider this as a moral effort, strictly a moral effort to those who desperately need our help. Given the magnitude of the deaths and the pain and the suffering caused by HIV/AIDS, TB, and malaria, and the devastation that these diseases leave behind, I would ask the Chair to reject the point of order.

POINT OF ORDER

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

The CHAIRMAN. The gentleman will state his point of order.

Mr. KOLBE. Mr. Chairman, I appreciate the gentlewoman's commitment and passion, and I certainly share her commitment about the need to do something about HIV/AIDS. Nonetheless, Mr. Chairman, I must make a point of order against the amendment because it does propose to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part:

''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment does include an emergency designation and, as such, it constitutes legislation in violation of clause 2 of rule XXI.

I ask for a ruling of the Chair.

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

Mrs. LOWEY. I wish to be heard on the point of order.

I want to thank the gentlewoman for her leadership on the issue. I am pleased that the gentleman from Arizona (Chairman KOLBE) and I were able to double the President's request for the Global Fund in the bill from $200 million to $400 million, and, as the gentlewoman probably knows, given the allocation, it was simply the best we could do.

However, I understand the urgency of the situation, and I look forward to working with the gentlewoman as we move the bill forward to continue to

meet our responsibilities, and then some, because of the tremendous, tremendous impact of HIV/AIDS in every part of this world.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that this amendment includes an emergency designation. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

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

The Clerk will read.

The Clerk read as follows:

DEVELOPMENT ASSISTANCE

For necessary expenses of the United States Agency for International Development to carry out the provisions of sections 103, 105, 106, and subtitle A of title VI of chapter II, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,460,000,000, to remain available until September 30, 2007: *Provided*, That $214,000,000 should be allocated for trade capacity building, of which at least $20,000,000 shall be made available for labor and environmental capacity building activities relating to the free trade agreement with the countries of Central America and the Dominican Republic: *Provided further*, That $365,000,000 should be allocated for basic education: *Provided further*, That of the funds appropriated under this heading and managed by the United States Agency for International Development Bureau of Democracy, Conflict, and Humanitarian Assistance, not less than $15,000,000 shall be made available only for programs to improve women's leadership capacity in recipient countries: *Provided further*, That such funds may not be made available for construction: *Provided further*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $37,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That funds appropriated under this heading should be made available for programs in sub-Saharan Africa to address sexual and gender-based violence: *Provided further*, That up to $15,000,000 should be made available for drinking water supply projects in east Africa.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For necessary expenses of the United States Agency for International Development to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $356,000,000, to remain available until expended of which $20,000,000 should be for famine prevention and relief.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further*, That if the President determines that is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $21,000,000, to remain available until September 30, 2008, may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading ''Assistance for Eastern Europe and the Baltic States'': *Provided*, That such funds shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: *Provided further*, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,000,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: *Provided*, That funds made available under this paragraph shall remain available until September 30, 2007.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the ''Foreign Service Retirement and Disability Fund'', as authorized by the Foreign Service Act of 1980, $41,700,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $630,000,000, of which up to $25,000,000 may remain available until September 30, 2007: *Provided*, That none of the funds appropriated under this heading and under the heading ''Capital Investment Fund'' may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: *Provided further*, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed $1,000,000: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2006: *Provided further*, That none of the funds in this Act may be used to open a new overseas mission of the United States Agency for International Development without the prior written notification of the Committees on Appropriations: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to ''Operating Expenses of the United States Agency for International Development'' in accordance with the provisions of those sections.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $77,700,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the amounts appropriated under this heading, not to exceed $55,800,000 may be made available for the purposes of implementing the Capital Security Cost Sharing Program: *Provided further*, That the Administrator of the United States Agency for International Development shall assess fair and reasonable rental payments for the use of space by employees of other United States Government agencies in buildings constructed using funds appropriated under this heading, and such rental payments shall be deposited into this account as an offsetting collection: *Provided further*, That the rental payments collected pursuant to the previous proviso and deposited as an offsetting collection shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the assignment of United States Government employees or contractors to space in buildings constructed using funds appropriated under this heading shall be subject to the concurrence of the Administrator of the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $36,000,000, to remain available until September 30, 2007, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,558,525,000, to remain available until September 30, 2007: *Provided*, That of the funds appropriated under this heading, not less than $240,000,000 shall be available only for

Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That not less than $495,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: *Provided further*, That of the funds made available under this heading for Egypt, not less than $50,000,000 shall be used for programs to improve and promote democracy, governance, and human rights and not less than $50,000,000 shall be used for education programs: *Provided further*, That with respect to the provision of assistance for Egypt for democracy and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the Government of Egypt: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: *Provided further*, That of the funds appropriated under this heading, not less than $250,000,000 should be made available only for assistance for Jordan: *Provided further*, That $20,000,000 of the funds appropriated under this heading should be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That $40,000,000 of the funds appropriated under this heading should be made available for assistance for Lebanon, of which not less than $6,000,000 should be made available for scholarships and direct support of American educational institutions in Lebanon: *Provided further*, That funds appropriated under this heading that are made available for a Middle East Financing Facility, Middle East Enterprise Fund, or any other similar entity in the Middle East shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That not more than $225,000,000 of the funds made available for assistance for Afghanistan under this heading may be obligated for such assistance until the Secretary of State certifies to the Committees on Appropriations, that the Government of Afghanistan at both the national and local level, is cooperating fully with United States funded poppy eradication and interdiction efforts in Afghanistan: *Provided further*, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $13,500,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2007.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $357,000,000, to remain available until September 30, 2007, which shall be available, notwithstanding any other provision of law that restricts assistance to foreign countries and section 660 of the Foreign Assistance Act of 1961, for assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(c) The provisions of section 529 of this Act shall apply to funds appropriated under this heading: *Provided*, That local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(d) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $477,000,000, to remain available until September 30, 2007: *Provided*, That the provisions of such chapters shall apply to funds appropriated by this paragraph: *Provided further*, That, notwithstanding any provision of the Freedom Support Act of 1992, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of Public Law 102–511 shall be subject to a 6 percent ceiling on administrative expenses.

(b) Of the funds appropriated under this heading, not less than $52,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental and reproductive health, and to combat HIV/AIDS, tuberculosis and other infectious diseases, and for related activities.

(c)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(d) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $19,500,000, to remain available until September 30, 2007.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, $20,500,000, to remain available until September 30, 2007: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $325,000,000, to remain available until September 30, 2007: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That the Director may transfer to the Foreign Currency Fluctuations Account,

as authorized by 22 U.S.C. 2515, an amount not to exceed $2,000,000: *Provided further,* That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses for the ''Millennium Challenge Corporation'', $1,750,000,000 to remain available until expended: *Provided,* That of the funds appropriated under this heading, up to $75,000,000 may be available for administrative expenses of the Millennium Challenge Corporation: *Provided further,* That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003: *Provided further,* That none of the funds available to carry out section 616 of such Act may be made available until the Chief Executive Officer of the Millennium Challenge Corporation provides a report to the Committees on Appropriations listing the candidate countries that will be receiving assistance under section 616 of such Act, the level of assistance proposed for each such country, a description of the proposed programs, projects and activities, and the implementing agency or agencies of the United States Government: *Provided further,* That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: *Provided further,* That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact.

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 29, line 12, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to that section of the bill?

The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF STATE

GLOBAL HIV/AIDS INITIATIVE

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $1,920,000,000, to remain available until expended: *Provided,* That of the funds appropriated under this heading, not less than $200,000,000 shall be made available for a United States Contribution to the Global Fund to Fight AIDS, Turberculosis and Malaria (the ''Global Fund''), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further,* That not more than $12,000,000 of the funds appropriated under this heading may be made available for administrative expenses of the Office of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally of the Department of State.

AMENDMENT OFFERED BY MR. KING OF IOWA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

Page 29, line 18, after the dollar amount, insert the following: ''(reduced by $1,000,000) (increased by $1,000,000)''.

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

Mrs. LOWEY. Mr. Chairman, reserving a point of order, I ask for clarification as to which of the two amendments the gentleman is offering to the House.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read the amendment.

The CHAIRMAN. The gentleman from Iowa (Mr. KING) is recognized for 5 minutes in support of his amendment.

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

Mr. Chairman, to clarify that point of order, again, this is the amendment that takes $1 million out and puts $1 million back in, and it is for the purposes of raising the issue to discuss some of the things that I think we should be doing, particularly in Africa with regard to AIDS.

I recall back in this Chamber in January of 2003 when the President gave his State of the Union address. I had been reading the articles about ABC for AIDS prevention in Africa, and particularly and directly in Uganda, the ABC program being abstinence, being faithful, and, with a small ''c'' of using condoms in the event that abstinence and being faithful is not utilized.

As the President called for the $15 billion, 5-year AIDS initiative, I saw a standing ovation in here, and that standing ovation was started over in this region, and I want to give credit that it appeared to me to be a lot of the members of the Congressional Black Caucus that stood for that ovation. I stood too, because I had been getting a sense of how bad it was, and this is an international crisis. Millions of people are dying, and we do need to address this. We have a moral obligation to address the AIDS.

So I believe also in ABC. I continue to believe in abstinence, being faithful, and condoms as a last resort.

I went to Africa, Mr. Chairman, last July, late July and early August, visited Morocco, then Namibia, Botswana, and South Africa. In Morocco, the AIDS is less than 1 percent. When you get to Namibia and South Africa it is around 23 to 25 percent and, in Botswana, the HIV/AIDS infection rate is 38.8 percent. When you realize that four out of every 10 people you meet on the street are staring into a death sentence, you realize that something has to be done. Economically they have been destroyed.

As I went there, I asked the questions of the people who were implementing this multi-billion dollar policy, and it has become not an ABC policy, not a little ''c'' policy, it has been become a big ''C'' policy, a hand-out of condoms policy; when I asked, what you are doing to address the promiscuity, they told me, you do not change the culture. You cannot change the culture. Well, they are establishing a condom culture. If you can change it to a condom culture, you can promote the elimination of promiscuity and abstinence until marriage and monogamy after that.

The other question that I asked, and it is a question that Congress needs to ask is, are we saving more lives, or are we costing more lives, or are we putting people into maybe 30 more years of an active sex life, and are they going to use a condom right every time for the next 30 years, or are they going to infect more people. Some of the answers I got back was yes, condoms are the answer. They work 100 percent of the time according to the doctor from the CDC. I do not accept that. One of their other solutions was to delay the young ladies' sexual debut for perhaps another year, as if that made a statistical difference; and another one of those real good ideas was, and I say that facetiously, expedite the travel of trucks through the borders so that the prostitutes do not have as much opportunity to market themselves to the truck drivers. These were shallow approaches.

I think we need to put the drugs in there, the anti-retroviral drugs, we need to get the high-protein food there, and we need to keep people alive. I held some of those babies. We need to have a whole policy, one that is planned, an approach to save the maximum number of lives. One that puts the responsibility back on the individuals and changes the culture in that part of the world. That is the best thing we can do. I am asking that by next year we take a look at that, we get a report, and that is my initiative for this amendment.

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

Mr. KOLBE. Mr. Chairman, I claim the time in opposition, though I am not in opposition, and I yield myself such time as I may consume.

I have looked at this amendment and I think the gentleman has made some very good points. It does not change in any substantive way the bill, and I am prepared to accept the amendment.

Mrs. LOWEY. Mr. Chairman, if the gentleman will yield, I withdraw my reservation, because I understand from the chairman that this does not have any substantive changes being made in the bill. But I certainly think that the content of the gentleman's amendment deserves greater discussion at another time. The chairman and I were also in Botswana, we were also in South Africa, we were in Tanzania as well, and there is progress being made in some parts of the country, and some not. It is a tremendous challenge, but I think

it is simplistic to say that only one area deserves further funding, and that the ABC approach may not be as successful as one may think.

So I think we need to discuss this further, and I would like to enter into dialogue with the gentleman at another time.

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

Mr. KING of Iowa. Mr. Chairman, I would just like to say I appreciate the chairman's work on this, and the comments that I have heard, and I look forward to that dialogue.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $437,400,000, to remain available until September 30, 2008: *Provided*, That during fiscal year 2006, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That $10,000,000 of the funds appropriated under this heading should be made available for demand reduction programs: *Provided further*, That of the funds appropriated under this heading, not more than $33,484,000 may be available for administrative expenses.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy and extend my appreciation to the Chair and Ranking Member for the work they have done. I feel, considering the modest allocation that they were given, they have managed to fashion a solid piece of legislation.

Ironically, we only give 0.16 percent of our Gross National Product to development assistance, even though ironically, most Americans think we give far more.

I wanted to make four brief points, if I could. I wanted to thank them for earmarking $50,000 for increasing access to clean water in Africa. We are going forward tomorrow in the Committee on International Relations to explore opportunities to increase this in terms of authorization, but I think we are making an important step in the right direction.

I also appreciate the report language explaining concern over USAID's urban programs.

Mr. Chairman, the CIA's Outlook 2015 that looked at threats to the United States pointed out that the rapid urbanization in the developing world was one of the top seven security concerns for our country. For the first time in human history, a majority of people live in cities, with a million people a week moving to cities in the developing world, a million new people a week in areas that are greatly stressed.

□ 1700

Yet despite this, our country's USAID investment in urban programs is in continued decline. I appreciate the committee's spotlighting this, and I hope that we can work together to reverse this unfortunate trend.

I appreciate the colloquy that occurred earlier on the Global Environmental Facility, the GEF, that has funded over 1,000 projects in 160 countries. I think these innovative approaches to environmental challenges that can be replicated elsewhere and financed on a larger scale by non-GEF sources is very important.

I appreciate the difficulty. I know we have got a long way to go with this bill. I appreciate your efforts and would do anything I could because every dollar that we spend on GEF leverages 15 in funding from other sources in some of the most vulnerable areas of our country.

I appreciate your work. I appreciate the courtesy in permitting me to speak on this. I opted not to offer up amendments because, frankly, I could not see ways to repackage what you have done. I hope in the future we will have more leverage, more running room. But in the meantime, I appreciate your efforts; and I will support the bill.

Mrs. LOWEY. Mr. Chairman, I want to thank my colleague for his comments on the bill. And I hope the gentleman will work, certainly, with the chairman and myself and many of us who would support increased funding to address the critical issues that the gentleman mentions.

However, within this allocation, the gentleman knows it was very difficult; and I feel very strongly that in terms of our international policies, nothing is more important than expanding our support in the country for all the important initiatives included in this bill and increasing the dollars that we can spend on them.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, $734,500,000, to remain available until September 30, 2008: *Provided*, That in fiscal year 2006, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided further*, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations: *Provided further*, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: *Provided further*, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That funds made available in this Act for demobilization/reintegration of members of foreign terrorist organizations in Colombia shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: *Provided further*, That of the funds appropriated under this heading, not more than $19,015,000 may be available for administrative expenses of the Department of State, and not more than $7,800,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

AMENDMENT NO. 6 OFFERED BY MR. MCGOVERN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MCGOVERN:

Page 31, line 7, after the dollar amount, insert the following: ''(reduced by $100,000,000)''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Arizona (Mr. KOLBE) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in strong support of the McGovern-McCollum-Moore amendment to cut military aid to Colombia by $100 million.

For the past several years, we have debated Colombia policy here in the House. We are always being told that things are getting better; but they are not getting better, Mr. Chairman.

This policy has failed as an antidrug policy. It has failed as a human rights policy, and it has failed to have any impact whatsoever in reducing the availability, price or purity of drugs in the streets of America. In fact, illegal drugs are cheaper today than they were 6 years ago and $4 billion ago. And yet we will hear again today from supporters of Plan Colombia that everything is just rosy in Colombia, that we are winning the drug war, and respect for human rights is flourishing. Not true, Mr. Chairman.

It makes no difference whether you are looking at the United Nations numbers, the U.S. Office of National Drug Control Policy numbers, the Colombian National Police, or the CIA's. It all adds up to the same picture. Compared to where we were in 1999, right before the start of Plan Colombia, coca cultivation in Colombia has declined by only 7 percent and in the Andean region by only 9 percent. And the growing of coca did not decrease at all in the year 2004.

On top of that, the U.N. and the Colombian National Police agree that opium growing in Colombia did not decrease at all in 2004.

You have to twist yourself into a pretzel to make something good out of these numbers. You do that by deliberately ignoring where we were 6 years ago before Plan Colombia and picking and choosing bits and pieces of statistics, like starting your comparisons in 2003. Well, that only works because you ignore the huge increases in coca production in 2000, 2001, and 2002.

But, ultimately, the most damning numbers come from our own Department of Justice, which states that cocaine remains readily available on the streets of America, with wholesale and retail prices for cocaine and heroin at an all-time low and purity at or near historic highs.

Congress was told that we had to support Plan Colombia. We had to pour billions and billions of U.S. tax dollars into the Colombian military to stop the surge of drugs in America.

Well, what a waste of money it has been. Six years ago, the Rand Corporation told us that every dollar we spent trying to wipe out coca in remote areas of Colombia would be 23 times more effective if we spent it right here at home on drug treatment, prevention, and education and on local law enforcement.

But Congress chose to ignore that good advice; and here we are, 6 years and $4 billion later. Now, we may have thought our policy was tough on drugs, but it sure was not very smart.

So how about human rights? Is Colombia's human rights situation any better today? Colombia is still the most dangerous country in the world to be a trade union leader. It is the second most dangerous place to be a religious pastor or lay leader.

The United Nations High Commissioner for Refugees calls the issue of Colombia's internally displaced a great humanitarian crisis second only to Sudan. Death threats against human rights defenders have increased significantly over the past 18 months.

Abuses by the Colombian military are on the rise and the armed forces commit crimes with impunity, with no high-level Colombian military officer ever having been successfully prosecuted for human rights crimes.

Even our own State Department has not been able to certify any human rights progress in Colombia since March because the situation is so untenable. But has Colombia tried to improve their human rights situation at all so that the State Department could have something, anything that will allow it to certify? Not at all.

But so much pressure from the Pentagon and the Colombian Government and even from some members of Congress is building on the State Department to go ahead and certify anyway that I hear that the State Department is likely to certify right after this Congress breaks for the Fourth of July recess.

But the most galling thing of all is this: while U.S. taxpayers have sent over $4 billion of their hard-earned money to Colombia over the past 6 years, the wealthy elites of Colombia have hardly contributed a dime. Out of a population of 42 million people, only 740,000 Colombians pay any income tax at all, and even that is a pitiful amount. So Colombians are not paying to fight their own war, and they are not paying to improve the conditions that keep so many of their own people in poverty.

It is time that this House stood up and decided to stop sending a blank check to Colombia, year after year. It is time that we demand real progress on human rights as a condition to our aid. It is time that we stop being a cheap date.

We are not walking away from Colombia. We are just sending a long overdue message that it is time to take a cold hard look at our current course and change it.

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

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. TOM DAVIS).

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise in opposition to any attempts to cut funding for the Andean Counterdrug Initiative. I think this is a time to reaffirm, not dismantle, our commitment to this program, to the people of Colombia and to American citizens who want illegal drugs off their streets.

How can we cut funding when we are seeing tremendous results in illegal crop eradication? Coca cultivation in Colombia has been reduced by 33 percent since 2002, and opium poppy cultivation dropped 52 percent in 2004 alone.

As a result of ACI funding, we have seen unprecedented levels of drug interdiction. And interdiction is what this amendment goes to, cutting $100 million.

From January to May of this year, 71.7 metric tons were seized from traffickers and destroyed before reaching our neighborhoods. Each week brings news of new seizures of cocaine and heroin, interdictions that are usually the result of U.S. supplied intelligence.

In fact, just last month, Colombian authorities seized 13.8 tons of cocaine worth about $350 million in what was one of the largest drug busts in history. Interdiction efforts like these would not be possible if the gentleman's amendment passes.

The Colombian Government is reestablishing state presence in areas where the country has lacked it for a century. Criminals who have remained at bay for years are being captured and extradited to the U.S. for prosecution. Colombia has extradited 271 Colombian citizens to the United States since August of 2002, mostly on narcotics related charges.

How do we justify pulling the plug on ACI funding when we are seeing record numbers of extraditions to the U.S. of FARC and drug cartel members?

In 2004 alone, more than 11,000 narcoterrorists were captured. More than 7,000 terrorists have deserted their organizations since President Uribe took office. Thousands of weapons and rounds of ammunition have been surrendered. The demobilization and reincorporation of illegal armed groups are part of a process that is providing stability to the entire region.

Colombians are finally beginning to feel safer. The murder rate dropped 14 percent in 2004. It has dropped 25 percent thus far this year.

Plan Colombia is working. I have been down there several times. I have seen firsthand just a month ago the devastation that drug production and trafficking has on that country. But to those who question our investment, I would ask them to visit Colombian soldiers who have lost their limbs or their eyesight or sustained permanent disabilities in their battle to return peace to their nation and keep drugs off American streets.

On a recent trip, we accompanied Colombian National Police to a manual eradication site in the mountains and helped them pull the coca crop from mountainous terrain that helicopters cannot reach. These are dedicated people giving up their lives to destroy the drug trade and rid their country of drugs and violence and prevent their illegal importation to the United States.

Our travels have shown how critical U.S. assistance is to their government.

Of course it is not all rosy and a lot of obstacles remain. But the Uribe administration is committed to this war.

I ask, Mr. Chairman, that now is the time not to turn our backs on the progress we are making. We cannot win this war on drug-supported terrorism without the proper tools.

I urge a ''no'' vote on the McGovern amendment.

Mr. MCGOVERN. Mr. Chairman, I want to assure the gentleman I have been to Colombia several times and have gone well beyond the areas that the embassy has recommended me to go, and I assure the gentleman things are quite bad.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM), the cosponsor of this amendment.

Ms. MCCOLLUM of Minnesota. Mr. Chairman, the McGovern amendment to cut $100 million from Plan Colombia is about accountability and sending the message that cutting deals with narcotic traffickers who pose as politicians will not be tolerated by the American taxpayer.

After 6 years and over $400 billion, Plan Colombia is not reducing the supply of cocaine on our streets. But it has succeeded in making cocaine in America cheaper, more available, and more potent than ever before.

The drug war in Colombia is failing, failing the people of Colombia and the American taxpayer. Spending another $735 million to stay the wrong course and to continue to finance failure is irresponsible.

Let us send a message to Colombia that there are no more blank checks in the American taxpayers' checkbook.

Unfortunately, Plan Colombia has not made the Colombian people safer. More than 2 million Colombians have been forced to flee their homes. Ninety percent of the violent crime, murders, and rapes go unpunished. Human rights abuses among Colombia's military and law enforcement are all too common.

These are deeply disturbing trends: cheaper cocaine on American streets, millions of innocent people fleeing for their lives, lawlessness. This is hardly what we would call good governance.

In return for the narcoterrorism and corruption, the American taxpayers are being asked to reward the Colombian Government.

Now, a law passed by Colombia's congress and supported by President Uribe provides immunity and protection for right wing death squads and narcoterrorists.

For ending their participation in death squads, Colombia will be giving virtual immunity and protection from extradition to narcotraffickers, many who are sought by the United States.

One paramilitary death squad, the AUC, earns 70 percent of its income from narcotics trafficking. And the AUC is listed as an official terrorist organization by the U.S. Government.

The AUC's leader, Diego Murillo, is described as a brutal paramilitarian warlord who made a fortune in the drug trade. Under the plan for disarmament supported by our allies in Bogota, Murillo and terrorists like him who have committed massacres, kidnappings, drug trafficking, and murders of elected officials received freedom from prosecution. They get to keep their possession of riches.

In Colombia, if crime pays, if drug trafficking pays and terrorism pays, let us not have the American taxpayer pay for it. Congress needs to cut funding to Plan Colombia and save the American taxpayers $100 million and send a message that Colombia cannot protect narcoterrorists with our tax dollars.

I strongly urge my colleagues to support the McGovern amendment.

□ 1715

The CHAIRMAN. Without objection, the gentleman from Illinois (Mr. KIRK) may yield time on behalf of the gentleman from Arizona (Mr. KOLBE).

There was no objection.

Mr. KIRK. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. ROGERS), a former FBI agent.

Mr. ROGERS of Michigan. Mr. Chairman, the amendment is well-intended but horribly misguided.

If you have spent time in Colombia, then you know that incredible progress is being made. This is absolutely the worst time to turn our backs on the great efforts that these folks are making against narco-terrorism, the FARC, the AUC, other militia groups. They are making progress.

Let me tell you a little bit about it. Kidnappings from 2002 to 2004 are down 52 percent. That is because they are on the offensive. President Uribe, 18 assassination attempts and maybe even climbing, has stood tall for democracy and said he will not tolerate the FARC, and the AUC, and narco-terrorist groups trying to control Colombia and sending death to America by cocaine paste and cocaine kilos and everything that we know is bad and killing our children in the streets of America.

We have a true partner who is willing to take and literally risk his life and his presidency to stop this in Colombia. This is the wrong time, Mr. Chairman.

Right now, we have three United States citizens hostage to the FARC. What message would we send to our friends in Colombia who are risking their lives to rescue these citizens from the FARC and other AUC groups by cutting this funding. This is not the time, Mr. Chairman.

This is the chance that we stand up and say, We are making progress. We will support an aggressive attitude toward narco-terrorist trafficking in not only Colombia, but all of Latin America and make that difference, not only for the three United States citizens that deserve our support, but every American who fights to keep drugs out of their family, out of their schools, out of their community.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking Democrat on the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I thank the gentleman and I compliment my friend and colleague, the gentleman from Massachusetts (Mr. MCGOVERN) for this amendment, which is also co-sponsored by the gentlewoman from Minnesota (Ms. MCCOLLUM) and the gentleman from Kansas (Mr. MOORE).

This amendment is important because it will force this body to look hard at American policy in Colombia. Since Congress began funding support in Colombia under the Plan Colombia in fiscal year 2000, we have spent approximately $4.5 billion in counterdrug and military support. That is a lot of money, a lot of money under any circumstance, and it is certainly at a time when we are fighting two wars elsewhere.

Given the magnitude of what we have spent and the fact that Plan Colombia will expire this year, we should be asking some really tough questions. Such as, is the amount of money spent in line with the benefits to the United States and to our national security, and are the Colombians doing enough to provide for their own security?

Funding for Colombia was initiated in order to stem the flow of drugs to our country. Yet, the United Nations figures show that decreases in cultivation in Colombia have been more than matched elsewhere in that region. There has been no decrease in drugs coming into the United States.

Funding was also intended to promote peace in Colombia. Certainly on that front, there is some progress. I believe President Uribe is trying to do the very right thing for his country, and we should support his efforts, which we are. The question is whether we should support it at the cost at a time when our military and our foreign aid dollars, our defense dollars are spread so thin across the globe.

This amendment, Mr. Chairman, with this modest cut to overall aid to Colombia, should force a rethinking of our strategy in Colombia on whether we are achieving goals important to our own national security. At the same time, we need to ask whether the Colombians are doing all they can to provide for their own future security. Let me say that again. At the same time, we should ask whether the Colombians are doing all they can to provide for their own future security.

Their tax revenue continues to be at very low levels. Fewer than 750,000 Colombians contribute to their national defense through the tax base of a population of 42 million. Many Colombians with high school educations continue to avoid military service. The Colombians should be taking on more of a responsibility for their own effort. This amendment does not cut all funding for Colombia. Far from it. But it does send a clear signal that the American dollars invested are not yielding the results we need to.

At a time when we are engaged in two wars globally, we must even be more careful about where we are spending our resources, our dollars. We must urge our colleagues to support the amendment. I compliment the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. KIRK. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I rise in opposition to this amendment. I believe it would undermine the efforts to eradicate production and trafficking of cocaine in Colombia which is the primary source of narcotics entering our Nation.

We have heard some level of debate today about is the amount of cocaine down coming into the United States or not? But the real issue is, how much higher would it be if we did not have this program in place?

Operations under the Andean Counterdrug Initiative have been instrumental in reducing the cultivation of coca 33 percent since 2002 and cultivation of poppies 52 percent last year.

Are those exactly the percentages and which years do you compare? The point is not the exact numbers. The point is the trend and the trend is that there is less being grown because we know we are eradicating it every year. If we are eradicating it, if we are ripping this stuff out, if we are spraying it, if we are making sure it is not growing, that is that much more is not available. That seems pretty obvious on its face.

But this program is doing more to help improve the stability of the country of Colombia and the people who live there, particularly the realm of violent crime in Colombia. Kidnappings are down 34.5 percent in 2004 and almost 61 percent through May of this year. Homicides are down. Terrorist attacks are down. Internal displacement of people, also down by more than 50 percent. Over 200 Columbian narco-traffickers have been extradited to the United States in the last 2 years, including the leader of the Cali Cartel, an important FARC commander, and an AUC commander.

The point is we are taking these narco-traffickers out of the business of trafficking in narcotics, of bringing this terrible stuff to our borders and to our people. This is a good program that has done well and we need to continue to fund it.

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

Mr. Chairman, I just want to respond to the gentleman who just spoke. Maybe he has not been reading the newspapers but the Colombian government just passed an amnesty law that gives narco-traffickers and the paramilitaries and people who have been guilty of crimes against humanity a get-out-of-jail-free card. That is one of the reasons why I am here today expressing my outrage.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I rise today in strong support of the McGovern-McCollum-Moore amendment to H.R. 3057, the Foreign Operations bill for FY 2006. This amendment recognizes the critical problems that need to be addressed in Colombia.

Six years ago, Plan Colombia was implemented with the goal of reducing the flow of cocaine into the United States and to improve respect for human rights and the rule of law in Colombia. Based on the administration's own target indicators and data, the drug eradication effort in Colombia has been an across-the-board failure.

Plan Colombia has not significantly deterred coca cultivation, curbed cocaine availability, forced price increases or reduced cocaine use.

After 6 years and an investment of more than $4 billion in taxpayer dollars, net coca cultivation in Colombia is only 7 percent below the 1990 level. The total area under coca cultivation is estimated to be 36 percent higher than in 2000. Furthermore, reports indicate that cocaine remains readily available on the U.S. streets. The cocaine and heroine problems in the United States are more acute today than they were 6 years ago with lower prices, higher drug purity, and increased usage.

Tragically, what we have seen in the past 6 years is an increase of human rights abuses, including violations by the army, unchecked government collusion with abusive paramilitary forces and violence against trade union members. We cannot be seen as condoning the ongoing human rights abuses in Colombia. We must be seen the world over as defending human rights. By supporting the McGovern amendment, we would be sending a strong signal to the international community that, yes, the United States does indeed value human rights.

For genuine, lasting and positive changes in Colombia, the Colombian government and Colombian people must take an active role in initiating and sustaining those changes.

Plan Colombia is not working and given the inexcusable ongoing human rights violations and military abuses in Colombia, reducing the allocation for Plan Colombia by $100 million is not only the responsible thing to do with taxpayer dollars, it underscores our Nation's standing as an advocate of human rights. Vote yes on the McGovern amendment.

Mr. KIRK. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON), the distinguished chair of the Subcommittee on the Western Hemisphere.

Mr. BURTON of Indiana. Mr. Chairman, I have heard what they are against. What are you for?

We have got a drug problem that we are trying to deal with. Plan Colombia, according to the statistical data that has been quoted time and time and time again by my colleagues, and I am quoting a little bit about that, shows that we are making progress. You are against it, but what are you for?

I mean, we have got a war against drugs and you are standing here saying, okay, let us not do this, let us not do this, but the drug problem exists so what do you want to do about it?

Unless you have got some constructive alternative, I think you ought to take a hard look at what has been talked about here today by the colleagues on our side of the aisle.

Now, the gentleman from Indiana (Mr. SOUDER) sent out a ''Dear Colleague'' to my colleagues and I would like to read you a little bit about what is in his ''Dear Colleague.'' Aerial eradication has reduced coca cultivation by 33 percent. That is a plus. Reduced coca cultivation by 16 percent in the Andean region in 2003 and by an additional 5 percent in 2004. That is a plus.

Opium poppy cultivation in Colombia dropped 52 percent in 2004, the third straight year of decline. That is a plus. They have got alternative development programs. Since 2000 we have supported and they have supported more than 63,000 hectares of legal crops, some substitutions. That is a plus. Resulted in the manual eradication of 23,200 hectares of illicit crops, coca and opium. That is a plus.

Security. Police presence is extended to all 158 municipalities in Colombia that did not have any police protection before. That is a big plus.

Colombia has extradited 271 Colombian citizens to the U.S. since August of 2002, mostly on narcotics-related cases. Another plus.

Human rights. Kidnappings were down 34 percent in 2004 and a further 60.9 percent through May of this year. Another plus. Homicides are down 14.2 percent and another 22.3 percent through May of this year.

There were 137,315 newly displaced persons in 2004. That is a drop of 67.5 percent. Those are all pluses. Those are things that are being accomplished.

Yes, we still have problems. Yes, there are narcotics in America. Yes, they are coming into this country. But we are making progress. And what you folks want to do is stop the progress. So what is your alternative?

I do not hear anything but complaints. This is the wrong time and it is the wrong message to send to our allies, President Uribe, who is making progress down there. It is also the wrong signal to send to the surrounding countries that have to deal with this drug problem and the drug cartel.

I guess I am out of time, but I think the point has been made. Unless you have a constructive alternative, I suggest you do what the gentleman from Indiana (Mr. SOUDER) has suggested. Read his ''Dear Colleague.''

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

Mr. Chairman, let me respond to the gentleman. I believe we need a balanced policy. And some of us tried in the Committee on International Relations and in the Committee on Appropriations to make some modest changes in support of increased alternative development aid, but we were shut down on even those modest changes. Maybe the gentleman did not listen to my statistics.

Also, we have a critique of the letter of the gentleman from Indiana (Mr. SOUDER) that he sent to Members of Congress, and I think the gentleman would be interested to know that some of the figures that the gentleman from Indiana (Mr. SOUDER) has cited we believe are totally inaccurate.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. MEEKS).

□ 1730

Mr. MEEKS of New York. Mr. Chairman, I am rising in support of this amendment partly because my colleagues on the other side of the aisle refuse to include reasonable amendments that direct or redirect funds to help the most in need in Colombia. In fact, they refuse to move on to a more balanced policy on Colombia.

For example, Afro-Colombians comprise approximately 26 percent of Colombia's total population. Nevertheless, they are overrepresented amongst the poorest of the poor. Eighty-two percent of this disadvantaged minority lack even basic public services.

There are problems with this bill, and we should not continue to throw good money after bad. Plan Colombia had 5 or 6 years to prove itself, and what it has proven is that the plan has caused more harm than good. Eighty percent of U.S. assistance to Colombia goes to the military and police. We need a more balanced policy on Colombia.

Plan Colombia's aerial fumigation strategy has forced coca growers not to stop growing but to move their coca crops further west and north to Afro-Colombian and indigenous territories. Fumigation is ruining food crops, animals and livestock, while threatening the health and environment of Afro-Colombians, especially in the department of Choco.

In 2002, only two municipalities in the department of Choco registered some sort of coca crops. Today, all 31 municipalities in that region have coca crops. Plan Colombia is destroying the traditional cultures of Afro-Colombians and their communities while providing little or no alternative development aid.

Furthermore, a primary U.S. objective for Plan Colombia has been to prevent the flow of illegal drugs into the United States. In my district in southeastern Queens, New York, and on the streets of the United States of America, cocaine remains available today and at lower prices than ever and the levels of use are stable, if not rising.

Therefore, Mr. Chairman, I urge my colleagues to support this amendment, and I ask my colleagues in conference to support alternative development and social programs that work and can make our policy in Colombia more balanced and thereby giving the American people a better bang for their buck in Colombia.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK), a distinguished member of the subcommittee.

Mr. KIRK. Mr. Chairman, this amendment will be defeated later on today because it would snatch defeat from the jaws of victory in Colombia. We see a close connection between narcotics and terrorism.

The people of Colombia saw that. When the Medellin cartel killed three major candidates for president, the people elected the last candidate left who wanted to fight the narcoterrorists. In their last election, the people of Colombia chose the candidate who took the hardest line against narcoterrorists, and after September 11, who could blame them?

President Uribe of Colombia has asked for our help, and so far, what has our assistance accomplished? Coca growing is down, kidnappings are down, terrorist attacks are down, opium growing is down, several hundred drug kingpins extradited to the United States, and desertions among terrorist groups are up.

In a recent poll, 73 percent of Colombians said they supported the U.S. assistance under Plan Colombia. We have seen narcoterrorists in Colombia offer training to other terror groups in other countries; and with these international links, we see Colombian drugs not only poisoning our kids but the profits from their sale are now supporting international terror.

If we give up on Colombia, a new narcoterrorist state will rise in our hemisphere, and when a narco-state took power in 1991 in Panama, it took the direct action of the U.S. military to restore democracy.

I think we should not give up on democracy in Colombia. We should listen to the voices of their people through their elected president and make sure that he and his team remain in power and that this stays as a Colombian struggle and is not surrendered to become a full blown American one.

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

Let me just respond to the gentleman, Mr. Chairman, if I can, by saying, if the Colombian people support this policy so much, then why is it that only 740,000 Colombians pay income tax in a country of 42 million people? That is a fact. That was stated in the Council on Foreign Relations report that came out last year.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

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

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

Mr. Chairman, I rise in strong support of this amendment. I would only ask my colleagues on this side of the aisle, where have all the conservatives gone? Where are the fiscal conservatives? A decade or so ago, the conservatives on this side of the aisle voted against all foreign aid. Now they are the champion of foreign aid.

We are running a national debt increase right now of nearly $600 billion a year, and the gentleman from this side of the aisle suggests that maybe we can spend $100 million less out of a budget that is over $20.3 billion, suggesting we could save $100 million, which sounds like pretty good sense, and all we hear are complaints about why we need this program.

One gentleman asked the question, what are we for if we are against this program down in Colombia, Plan Colombia? Well, I'll tell my colleagues what I am for. I am for the American taxpayer, and I will tell my colleagues one thing. I will bet them I am right on this. I will bet my colleagues, on either side of the aisle ever goes home and ever puts it into their campaign brochure and say, you know what, I voted $20 billion for foreign aid; and I know nobody over here will go home and brag about $100 million that they were able to vote against cutting from this side of the aisle. They will not do it.

I was here in 2000 when this debate was going on and strongly opposed it for various reasons, but I remember the pretext for Plan Colombia. The pretext was the drug war and this is what we have heard about today. The evidence is very flimsy. If there was any success on the drug war, production would be down and prices would be up. Production is up and prices are down, and that is an economic absolute.

So there has been nothing accomplished. There has been more production in other countries in the Andes, but the pretext there was only the drugs, but I remember so clearly in the year 2000 who lobbied for this bill.

Does anybody remember oil companies coming here to get their oil pipelines protected, and we still protect them? This is a little private army that we sent down there. We have 800 troops and advisers in Colombia and spending these huge sums of money.

Who else lobbied for Plan Colombia? Do my colleagues remember the debate on who would get to sell the helicopters? Would they be Black Hawks or Hueys?

Then we wonder where the lobby is from. It is not from the American people. I will bet my colleagues nobody wrote to anybody on this side and said please make sure you spend this $100 million dollars; this would be tragic if you would not spend it because it is doing so much good. That does not happen. It is the lobbying behind the scenes of the special interests whose interests are served by us being down there. It is part of this military industrial complex which exists, and I do not

believe it has had one ounce of success. I think it is a complete waste of money; and besides, just incidentally it is unconstitutional for us to do this.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Arizona (Mr. HAYWORTH).

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

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

I rise in opposition to the amendment. I do not doubt the sincerity of proponents of the amendment on either side of the aisle. Many compelling questions have been asked.

In the final analysis, it is my firmly held conviction that what many maintain would be re-evaluation, that this immediate reduction would send the signal of retreat.

We have heard criticisms of the taxation policies of Colombia. We have heard criticisms based on different political ideologies in the United States; but in the final analysis, as we conduct a worldwide war on terror, I would remind all in this House we are not just talking about Islamic fascism. We are talking about the rise of narcoterror.

For that reason I oppose the amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

I want to commend the gentleman for offering this amendment, and I certainly agree with his intent, which is to minimize United States investment in failed counternarcotics programs.

For far too long, we have supported policies and funded programs in Colombia that simply do not work. Our counternarcotics programs in Colombia have long been an inefficient use of taxpayer dollars.

The data we have from the National Drug Intelligence Center at the Department of Justice with respect to the success of this program is negative. It shows that the program has not decreased the amount of cocaine coming into the United States. In fact, the quantity of cocaine on our streets is increasing, and the price is decreasing, making it all the more affordable and attractive to our youth.

The billions that we have put into Plan Colombia have not been effective in substantially decreasing the amount of coca being grown in Colombia either. After spending over $4 billion and spending nearly 6 years, have we even cut coca production in half? No. We have decreased by less than 7 percent the number of hectares of coca in Colombia.

It is becoming even more difficult and costly to eliminate each hectare of coca. The U.N., whose own surveys found a small decrease in Colombian coca in 2004, found that for every acre of coca reduced in 2004, 22.8 acres of coca had to be sprayed. This ratio has never been so high.

U.N. statistics indicate that the overall amount of coca grown in the Andes increased by 3 percent last year, led by substantial increases in Bolivia, 17 percent; Peru, 14 percent.

Finally, the failure of this program to solve the problem of coca production is all the more compounded by the heavy toll it imposes on the rural communities in Colombia that are already suffering from armed conflict. Continuing to fund it at such a high level is simply bad policy.

I am troubled by the fact that this amendment cuts $100 million from the foreign operations bill without adding it back for one of the many programs that could use it. The allocation with which the gentleman from Arizona (Chairman KOLBE) and I had to contend is already $2.5 billion short of the President's request; and with the increased needs we face around the world, to combat the HIV/AIDS virus and other diseases, fight hunger, improve child health and education, and promote peace and security in the Middle East and elsewhere around the globe, I am concerned that this amendment further reduces our funding in the bill.

Again, I support the gentleman for raising these important issues, and I thank him for all the time he has spent really understanding the issue, working on the issue and trying to stress how useless this funding really is in making a dent in the coca operation.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. MICA), who is a member of the Task Force on Drugs.

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

I also had the privilege of chairing the Criminal Justice Drug Policy Subcommittee before the gentleman from Indiana (Mr. SOUDER) and inherited those responsibilities, actually, from the gentleman from Illinois (Mr. HASTERT), the Speaker of the House. All during that era, the Clinton era, we saw really the beginning of this incredible problem in Colombia.

During the 8 years of the Clinton administration, the other side of the aisle, even some of the folks that have spoken today, did everything they could to keep resources from going to Colombia; and when you do not have the resources to combat narcoterrorism, what happens?

I have a little map here, and it shows where the drugs come from. This is not a guessing game. We know from chemical analysis even the fields the cocaine and heroin came from.

So they blocked helicopters, they blocked assistance, they blocked eradication, interdiction, anything they could, because they did not want to harm the hair on a single leftist terrorist in that region.

□ 1745

But we are now trying to get a handle on that with the efforts of Speaker HASTERT, with this President.

They said Plan Colombia has not worked, when kidnappings are down a third in Colombia; they say it has not worked when murder is down a third; it has not worked when pipeline attacks from 2000, which were at 177 that year, to 20 last year. It has not worked?

Human rights? My colleague is concerned about human rights? Tens of thousands of people died, judges, legislators, thousands of police were slaughtered, and their human rights were not considered while you blocked aid and assistance.

We have a President of the United States who has a firm policy, we have a Speaker who has developed Plan Colombia and we are initiating that. We have success in that land because we have a President who is also getting the resources to another president, in Colombia, who has a tough stance against narco-terrorism.

The drugs in the United States are still killing our young people. We had over 26,000 people die, the silent deaths on our street. Our biggest social problem. This is where our few dollars and resources need to go, and that is where the drugs are, at their source, and we can eradicate them.

Talk to one mother or father who has had a child die of a drug overdose and you will see the worth of what we are doing here today. We know where these drugs are. We can eradicate them. And we can do that continuing Plan Colombia in an effective manner and not having the legs cut out from under us when we have made such great progress.

I urge defeat of the McGovern amendment. I urge defeat of attempts to again thwart the effort to stop drugs coming in across our borders.

Mr. MCGOVERN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership on this important issue.

I rise in strong support of the McGovern-McCollum-Moore amendment to cut $100 million from the Andean counterdrug initiative account, which, by the way, still leaves $634.5 million in the account. I am not against helping create a more peaceful nation for the people of Colombia, and of course we want to reduce the flow of drugs to this country and the use of them by Americans, but I do not support throwing good money after bad in the quagmire that is our Colombia policy.

I wanted to read from an article today in the L.A. Times written by Sonni Efron, the headline being ''Drug War Fails to Dent U.S. Supply.''

''The Bush administration and congressional allies are gearing up to renew a plan for drug eradication in Latin America despite some grim news. The $5.4 billion spent on the plan since 2000 has made no dent in the availability of cocaine on American streets, and prices are at all-time lows. United Nations figures released this month show that coca cultivation in the Andean region increased by 2 percent in

2004 as declines in Colombia were swamped by massive increases in Peru and Bolivia. And the nonpartisan Congressional Research Service said last week that the antidrug effort has had 'no effect' on the price or purity of drugs in the United States. The findings have fueled skepticism in Congress where conservative groups have joined efforts to lobby against continued funding.''

Let me underscore that: ''Conservative groups have joined efforts to lobby against continued funding. The National Taxpayers Union calls the antidrug program a 'boondoggle.'''' That is from The L.A. Times.

And the policy of fumigation is not only ineffective, but it is inhumane. The majority of small farm families whose crops are sprayed do not receive assistance to transition to food crops from either the Colombian or the U.S. Governments. They are given no incentive to change their behavior, no alternative to make a living that will help them survive.

There are areas in Colombia where massive spraying is occurring and little or no development aid is provided. Even legal crops in those areas are killed. They are subsistence crops, and there is nothing given to replace that loss for those families. This is inhumane and it is also remarkably ineffective. Sixty-two percent of the coca fields detected by the U.N. in Colombia in 2004 were new; evidence that fumigation, in the absence of alternatives, is not moving farmers away from planting coca.

If we want a long-term and effective plan, it has to be a new one. It is not enough to send a report to our constituents each year and detail how much we are spending to go fight drugs. And it is not a real success when we reduce coca in one country while cultivation soars in another. We need to show them results, and this plan has provided none.

So if you truly care, you are going to support the McGovern-McCollum-Moore amendment and send a message that we need a new approach.

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

Mr. Chairman, I find this debate most interesting, especially the statement made by the previous speaker, the gentleman from Florida (Mr. MICA). It has been my experience on this floor through the years that the most baffling moments come not when we are talking about things we do not know, but when we are talking about things that we do know that ''ain't'' so.

I think the gentleman from Florida just illustrated what I mean. He stood here on the floor and suggested that somehow those of us on this side of the aisle who are skeptical about Plan Colombia had blocked all kinds of initiatives. He also suggested that this plan was a plan which had been forged into a successful program by President Bush and Speaker HASTERT.

Well, the fact is that I remember when Plan Colombia was first pushed through the Committee on Appropriations, because I opposed it vehemently. I thought, based on my experience in chairing the Subcommittee on Foreign Operations, for 10 years, that our drug interdiction programs were largely a flop. I know that I had officials from the Reagan administration tell me privately that we had intercepted less than 5 percent of the drugs that came across the southern borders from not just Mexico, but from elsewhere in this hemisphere.

I would ask what initiatives did we block? I wish we had blocked some, but what I remember is getting run over. And I was not run over by President Bush and Speaker HASTERT, I was run over by President Clinton and Speaker HASTERT. They were the two who pushed it down the throats of the Committee on Appropriations, each trying to compete with each other to show who was most zealous in their resistance to the drug problem.

So I would simply say I do not mind each of us rewriting a little history, if it is on purpose, but I hate to see history being rewritten by accident. That gets to be more than a little dangerous.

So I would simply suggest that on the merits, this program has had a long time to prove itself. In the end, the only way it could succeed is if you had a Colombian society that was determined to make it succeed, and that society has not been willing to do that. They have not been able to muster the forces necessary to deal with the problem effectively.

So we are left to ask what is ordinarily spoken of as a good conservative question, and that question would be: No matter how desirable this program is, does it work? And the answer is clear. This program has, at best, had only marginal success, very hard to see certainly, night or day. So I would simply suggest that with all of our challenges in the foreign aid area, even if we confine those challenges just to the Western Hemisphere, there are a lot of other places where we could more productively spend this money than we are in this initiative.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), a distinguished member of the Committee on Appropriations.

Mr. LATHAM. Mr. Chairman, I thank the chairman for yielding me this time, and first of all, I want to commend him and the ranking member for bringing this bill to the floor and for all their hard work. It is a very difficult bill, as we can see by the debate here.

Mr. Chairman, today I rise in strong opposition to the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN). The Andean Counterdrug Initiative is an important antidrug effort that supports Colombia and the countries in the Andean region. After years of steady increases, cocaine and heroin production in the Andean Region is decreasing. For the third straight year, from 2002 to 2004, the ACI has helped reduce coca production by 33 percent in Colombia and 21 percent in the region. Opium poppy cultivation in Colombia dropped 52 percent in the year 2004 alone. The total land under coca cultivation in Colombia decreased 7 percent in 2004, the fourth consecutive annual decrease.

The United States and our allies disrupted the transport of 248 metric tons of cocaine headed through the transit zone before it could reach U.S. shores in 2004 alone. The ACI has helped streamline extradition procedures resulting in over 250 extraditions to the U.S. since August of 2002, including FARC leader Simon Trinidad and ex-Cali cartel leaders.

Over 60,000 families have received alternative crop development assistance, and almost 1,000 infrastructure projects have been built using ACI funds. Even as detractors cite individual instances of human rights' abuses, overall kidnappings dropped by almost 35 percent in 2004 and fell another 60 percent through May of this year. Homicides are down 14 percent in 2004 and dropped another 22 percent since May of this year.

Mr. Chairman, I would urge the Members to strongly oppose this amendment which would very much harm our ability to fight this scourge in our country.

Mr. MCGOVERN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise with a great deal of concern about Colombia and in support of this amendment, because I think the facts I have heard here on the floor just misconstrue what is really going on down there.

We need to wake up and smell the coffee. The debate here should be about improving sales of Colombian coffee, not about the increased sales of Colombian coca. What was Plan Colombia has now become Plan K Street. What was supposed to help Colombians help themselves has now become Help American Corporations Stay in Business in Colombia. What should be money to eradicate the poverty that drives drugs in the first place has become a program to give Dyna Corporation $80 million, to give 16 U.S. contractors money to maintain Colombian helicopters and money to U.S. firms to own and fly the eradication aircraft. This is not about Plan Colombia anymore. This is about Plan K Street. Lockheed Martin got $9 million.

Congress Members here travel to Colombia almost monthly on what I have now called the Narcotourism Tour that American Congressmen like to have. They come home thinking that they have seen the problems in Colombia and that all we need to do is give more money. I am all for a real Plan Colombia, a plan that invests in Colombia, that lets Colombians do the jobs that Americans should be working themselves out of. For 5 years the same companies are doing the same things they have been doing; 5 years without

the Colombians owning those companies, without the Colombians doing that work.

It is time that we make a statement. Cut this $100 million, put it into alternative development, do something that helps Colombians help themselves so that we do not have to keep American corporations on the handout from American Congress Members to keep their businesses going in the guise of trying to eradicate drugs in Colombia. It is time to stop.

Mr. Chairman, it doesn't take an inside-the-beltway policy work to understand that the current policy towards Colombia is broken.

My district on the Central Coast of California is filled with compassionate people who closely follow US foreign policy towards our southern neighbors and they recognize that our current policy towards Colombia is broken.

They are well aware that only eradicating a farmer's crops and not providing for alternative livelihoods is not a sustainable solution to the coca growing problem in the Andean region.

US assistance to Colombia is reflective of this flawed policy: 80 percent of funds have gone for military assistance and been eaten up by coca eradication.

Only 20 percent of funds have gone to social and economic programs. These programs are what build local economies and communities and provide alternatives to coca production.

This distribution of assistance is not a recipe for permanent coca eradication. It's not a recipe for peace. It's a recipe for disaster.

And that disaster is reflected in the Administration's own figures for coca production. The White House Office of National Drug Control Policy statistics for 2004 show that, despite a record number of crops sprayed in Colombia, data shows that coca production remains "statistically unchanged" and the US street prices of cocaine and heroin are at or near all-time lows.

I'd like to quote a constituent and friend of mine, Bert Muhly, who has traveled extensively throughout Latin America for decades and has been a tireless advocate for the downtrodden throughout the Western Hemisphere.

Bert correctly states:

"Plan Colombia must be abandoned in favor of a Plan for Peace where the billions our government spends on shoring up the military establishment of countries of Latin America that are used to suppress the hopes of their people is diverted to programs that will alleviate poverty and give hope to the people within those countries."

I was a Peace Corps Volunteer in Colombia in the 1960s and have visited Colombia many times since then. I have seen first hand that Colombians are resilient and bright people who desperately want peace.

Yet U.S. assistance and the Colombian government have not laid the ground work for peace.

The Colombian government has failed to focus on creating a rural development strategy to address the underlying causes of poverty.

With such a lop-sided policy that fails to invest in the innate capabilities of rural Colombians so that they can build a life for themselves that doesn't involve coca production, I am sad that my adopted country will remain stuck in this quagmire of civil war.

House rules prevent the $100 million from the McGovern-Moore-McCollum amendment to be reallocated to alternative development, which would be my preference. Absent that option, I strongly urge my colleagues to vote in support of this amendment which is a step in the right direction to encourage reform of U.S. policy in Colombia.

□ 1800

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means and also an individual who has spent a great deal of time in Central America and Latin America studying this issue.

Mr. WELLER. Mr. Chairman, I rise in strong opposition to this amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) and who I have great respect for, but disagree on some things, particularly this amendment. This amendment, I believe, would cut the rug out from under our democratically elected ally in Colombia.

Let us look at the facts. The facts are that Colombia is a democracy. The facts are that Colombia is our hemisphere's second oldest continuous democracy. The facts are that 90 percent of the cocaine and 50 percent of the heroin that comes into my home State of Illinois comes from the Andean region, particularly Colombia. The facts tell us that Colombian drugs in 2001 killed more Americans than the attack on the World Trade Center. The facts tell us that the criminal sale of narcotrafficking of drugs supports almost 30,000 terrorists, terrorists who are affiliated with two leftist terrorist groups, FARC and the ELN, and one right wing terrorist group, AUC.

I would note that these are terrorist groups that enslave child soldiers, sending children into battle against the democratically elected government of Colombia.

Today, 65 elected officials, judges, and a presidential candidate are held hostage. They are political prisoners, held by the FARC. These 65 political prisoners are the only political prisoners held in our hemisphere outside of Cuba, that brutal dictatorship.

We have a partner in President Uribe, and Colombia is making progress under Plan Colombia. Homicides are down, kidnappings are down, terror attacks are down, and 250 narcoterrorists and drug kingpins have been extradited to the United States for trial. Again, Plan Colombia is working.

When it comes to intercepting drugs this past year, 475 tons of drugs were eradicated or seized in 2004. I would note just this past week the Colombian Government was successful. In one drug bust, they seized 15 tons of street-quality cocaine, worth $400 million in Boston or Chicago. Again, progress is being made. Clearly, by voting "yes" for this amendment, Members pull the rug out from under the democratically elected government of Colombia.

I have worked with many friends on both sides of the aisle. We have talked about finding alternative crops to help the farmers in Colombia make money and have a profitable alternative to becoming cocaleros, and I am proud that through USAID our investments are paying off. Today, thousands of former cocaleros are now cafeteros, growing coffee for a more profitable market as coffee prices have increased in the past year. As part of that commitment, the United States joined the International Coffee Organization. Since then, prices have gone up $1 a pound.

Mr. Chairman, vote "no" on the McGovern amendment.

Mr. MCGOVERN. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, let us look at the facts. The facts are that illegal drugs are cheaper today than they were 6 years ago and $4 billion ago when we began Plan Colombia. The facts are that the elites in Colombia want us to bankroll this war. It remains an embarrassing fact that only 740,000 Colombians pay income tax in a country of 42 million. They are relying on us to bankroll this war.

Mr. Chairman, the other fact is that widespread impunity for human rights abusers is getting worse. It has been widely publicized in our newspapers about the new law that the Colombian Government has passed to grant immunity and to grant amnesty, for the most part, to individuals in the paramilitaries who are guilty of crimes again humanity, many of them involved in the drug trade, and they are doing that right before our eyes.

The facts are that the human rights situation is so bad that our own State Department has yet to certify human rights progress in Colombia. We are being drawn into a quagmire. The legal limit on the number of military and contractor personnel had to be increased in 2004 from 400 to 800 military, from 400 to 600 contractors.

Let us try to solve the problem of drug abuse, not just throw money at failing strategies. We need to invest in drug treatment and prevention here at home and in the Andes, in alternative development programs to help small farmers transition permanently from growing illicit drugs. But this policy has failed.

Mr. Chairman, the question was raised before what are we for. I include for the RECORD a statement of what we are for.

RETHINKING PLAN COLOMBIA

Low-cost: use U.S. leverage far more vigorously in support of human rights and the rule of law; support the recommendations of the United Nations High Commissioner for Human Rights for Colombia; insist upon the complete dismantlement of paramilitary forces and structures, within an effective legal framework for justice, truth, and reparations; make trade consistent with sustainable drug policy and human rights; encourage negotiations with the guerrillas for a just and lasting peace; encourage Colombia's elite to use more of its own resources to improve governance.

Fund by reducing security assistance: support a strong judiciary and an independent

human rights sector; expand alternative development within a comprehensive rural development strategy, and end aerial spraying; encourage the strengthening of civilian governance in rural areas, including local peacebuilding initiatives; increase and improve humanitarian assistance, and expand protection, to displaced persons and refugees; reduce U.S. demand for drugs through evidence-based prevention strategies and improved access to high-quality treatment.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Arizona (Mr. KOLBE) for yielding me this time. I rise in opposition to the McGovern amendment.

This amendment would take valuable resources away from a program that is working to help keep drugs off our streets. The Andean Counterdrug Initiative was established to eliminate the cultivation and production of cocaine and opium, build Andean law enforcement infrastructure, arrest and prosecute traffickers, and seize their assets. The more we can disrupt the production of the drugs that are smuggled into our country, the safer our citizens will be.

The Andean Counterdrug Initiative has provided resources necessary to fight the war on drugs where these drugs are grown and processed, and efforts to disrupt the drug trade are working.

Aerial eradication efforts in Colombia have been impressive: 127,000 hectares were sprayed in 2003; 136,000 in 2004; and 95,000 hectares, or nearly 250,000 acres, have already been sprayed in this year alone.

Efforts like these, which are supported by resources from the Andean Counterdrug Initiative, have reduced coca cultivation in Colombia by 33 percent. Opium poppy cultivation in Colombia dropped 52 percent in 2004, which represents the third straight year of decline.

Due to these types of efforts, traffickers have been forced to decentralize their crops of coca, which has worked to decrease the total amount of coca cultivation. Efforts to seize drugs in Colombia have also seen impressive strides with the help of this important program.

Mr. Chairman, 114 metric tons of cocaine were seized in 2003, 178 metric tons in 2004. Drugs seized in Colombia are drugs that do not make it to the United States. Now is not the time to reduce funding for such a successful program. I urge my colleagues to oppose this amendment.

Mr. McGOVERN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, if this policy is succeeding, why does cocaine remain readily available on U.S. streets at lower prices than ever, and the levels of use are stable if not rising? There is increased availability.

If this policy is such a success, why are there increased abuses by the army? Why are trade union murders on the rise? Murders of trade union leaders increased in 2004 over 2003.

Let us look at the facts here. The bottom line is that this policy has not succeeded. It is time for us to take a fresh look at it and to change course.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to the McGovern amendment. Assistance under Plan Colombia is not just about policies; it is about saving lives. It is about the countless judges and other innocent Colombians who have, throughout the years, perished under the violence of ruthless narcotrafficking networks.

It is about fighting a threat to stability and security in our own hemisphere and addressing the drug activity and the related criminal enterprises that create an environment where terrorist activities can blossom. It is about assisting our democratic allies in confronting a threat that gradually erodes the institutional framework necessary for the survival of these relatively new and fragile democracies. It is about going to the source of the problem and providing for the welfare of our children and our Nation's future.

Plan Colombia is working, and the funds appropriated in this legislation are vital for the continued success of this effort. If we truly care about the people of the Andean region, let us not abandon them. I ask my colleagues to vote ''no'' on the amendment.

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

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

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

Mr. SOUDER. Mr. Chairman, first, let me make a couple of points clear. This amendment does not save a dime. It merely transfers money from counternarcotics efforts to other efforts. Those Members who act like it saves money are wrong.

Secondly, it is about kids and families in America. It is not about contractors; it is about the cocaine on our streets and what is the best way to deal with it.

Look, this is a tough problem. I am not going to admit that it is not a tough problem. Rape is a tough problem. Child abuse is a tough problem. Spouse abuse is a tough problem, but we do not say let us give up efforts; let us give in because we have not seen a drop in spouse abuse or child abuse; why do we not just surrender and give the fight up.

Our problem is difficult here. This is a map of Colombia. If you look at the map, the reason you hear passing statistics going on here is because basically our policies have pushed the narcoterrorists out into the jungle, instead of on the streets of Bogota where they are assassinating elected officials, terrorizing individuals, as reported in Garcia Marquez's book, ''Diary of a Kidnapping.'' We have pushed them into the jungle, so we have seen a tremendous drop in kidnappings and a tremendous drop in murders and blockades and all other types of things in the populist areas of this part of the country.

The fact is that now for the first time in modern history, every single city and town in this country has an elected official because he is not worried about being murdered.

I am all for alternative development. Alternative development, however, first requires you to get the guy from the FARC and the ultraparamilitary rightist groups away from them with a machine gun saying, plant palm heart and I will kill you. As you talk to the individuals, you can offer all of the incentives you want; but, quite frankly, they can make more money in coca. And as long as they are being terrorized and as long as they think they can make the money in coca and the terrorists think they can make money in coca, they are not going to let them do alternative development.

So we have to get control of the land. Just like in Afghanistan with heroin, it is fine for us to talk about alternative problems; but until you eradicate the heroin, it does not do any good to talk to them about planting a crop that will yield only about one-fifth the amount.

Now, I want to put a couple of other charts up here to show Members the depth of this problem. This is the eastern Pacific and western Atlantic. In this map from southwest Colombia in the eastern Pacific, you see the main trafficking routes. This is a Caribbean route, basically, going over to Yucatan.

The reason that is important is if you look at this map, the area we are trying to patrol in the eastern Pacific is basically as big as the continental United States. That does not even count the Caribbean.

Now, facts are stubborn things. In 1993, we cut 75 percent of the interdiction budget. What we saw was cocaine and heroin pour in from Colombia in that region to the point where after basically 10 years of effort, we have steadily reduced it back to where we were. It jumped 50 percent in 12 months when we cut the budget. We are now gradually working our way back down and trying to restabilize.

Let me conclude with this. This is not a Colombian problem; it is our problem. It is our addictions and Europe's addictions that have terrorized this 200-year-old democracy. Because we have not licked drug abuse in America, they have had 30,000 police killed. President Clinton, while initially he had bad policies in his administration, he is the one who came up with the Andean Counterdrug Initiative and came up with the Colombian Initiative, working with this Congress, because he realized it did not work to cut back.

It was terrorizing a legitimate democracy. An economy that has coffee, emeralds, oil, flowers, that had a flourishing middle class, that is an example of a country that fights for itself, where their police are dying. Unlike what it has taken in Afghanistan and Iraq to rebuild a police force, they had a police force. What they needed was helicopters, bullets, and communications systems. They needed help with their legal system and alternative development. They needed help with building roads into some of the rural areas where they had fled to. We provided that help to the Colombians.

This is a model of what we are trying to do in Iraq and Afghanistan; but it shows that when the terrorists can get drug money, whether it be in Afghanistan or Colombia, they are a threat to the stability, to the law and order, and to the people who want to follow the law. We need to stand behind them because it is our habit that has caused the problem.

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

Mr. Chairman, this amendment will not cripple our military support for Colombia. Currently, there is $332 million in the Andean Counterdrug Initiative for Colombia.

□ 1815

This amendment reduces that amount by $100 million. There is an additional $152 million for alternative development, human rights, and rule of law programs for Colombia in the ACI. We are not touching that money. There is another $90 million in military aid for Colombia in the FMF account in this bill. We are not touching that money. In the defense appropriations bill that we passed just a few weeks ago, there was another $165 million in military aid for Colombia.

And should this amendment prevail, I will be happy to work with the chairman, a gentleman I greatly admire, and the distinguished ranking member to ensure that the intent of this amendment is made clear in the final foreign operations conference report.

Mr. Chairman, we have heard some talk today about the new law passed in Colombia last week to demobilize the paramilitary forces. Maybe we should call the law up here what they are calling it in Colombia: the Impunity and Immunity law. It fails to establish any mechanisms that will ensure the dismantling of the paramilitaries' organizational structures or financial structures. Commanders who are major narco-traffickers and have committed crimes against humanity will get off with very limited, if any, sentences, probably spent under house arrest at their local hacienda, profits in hand.

Mr. Chairman, 6 years, over $4 billion. We are paying for Colombia's war. As I pointed out over and over in this debate, there are 42 million people who live in Colombia. Only 720,000 of them actually pay taxes. We are bankrolling this war. Maybe the elites in Colombia should put up some of their own money.

We need to send a strong message: We are not Colombia's piggy-bank. We cannot just keep writing blank checks. This policy has failed. It has failed. The availability of cocaine on the streets of the United States of America has never been more plentiful. The price has never been lower. This policy has not made a difference to any of the people in this country.

So I urge my colleagues to vote for the McGovern-McCollum-Moore amendment. Enough is enough.

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

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

I do rise in strong opposition to the gentleman's amendment. I think this is the wrong time to send the signal to the world that the United States Congress does not fully support President Bush in his fight against terrorism and narcotics in this hemisphere. I believe that the current mix of the ''hard side'' versus the ''soft side'' of programs in Colombia has been vital to our success. The aerial spraying eradication program enjoys strong public support in Colombia. Part of the support is due to the fact that we are offering alternatives to farmers who used to cultivate coca and poppy. Illicit cultivation is not now their only option.

The soft-side programs promoting alternatives is even more effective in Colombia due to the realization if they do not stop cultivation and take advantage of legal opportunities, their coca or poppy will be sprayed and they will not have anything available to them. The carrot-and-stick incentive structure has proven to be very effective in Colombia. I think we have gotten the mix right.

The political will of the Uribe government is part of the reason for our success. However, Colombia has provided more than just political will. In the last 3 years, it has doubled its portion of the GDP that is devoted to public security and democracy. The narco-terrorists they face are smart, well financed, and ruthless. Therefore, both the government of Colombia and the United States must keep up the pressure to end narco-terrorism in Colombia.

Our government has been a strong supporter of Colombia, and President Bush has confirmed to President Uribe our firm commitment to support Colombia in its efforts to combat narco-terrorism. Secretary Rice has also confirmed this commitment during a recent visit to Colombia.

We need to consolidate the many successes of Plan Colombia. There has been almost a 33 percent reduction in coca cultivation in Colombia since 2001 and a 72 percent drop in poppy cultivation. We need to ensure that this trend continues.

Our goals in Colombia are to eliminate narco-terrorism, promote respect for human rights, create economic alternatives and opportunities, respect for the rule of law, and achieving peace. Democracy is flourishing in this important ally and terrorism is being defeated. We cannot afford to lose the momentum.

I urge a ''no'' vote on this amendment.

Mr. LEACH. Mr. Chairman, at issue in the case of Colombia are priorities, but in a different sense than is usually assumed. The "priority" debate today is not about whether stemming the drug trade is appropriate, but the methodology of going about it. Military approaches fit war scenarios. Civil war is more problematic; criminal activities even more so. My concern is that when America enters into internal conflicts we change the nature of ongoing struggles as well as the motivations of various combatants. We become implicitly accountable for a panoply of policies of any side we back and accordingly answerable to the people for that side's allegiance or lack thereof to social fairness and the rule of law itself.

In this context, would it not be better to limit our military involvement in this struggling, divided country and focus our efforts instead on alternative crop production, democracy building programs and the effective prosecution of human rights abuses? And at home wouldn't we be better off emphasizing education to reduce the demand for drugs?

Military involvement simply carries too many seeds of counterproductivity as well as the prospect of escalation if policies at one level of engagement prove insufficient.

Accordingly, I support the amendment before us, not out of a conviction it is an adequate answer to a real dilemma for both of our societies, but out of a belief that more balanced social involvement holds a better prospect for more productive economic and social development in Colombia and hence more comprehensive drug curtailment through national law enforcement.

Mr. VAN HOLLEN. Mr. Chairman, today I rise in support of the McGovern, McCollum and Moore Amendment to the FY06 Foreign Operations Appropriations Bill that will reduce counter-narcotics and military funding to Colombia by $100 million. The U.S./Colombia campaign against drugs and terrorism is not working. Not only have efforts to reduce the production of cocaine in Colombia not been effective, funds from the program that should have been used to fight terrorism are instead being used by paramilitary groups to commit human rights abuses.

The U.S. has invested billions of dollars into Plan Colombia and successive programs since passing the FY 2000 budget. The Bush administration wants to continue this misguided policy with a request for $734 million in the FY06 Foreign Operations Appropriations request for the Andean Counter-drug Initiative.

One of the main objectives of Plan Colombia has been to prevent the flow of illegal drugs into the U.S. At the center of this effort has been the aerial spraying of herbicides on Colombia's coca crops. But U.S. and UN reports confirm that aerial spraying has not produced any appreciable reduction in coca production. In fact, cocaine production in Colombia may even have increased. According to the UN, 62 percent of Colombian coca fields detected in 2004 were new!

The lack of any appreciable reduction in production combined with an increase in production in countries such as Bolivia and Peru

has actually led to an increase of supply on the global market and a decrease in the cost of cocaine in the United States.

Mr. Chairman, I am also troubled by reports in the news that recently the Colombian Congress, while approving a law governing the disarmament of its country's death squads, at the same time, granted generous concessions to paramilitary commanders accused of human rights abuses. I am concerned that U.S. assistance is being used by Colombian security forces that operate in conjunction with paramilitary forces targeting social leaders with threats, disappearance, and execution. The U.S. should not provide assistance to governments that refuse to hold perpetrators accountable for human rights abuses.

Mr. Chairman, until I am convinced that the funds to Colombia are fixing the problem instead of making it worse, I cannot support full funding for aid to Colombia. That is why I support the McGovern, McCollum, Moore Amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

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

Mr. MCGOVERN. Mr. Chairman, I demand a recorded vote.

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

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank the ranking member for yielding to me.

Mr. Chairman, the Foreign Operations appropriations bill is one of the best vehicles Congress has to address an issue of paramount importance, the Israeli-Palestinian conflict. This bill contains important Middle East provisions, but I believe we could have done better in our efforts to bring peace to these two long-suffering peoples.

I support our $2.3 billion package for Israel. Maintaining Israel's military superiority in the region is a prerequisite for any peace agreement, and I am pleased that the bill fulfills the President's request for an additional $150 million for the Palestinians. The President believes, as do I, that it is imperative to deliver U.S. assistance quickly to improve the Palestinians' quality of life and empower their democratically elected leadership. But I had hoped, Mr. Chairman, that the Committee on Appropriations could have seized this historic opportunity and provided direct funding to the Palestinian Authority. Instead, this bill prohibits direct funding and places excessive conditions and limitations on the aid package.

Of course, we must ensure transparency and accountability. But the requirements in this legislation continue to go far beyond what we ever demanded in the Arafat era. This strikes me as shortsighted. We should join with President Bush in strengthening President Abbas, especially in the face of a strong challenge from Hamas in the upcoming parliamentary elections.

As Israel and the Palestinian Authority prepare to implement the Israeli withdrawal from the Gaza, it is incumbent upon the United States to help both Prime Minister Sharon and President Abbas confront the extremists on each side who seek to derail this process. I hope, Mr. Chairman, that when this bill comes to the conference with the Senate, we can redirect some of our assistance directly to the Palestinian Authority. Fragile as it may be, a flicker of hope and optimism has been kindled in the Middle East. It may truly be our last hope, and what a tragedy it would be for Israel, for the Palestinians, and for America if we did not do everything in our power to bring an end to this conflict.

I thank, again, the ranking member for yielding to me.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $790,720,000, which shall remain available until expended: *Provided*, That not more than $22,000,000 may be available for administrative expenses: *Provided further*, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $30,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $400,350,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law that restricts assistance to foreign countries, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That of this amount not to exceed $37,500,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law that restricts assistance to foreign countries, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That of the funds made available for demining and related activities, not to exceed $705,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That funds appropriated under this heading that are available for ''Anti-terrorism Assistance'' and ''Export Control and Border Security'' shall remain available until September 30, 2007: *Provided further*, That funds appropriated under this heading shall be made available for programs and countries in the amounts contained in the table included in the report accompanying this Act: *Provided further*, That any proposed increases or decreases to the amounts contained in such table shall be subject to the regular notification procedures of the Committee on Appropriations and section 634A of the Foreign Assistance Act of 1961 and notifications shall be transmitted at least 15 days in advance of the obligation of funds.

AMENDMENT NO. 4 OFFERED BY MR. ROYCE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROYCE:

Page 34, line 18, after the dollar amount, insert the following: ''(increased by $7,000,000) (reduced by $7,000,000)''.

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

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

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

This amendment seeks to direct $7 million in funding for the Small Arms/Light Weapons Destruction initiative that is housed within the Nonproliferation, Anti-Terrorism, Demining and Related programs account. That account is called the NADR account, and the entire NADR account is reduced by approximately 1.75 percent in order to

account for the increase in this Small Arms/Light Weapons Destruction initiative.

I am very pleased here to have worked with the gentleman from Arizona (Chairman KOLBE) and with the gentlewoman from New York (Mrs. LOWEY), ranking member, to craft an amendment that I believe is acceptable to both of them. Seven million dollars is the fiscal year 2005 enacted level for this activity.

And, Mr. Chairman, of growing concern to the United States are these shoulder-fired, anti-aircraft missiles, referred to as MANPADs, which have proliferated throughout the world, especially since the collapse of the Soviet Union. These are U.S.-made Stingers, they are British-made Blowpipes, and most of them are Russian-made SA–7s. According to one report, 6,000 shoulder-fired missiles are outside of government control. There are known black markets for these shoulder-fired missiles throughout Africa, throughout the Middle East, and in Asia. And for between about $5,000 and $30,000, a MANPAD can be acquired; a low cost relative to the damage they could inflict in human loss as well as economic and psychological damage. A successful attack with one of these shoulder-fired missiles against an airliner could halt aviation, and recently we had a study done by RAND, and they released this report that found that the total economic loss resulting from an attack could be in the billions of dollars.

The alarming news is that more than two dozen terrorist groups are believed to be in possession of these weapons. Several incidents have highlighted the danger that these weapons pose: the November, 2002, attempted missile attack on an Israeli commercial airliner in Mombassa, Kenya; the August, 2003 sting in which a man was arrested trying to sell Russian-made shoulder-fired missiles to FBI agents posing as terrorists. Also in 2003 we had the British government deploying approximately 450 troops at Heathrow Airport after intelligence indicated a possible al Qaeda plan to use these shoulder-fired missiles against their civilian flights. Al Qaeda training films recovered by allied forces in Afghanistan contained detailed instruction on how to use Russian-made shoulder-fired missiles.

Most observers recommend a multi-layered approach to defend against possible terrorist attacks using these shoulder-fired missiles. An important piece of this strategy are U.S. efforts to take these deadly weapons out of play around the world. Last week the International Terrorism and Nonproliferation Subcommittee that I chair held a briefing with administration officials on the State Department's efforts to identify, secure, and then destroy these shoulder-fired anti-aircraft missile stocks.

The Small Arms/Light Weapons Destruction initiative is one part of our effort against this threat. To reduce the number of shoulder-fired missiles that could fall into the hands of terrorists, we are providing bilateral assistance to foreign governments to identify and destroy their stocks in excess of their security needs as well as to improve security at their storage facilities. The State Department is now overseeing the destruction or pledges to destroy shoulder-fired missiles from Bosnia-Herzegovina, from Cambodia, Nigeria, Liberia, Serbia, and other countries. And most importantly, I think, since 2003, this program has destroyed over 10,500 of these shoulder-fired missiles.

Unfortunately, there is a lot of work left to be done. This amendment helps to continue this work. At little cost these efforts are helping to mitigate a critical threat to our security.

So I want to thank the chairman and I want to thank the ranking member for working with me on this amendment. They have a tough task on this bill, and I look forward to working with them on this legislation as it moves forward.

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

Mr. KOLBE. Mr. Chairman, I rise to claim the time in opposition, although I am not in opposition.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

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

Mr. Chairman, I do rise to say that I think that the issue that has been raised by the gentleman from California is a very important one, and we do accept this amendment.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I thank the gentleman for yielding to me.

And I want to thank the gentleman for raising this issue today. I strongly support continued funding for programs to secure and destroy small arms and light weapons around the world, and I join my chairman in delightfully accepting the amendment.

Mr. KOLBE. Mr. Chairman, reclaiming my time, I would just say simply that the program is certainly a worthwhile one and we have no problem with it. We simply did not earmark specific dollars from this account for it. This would suggest that certain dollars are to be spent, and we do support what is being done.

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

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

The amendment was agreed to.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 70, line 19 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the bill from page 36, line 16 through page 70, line 19 is as follows:

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $20,000,000, to remain available until September 30, 2009, which shall be available notwithstanding any other provision of law that restricts assistance to foreign countries.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $65,000,000, to remain available until September 30, 2008: *Provided*, That not less than $20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided further*, That up to $45,000,000 of the funds appropriated under this heading may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113: *Provided further*, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: *Provided further*, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: *Provided further*, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in

advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: *Provided further*, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as ''enclave'' loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $86,744,000, of which up to $3,000,000 may remain available until expended: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds appropriated under this heading for military education and training for Nigeria may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,442,300,000: *Provided*, That of the funds appropriated under this heading, not less than $2,280,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $595,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That of the funds appropriated by this paragraph, $206,000,000 should be made available for assistance for Jordan: *Provided further*, That funds appropriated or otherwise made available by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further*, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Guatemala: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law that restricts assistance to foreign countries, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $41,600,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than $373,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2006 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2006 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $177,800,000: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $950,000,000, to remain available until expended.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $1,741,515, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital in an amount not to exceed $8,126,527.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, $1,741,515, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $1,741,515, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $115,250,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $5,638,350, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $88,333,855.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $135,700,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $1,015,677 for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,249,888.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $15,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the

United Nations Environment Program Participation Act of 1973, $328,958,000: *Provided*, That none of the funds appropriated under this heading may be made available to the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 501. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section ''international financial institutions'' are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 502. None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $125,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading ''Foreign Military Financing Program'', not to exceed $4,000 shall be available for entertainment expenses and not to exceed $130,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading ''International Military Education and Training'', not to exceed $55,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading ''Trade and Development Agency'', not to exceed $4,000 shall be available for representation and entertainment allowances: *Provided further*, That of the funds made available by this Act under the heading ''Millennium Challenge Corporation'', not to exceed $115,000 shall be available for representation and entertainment allowances.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 506. (a) PROHIBITION ON TAXATION.—None of the funds appropriated by this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2006 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2007 and allocated for the central government of such country and for the West Bank and Gaza Program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the policy of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms ''taxes'' and ''taxation'' refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term ''bilateral agreement'' refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, except with respect to Libya, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFERS

SEC. 509. (a)(1) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—None of the funds made available by this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(b) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

(c) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation

of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: *Provided,* That funds transferred under such authority may be made available for the cost of such audits.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 510. Notwithstanding any other provision of law that restricts assistance to foreign countries, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided,* That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapters 4, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the heading ''Assistance for Eastern Europe and the Baltic States'', shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further,* That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided,* That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided,* That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for ''Child Survival and Health Programs Fund'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Andean Counterdrug Initiative'', ''Assistance for Eastern Europe and the Baltic States'', ''Assistance for the Independent States of the Former Soviet Union'', ''Economic Support Fund'', ''Global HIV/AIDS Initiative'', ''Peacekeeping Operations'', ''Capital Investment Fund'', ''Operating Expenses of the United States Agency for International Development'', ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Millennium Challenge Corporation'' (by country only), ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peace Corps'', and ''Migration and Refugee Assistance'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under title II of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2007.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investments; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for any state to enhance its military capability: *Provided*, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading ''Assistance for the Independent States of the Former Soviet Union'' and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to Europe and Eurasia and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2006, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Serbia, Sudan, Zimbabwe, or Pakistan, except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development ''program, project, and activity'' shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 522. Up to $13,500,000 of the funds made available by this Act for assistance under the heading ''Child Survival and Health Programs Fund'', may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: *Provided*, That up to $3,500,000 of the funds made available by this Act for assistance under the heading ''Development Assistance'' may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: *Provided further*, That funds appropriated by titles II and III of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any provision of the Foreign Assistance Act of 1961 and any other provision of law that restricts assistance to foreign countries except for the provisions under the heading ''Child Survival and Health Programs Fund'' and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended.

AFGHANISTAN

SEC. 523. Of the funds appropriated by titles II and III of this Act, not less than $954,000,000 should be made available for humanitarian, reconstruction, and related assistance for Afghanistan: *Provided*, That of the funds allocated for assistance for Afghanistan from this Act and other Acts making appropriations for foreign operations, export financing, and related programs for fiscal year 2006, not less than $50,000,000 should be made available to support programs that directly address the needs of Afghan women and girls.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

HIV/AIDS

SEC. 525. (a) Notwithstanding any other provision of this Act, 25 percent of the funds that are appropriated by this Act for a contribution to support the Global Fund to Fight AIDS, Tuberculosis and Malaria (the ''Global Fund'') shall be withheld from obligation to the Global Fund until the Secretary of State certifies to the Committees on Appropriations that the Global Fund—

(1) has established clear progress indicators upon which to determine the release of incremental disbursements;

(2) is releasing such incremental disbursements only if positive results have been attained based on those indicators; and

(3) is providing support and oversight to country-level entities, such as country coordinating mechanisms, principal recipients, and local Fund agents, to enable them to fulfill their mandates.

(b) The Secretary of State may waive paragraph (1) of this subsection if she determines and reports to the Committees on Appropriations that such waiver is important to the national interest of the United States.

The CHAIRMAN. Are there any amendments to this section of the bill?

If not, the Clerk will read.

The Clerk read as follows:

DEMOCRACY PROGRAMS

SEC. 526. (a) Not less than $27,000,000 of the funds appropriated by this Act under the heading ''Economic Support Fund'' should be allocated for the Human Rights and Democracy Fund: *Provided*, That up to $1,200,000 may be used for the Reagan/Fascell Democracy Fellows program.

(b) Notwithstanding any other provision of law that restricts assistance to foreign countries, up to $1,500,000 of the funds appropriated by this Act under the heading ''Economic Support Fund'' may be provided to make grants to educational, humanitarian, and nongovernmental organizations and individuals inside Iran and Syria to support the advancement of democracy and human rights in Iran and Syria, and such funds may be provided through the National Endowment for Democracy.

AMENDMENT OFFERED BY MR. SCHIFF

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCHIFF:

Page 70, line 21, after the dollar amount, insert ''(increased by $9,000,000)''.

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

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

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

Mr. Chairman, the promotion of democracy has been one of the cornerstones of American foreign policy throughout the history of this Nation, but especially during the last century.

In his second inaugural address in January, President Bush committed this Nation ''to seek and support the growth of democratic movements and institutions in every nation and culture.'' In enunciating this goal, the President reiterated a long-standing core principle of American national security policy. Promotion of democracy is not just aspirational; political liberty and transparent government increase the chance that a nation will be economically successful and politically stable, a responsible member of the international community.

I have been concerned for several months now at proposed reductions in funding for a whole range of our democracy promotion programs, many of which were deeply cut in the President's budget request. In March of this year, several of my colleagues joined me in asking the Congress to more fully fund these efforts. I understand the difficult circumstances that confront us on this bill. This is a tough environment for appropriators, and I know that we have prioritized efforts to expand the circle of democracy in the Islamic world as part of the war on terror.

Unfortunately, though, other important democracy programs have suffered greatly. For example, the National Endowment for Democracy for which the President recommended an increase of $20 million over fiscal year 2005 levels was actually cut in the State Department bill that we passed this month. This and other similar cuts have made the job of promoting democracy more difficult for American policymakers and diplomats. I believe these cuts also endanger our national security by pulling needed resources out of countries and regions that are at critical stages in their political development.

Other programs funded through the foreign operations bill have also been cut dramatically. The Support for the East European Democracy Act, SEED, has been an important act in the ongoing transition to democracy of the countries of Central and Eastern Europe. In the current fiscal year, SEED received an appropriation of $396 million. For fiscal year 2006, President Bush requested $382 million, but the bill funds SEED at only $357 million.

Similarly, the Freedom Support Act has been central to our efforts to transform the states of the former Soviet Union. In the current fiscal year, FSA appropriations totaled $555 million. The President requested $482 million. But the bill provides for only $477 million.

One of our most flexible tools, the State Department's Human Rights and Democracy Fund, promotes democracy, human rights and civil society in countries and regions of strategic importance to the United States. HRDF funds are important tools by which the Department of State maintains pressure for universal human rights, democratic processes, and civil liberties in all countries.

These challenges will be addressed by funding programs that promote democratic reform and result in greater political pluralism and respect for fundamental freedoms in countries with significant Muslim populations, and that promote the protection and enforcement of legal rights and an independent judiciary, increase popular participation in government, and develop civil society in China. HRDF funds also support programs around the world that include political party building, promoting independent media and labor and worker rights, and supporting civil society and democratic institutions.

In the current fiscal year, HRDF is being funded at $36 million; but the bill pares that back to just $27 million, a 25 percent reduction.

My amendment is simple: it would increase the recommended funding level back to $36 million. It is a modest, but important, signal to the world that America's commitment to democracy in Eastern Europe, the former Soviet Union, Africa, and Asia remains a central pillar of American diplomacy and national security strategy.

When he asked Congress to declare war on Germany in 1917, President Woodrow Wilson told the Nation that ''the world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty.''

In that war and in the other wars that this Nation has fought to preserve those ideals, we have paid a dear price. Our efforts to promote democracy hold forth the promise of widening the circle of freedom, while also reducing the prospect of failed states, terrorism and the horrific human rights abuses that so often require the intervention of American military force. Short-changing these programs is short-sighted and dangerous.

Mr. Chairman, I want to thank the chairman and the ranking member for their interest and support in this amendment.

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

Mr. KOLBE. Mr. Chairman, though I am not in opposition, I will claim the time in opposition.

The Acting CHAIRMAN (Mr. HEFLEY). The gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

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

Mr. Chairman, I would just say the bill that we do have does provide that not less than $27 million of the funds appropriated under this section should be allocated for the Human Rights and the Democracy Fund. What the gentleman has been talking about I think is a very worthwhile program. The addition of the additional funds to that I think is worthwhile. For that reason, we would accept the amendment.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I, too, rise in support of the gentleman's amendment. Strengthening democracy and promoting human rights are at the heart of our national security strategy. The President has made these ideals central components of U.S. foreign policy.

The State Department's Human Rights and Democracy Fund focuses on the countries and regions of greatest strategic interest to the United States, supporting those who seek to bolster human rights and promote democracy in key areas of the world.

Unfortunately, the administration's request cut funding by $9 million below FY 2005 levels. This was in part because the administration requested increased funding for democracy programs through the National Endowment for Democracy in the Science-State-Justice-Commerce bill. However, the House did not grant the requested increases for NED; and, in fact, the SSJC appropriations bill cut funding for NED below the FY 2005 enacted levels.

I therefore am very pleased that the chairman will accept the gentleman's amendment so that we may ensure sufficient funding for democracy programs in the FY 2006 bill.

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

Mr. Chairman, I just want to thank the chairman and the ranking member again.

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

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

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

The amendment was agreed to.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 132, line 13, be considered as read, printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the bill from page 71, line 10, through page 132, line 13, is as follows:

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 528. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 530. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available by this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

FINANCIAL MARKET ASSISTANCE IN TRANSITION COUNTRIES

SEC. 531. Of the funds appropriated by this Act under the headings ''Trade and Development Agency'', ''Development Assistance'', ''Transition Initiatives'', ''Economic Support Fund'', ''International Affairs Technical Assistance'', ''Assistance for the Independent States of the Former Soviet Union'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', and ''Assistance for Eastern Europe and Baltic States'', not less than $40,000,000 should be made available for building capital markets and financial systems in countries in transition.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 532. Unless expressly provided to the contrary, provisions of this Act, and provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 533. None of the funds appropriated by this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 534. (a) AFGHANISTAN, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 512 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles I and II of this Act that are made available for Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law that restricts assistance to foreign countries and section 660 of the Foreign Assistance Act of 1961.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter

4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law that restricts assistance to foreign countries and section 660 of the Foreign Assistance Act of 1961, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(f) CONTINGENCIES.—During fiscal year 2006, the President may use up to $45,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling in section 451(a).

(g) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other subnational entity emerging from instability, as well as a nation emerging from instability.

(h) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than $6,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law that restricts assistance to foreign countries.

(i) NATIONAL ENDOWMENT FOR DEMOCRACY.—Funds appropriated by this Act that are provided to the National Endowment for Democracy may be provided notwithstanding any other provision of law or regulation that restricts assistance to foreign countries.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 535. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ELIGIBILITY FOR ASSISTANCE

SEC. 536. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions on assistance for foreign countries contained in this or any other Act shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'': *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2006, restrictions on assistance to foreign countries contained in this or any other Act shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

RESERVATIONS OF FUNDS

SEC. 537. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this Act or any other provision contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 538. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 539. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 540. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 541. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 542. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act of 1979. The prohibition under this section with respect to a

foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver authority of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES

SEC. 543. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term ''appropriate congressional committees'' means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term ''fully adjudicated'' includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(3) The term ''parking fines and penalties'' means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997, through September 30, 2005.

(4) The term ''unpaid property taxes'' means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 544. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 545. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further*, That funds made available for tribunals other than Yugoslavia, Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 546. Notwithstanding any other provision of law that restricts assistance to foreign countries, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 547. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 548. None of the funds appropriated or otherwise made available by this Act under the heading ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Child Survival and Health Programs Fund'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

HAITI

SEC. 549. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 550. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure. The report shall also include a description of how funds will be spent and the accounting procedures in place to ensure that they are properly disbursed.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 551. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

FOREIGN MILITARY TRAINING REPORT

SEC. 552. The annual foreign military training report required by section 656 of the Foreign Assistance Act of 1961 shall be submitted by the Secretary of Defense and the Secretary of State to the Committees on Appropriations of the House of Representatives and the Senate by the date specified in that section.

AUTHORIZATION REQUIREMENT

SEC. 553. Funds appropriated by this Act, except funds appropriated under the headings ''Trade and Development Agency'', ''Overseas Private Investment Corporation'', and ''Global HIV/AIDS Initiative'', may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

CAMBODIA

SEC. 554. The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

PALESTINIAN STATEHOOD

SEC. 555. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) a new leadership of a Palestinian governing entity has been democratically elected through credible and competitive elections;

(2) the elected governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures;

(C) is establishing a new Palestinian security entity that is cooperative with appropriate Israeli and other appropriate security organizations; and

(3) the Palestinian Authority (or the governing body of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the newly-elected governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is vital to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or a newly-elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 550 of this Act (''Limitation on Assistance to the Palestinian Authority'').

COLOMBIA

SEC. 556. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(1) Up to 75 percent of such funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2).

(2) Up to 12.5 percent of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank who, according to the Minister of Defense or the Procuraduria General de la Nacion, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Colombian Government is vigorously investigating and prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

(C) The Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Colombian Armed Forces have made substantial progress in severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations, especially in regions where these organizations have a significant presence.

(E) The Colombian Government is dismantling paramilitary leadership and financial networks by arresting commanders and financial backers, especially in regions where these networks have a significant presence.

(3) The balance of such funds may be obligated after July 31, 2006, if the Secretary of State certifies and reports to the appropriate congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(b) CONGRESSIONAL NOTIFICATION.—Funds made available by this Act for the Colombian Armed Forces shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) CONSULTATIVE PROCESS.—Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2007, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in that subsection.

(d) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term ''aided or abetted'' means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term ''paramilitary groups'' means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

SEC. 557. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 558. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

WEST BANK AND GAZA PROGRAM

SEC. 559. (a) OVERSIGHT.—For fiscal year 2006, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United

States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which he has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—None of the funds appropriated by this Act for assistance under the West Bank and Gaza program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' that are made available for assistance for the West Bank and Gaza, up to $1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program in fiscal year 2006 under the heading ''Economic Support Fund''. The audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 560. (a) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under ''International Organizations and Programs'' and ''Child Survival and Health Programs Fund'' for fiscal year 2006, $34,000,000 shall be made available for the United Nations Population Fund (hereafter in this section referred to as the ''UNFPA''): *Provided*, That of this amount, not less than $25,000,000 shall be derived from funds appropriated under the heading ''International Organizations and Programs''.

(b) AVAILABILITY OF FUNDS.—Funds appropriated under the heading ''International Organizations and Programs'' in this Act that are available for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to ''Child Survival and Health Programs Fund'' and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under ''International Organizations and Programs'' may be made available for the UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under ''International Organizations and Programs'' for fiscal year 2006 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

WAR CRIMINALS

SEC. 561. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the ''Tribunal'') all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section:

(1) COUNTRY.—The term ''country'' means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term ''entity'' refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term ''municipality'' means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term ''Dayton Accords'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 562. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

FUNDING FOR SERBIA

SEC. 563. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2006, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2006, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia and Montenegro subject to the conditions in subsection (c): *Provided*, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Government of Serbia and Montenegro through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of Serbia and Montenegro is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension, including making all practicable efforts to apprehend and transfer Ratko Mladic;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 564. (a) AUTHORITY.—Funds made available by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of

part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 565. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as ''Paris Club Agreed Minutes''.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading ''Debt Restructuring''.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 566. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law that restricts assistance to foreign countries, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

BASIC EDUCATION

SEC. 567. Of the funds appropriated by title II of this Act, not less than $465,000,000 shall be made available for basic education, of which not less than $250,000 shall be provided to the Comptroller General of the United States to prepare an analysis of United States funded international basic education programs: *Provided*, That the analysis, which should be submitted to the Committee within nine months of enactment of this Act, shall include, but not be limited to:

(1) the amount of funds provided for basic education by all United States Government agencies in fiscal years 2001, 2002, 2003, 2004, and 2005;

(2) a country-by-country and project-by-project breakdown of such funds;

(3) an analysis of host country contributions to education at the local, provincial, and federal level;

(4) the amount of funds, including loans, provided for basic education by other major bilateral donors and multilateral institutions, including United Nations agencies and the World Bank Group, including a historical view of such levels;

(5) an analysis of United States efforts to increase the commitment of other major bilateral donors and multilateral institutions to basic education;

(6) an analysis of how various United States Government agencies coordinate in the provision of such assistance, including how such coordination contributes to achievement of the Millennium Development Goals with respect to basic education;

(7) an analysis of the effect of the quadrupling of United States assistance for basic education since fiscal year 2001 on education programs in the developing world; and

(8) recommendations on the content and structure of United States assistance that would increase its effectiveness in promoting literary and numeracy.

RECONCILIATION PROGRAMS

SEC. 568. Of the funds appropriated under the heading ''Economic Support Fund'', not less than $15,000,000 should be made available to support reconciliation programs and activities which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil conflict and war.

SUDAN

SEC. 569. (a) AVAILABILITY OF FUNDS.—Of the funds appropriated by title II of this Act, not less than $367,000,000 should be made available for assistance for Sudan.

(b) LIMITATION ON ASSISTANCE.—Subject to subsection (c):

(1) Notwithstanding section 501(a) of the International Malaria Control Act of 2000 (Public Law 106–570) or any other provision of law that restricts funds for foreign countries, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(2) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(c) Subsection (b) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that—

(1) the Government of Sudan has taken significant steps to disarm and disband government-supported militia groups in the Darfur region;

(2) the Government of Sudan and all government-supported militia groups are honoring their commitments made in the cease-fire agreement of April 8, 2004; and

(3) the Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and that has the support of the United States.

(d) EXCEPTIONS.—The provisions of subsection (b) shall not apply to—

(1) humanitarian assistance;

(2) assistance for Darfur and for areas outside the control of the Government of Sudan; and

(3) assistance to support implementation of the Comprehensive Peace Agreement.

(e) DEFINITIONS.—For the purposes of this Act and section 501 of Public Law 106–570, the terms ''Government of Sudan'', ''areas outside of control of the Government of Sudan'', and ''area in Sudan outside of control of the Government of Sudan'' shall have the same meaning and application as was the case immediately prior to June 5, 2004, and, Southern Kordofan/Nuba Mountains State, Blue Nile State and Abyei shall be deemed ''areas outside of control of the Government of Sudan''.

TRADE CAPACITY BUILDING

SEC. 570. Of the funds appropriated by this Act, under the headings ''Trade and Development Agency'', ''Development Assistance'', ''Transition Initiatives'', ''Economic Support Fund'', ''International Affairs Technical Assistance'', and ''International Organizations and Programs'', not less than $522,000,000 should be made available for trade capacity building assistance: *Provided*, That $20,000,000 of the funds appropriated in this Act under the heading ''Economic Support Fund'' shall be made available for labor and environmental capacity building activities relating to the free trade agreement with the countries of Central America and the Dominican Republic.

EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

SEC. 571. Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during fiscal year 2006, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Former Yugoslavian Republic of Macedonia, Georgia, India, Iraq, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

CUBA

SEC. 572. None of the funds appropriated by this Act under the heading ''International Narcotics Control and Law Enforcement'' may be made available for assistance to the Government of Cuba.

GENDER-BASED VIOLENCE TRAINING

SEC. 573. Programs funded under titles II and III of this Act that provide training for foreign police, judicial, and military officials, shall include instruction on how to address incidences and victims of gender-based violence: *Provided*, That the Secretary of State, in consultation with the Secretary of Defense, shall report to the Committee on Appropriations, no later than 180 days after enactment of this Act, how such instruction is being incorporated into programs funded under titles II and III of this Act.

LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR CERTAIN FOREIGN GOVERNMENTS THAT ARE PARTIES TO THE INTERNATIONAL CRIMINAL COURT

SEC. 574. (a) None of the funds made available in this Act in title II under the heading ''Economic Support Fund'' may be used to provide assistance to the government of a country that is a party to the International Criminal Court and has not entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(b) The President may, with prior notice to Congress, waive the prohibition of subsection (a) with respect to a North Atlantic Treaty Organization (''NATO'') member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), Taiwan, or such other country as he may determine if he determines and reports to the appropriate congressional committees that it is important to the national interests of the United States to waive such prohibition.

(c) The President may, with prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(d) The prohibition of this section shall not apply to countries otherwise eligible for assistance under the Millennium Challenge Act of 2003, notwithstanding section 606(a)(2)(B) of such Act.

TIBET

SEC. 575. (a) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(b) Notwithstanding any other provision of law that restricts assistance to foreign countries, not less than $4,000,000 of the funds appropriated by this Act under the heading ''Economic Support Fund'' should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

CENTRAL AMERICA

SEC. 576. Of the funds appropriated by this Act under the headings ''Child Survival and Health Programs Fund'' and ''Development Assistance'', not less than the amount of funds initially allocated pursuant to section 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2005 should be made available for El Salvador, Guatemala, Nicaragua and Honduras.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

SEC. 577. (a) AUTHORITY.—Up to $75,000,000 of the funds made available in this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'', may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2008.

(c) CONDITIONS.—The authority of this section may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other nondirect-hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'', are eliminated.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other nondirect-hire personnel.

(e) CONSULTATIONS.—The USAID Administrator shall consult with the Committees on Appropriations at least on a quarterly basis concerning the implementation of this section.

(f) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate. Funds made available to carry out this section may be transferred to and merged and consolidated with funds appropriated for ''Operating Expenses of the United States Agency for International Development''.

(g) DISASTER SURGE CAPACITY.—Funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'', may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by the United States Agency for International Development whose primary responsibility is to carry out programs in response to natural disasters.

HIPC DEBT REDUCTION

SEC. 578. Section 501(b) of H.R. 3425, as enacted into law by section 1000(a)(5) of division B of Public Law 106–113 (113 Stat. 1501A–311), is amended by adding at the end the following new paragraph:

''(5) The Act of March 11, 1941 (chapter 11; 55 Stat. 31; 22 U.S.C. 411 et seq.; commonly known as the 'Lend-Lease Act').''

OPIC TRANSFER AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

SEC. 579. Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title II of this Act may be transferred to and merged with funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided*, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further*, That funds earmarked by this Act shall not be transferred pursuant

to this section: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

CONFLICT RESPONSE

(INCLUDING TRANSFER OF FUNDS)

SEC. 580. Whenever the Secretary of State determines that it is in the national interest of the United States, the Secretary is authorized to furnish reconstruction and stabilization assistance, on such terms and conditions as the Secretary may determine, for the purpose of preventing, responding to, or enabling transition from conflict or civil strife in foreign countries or regions: *Provided*, That the Secretary may transfer up to $100,000,000 among accounts of the Department of State and to other Federal agencies as necessary to carry out these authorities: *Provided further*, That pursuant to a determination by the Secretary of State that it is in the national interest of the United States to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife assistance provided under this paragraph, as well as assistance provided with funds appropriated under titles II and III of this Act for countries subject to a determination made under this paragraph, may be used: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

RESCISSION

SEC. 581. Of the funds provided in title II of Public Law 108–447, under the heading ''Other Bilateral Economic Assistance, Economic Support Fund'', $64,000,000 is hereby rescinded.

ANTICORRUPTION PROVISIONS

SEC. 582. Twenty-five percent of the funds appropriated by this Act under the headings ''International Development Association'', shall be withheld from obligation until the Secretary of the Treasury certifies to the appropriate congressional committees that—

(a) World Bank procurement guidelines are applied to all procurement financed in whole or in part by a loan from the International Bank for Reconstruction and Development (IBRD) or a credit agreement or grant from the International Development Association (IDA);

(b) the World Bank proposal ''Increasing the Use of Country Systems in Procurement'' dated March 2005 has been withdrawn;

(c) the World Bank is maintaining a strong central procurement office staffed with senior experts who are designated to address commercial concerns, questions, and complaints regarding procurement procedures and payments under IDA and IBRD projects;

(d) thresholds for international competitive bidding are established to maximize international competitive bidding in accordance with sound procurement practices, including transparency, competition, and cost-effective results for the Borrowers;

(e) all tenders under the World Bank's national competitive bidding provisions are subject to the same advertisement requirements as tenders under international competitive bidding; and

(f) loan agreements are made public between the World Bank and the Borrowers.

The Acting CHAIRMAN. Are there any points of order?

POINT OF ORDER

Mr. JENKINS. Mr. Chairman, I have a point of order.

The Acting CHAIRMAN. The gentleman will state it.

Mr. JENKINS. Mr. Chairman, I make a point of order against what was left unprotected by H. Res. 341 in section 565 that begins on page 113, line 26, through page 114, line 10, for the reason that it violates rule XXI, clause 2, which prohibits legislative language in a general appropriations bill.

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

Mr. KOLBE. Mr. Chairman, I concede the point of order.

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

AMENDMENT OFFERED BY MR. BEAUPREZ

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BEAUPREZ:

Page 132, after line 13, insert the following:

LIMITATION ON ASSISTANCE TO FOREIGN COUNTRIES THAT REFUSE TO EXTRADITE TO THE UNITED STATES ANY INDIVIDUAL ACCUSED IN THE UNITED STATES OF KILLING A LAW ENFORCEMENT OFFICER

SEC. ____. None of the funds made available in this Act for the Department of State may be used to provide assistance to any country the government of which has notified the Department of State of its refusal to extradite to the United States any individual accused in the United States of killing a law enforcement officer, as specified in a United States extradition request.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. BEAUPREZ) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, I want to first of all acknowledge the hard work and dedication of the chairman, the gentleman from Arizona (Mr. KOLBE), and the ranking member, the gentlewoman from New York (Mrs. LOWEY), for their dedication and the construction of a very, very good bill.

But I rise tonight with an amendment, and the intent of this amendment is very, very simple. It is to return cop killers back to the United States to stand trial in our country, the same country in which they committed their unthinkable crime.

The problem was brought to my attention last month after Denver Police Detective Donnie Young was allegedly executed by Raul Gomez-Garcia. After killing Detective Young and shooting and wounding his partner, Gomez-Garcia fled to Mexico, where he was tracked down and arrested weeks later. The Mexican Government now refuses to extradite him back to the U.S. if there is any chance he could spend life in prison without parole. Detective Young's widow and his two children now face the further tragedy of either partial justice or no justice at all being served to her husband's killer.

In another case, in 2002, a convicted felon who had been deported three times allegedly shot and killed a Los Angeles County sheriff following a routine traffic stop before fleeing to Mexico, where he remains today, essentially escaping justice.

The U.S. should not be forced to plea bargain with other countries in order to try criminals, especially cop killers, in our own courts. As a good neighbor, Mexico should live up to their end of our extradition treaty. Killing a police officer is one of the most egregious crimes, and we should have the right to seek justice for the families of the slain officers.

The U.S. is not obliged to give foreign aid, and we should not reward nations giving safe haven to cop killers. I ask my colleagues to vote for this commonsense amendment that will bring help and peace and justice to those who deserve it most.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, I certainly appreciate the gentleman's leadership in the State of Colorado and here in Washington, D.C. on this issue, about fighting to protect our law enforcement officers.

There is a growing problem in this Nation where criminals will commit violent crimes, including murdering law enforcement officers, and flee to nations that refuse to extradite to the United States those criminals because of our tough sentencing laws, including mandatory minimum sentences.

This amendment is simple: it will not allow taxpayer funds to go to nations that refuse to stand with us against the vile act of murdering law enforcement officers.

Law enforcement officers across this country are bravely fighting crime, responding to emergencies, and protecting our rights. We have an opportunity to stand up for them with this amendment here today. When countries do not extradite their criminals, it actually creates a twisted incentive to be even more violent in their crimes. The more violent the crime, the tougher the sentence here in the United States; and the tougher the sentence, the less likely they are to be subject to extradition.

The Beauprez-McHenry amendment will apply the pressure that usually gets the best results, and that is withholding tax dollars to those countries. I, for one, think it is prudent and just that we require nations to extradite cop killers before receiving aid through this appropriations process.

Again, I applaud my colleague, the gentleman from Colorado (Mr. BEAUPREZ). I certainly appreciate his representation of his constituents in Colorado, I thank him for his leadership and friendship, and I urge my colleagues to vote for the Beauprez-McHenry amendment when the time comes and protect our law enforcement officers across this Nation.

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

The Acting CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

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

Mr. Chairman, I do rise in strong opposition to the gentleman's amendment that would cut off assistance for U.S. programs in Mexico, and let us make it clear that Mexico is the country we are talking about today, no other.

The amendment is based on the wrong assumption that U.S. foreign assistance to Mexico is only in Mexico's national interests. I am here to say that the funding in this amendment prohibits the United States' national interest, so I would urge my colleagues to vote ''no''.

President Bush and his Office of National Drug Control Policy are fully supportive of the assistance we provide in this bill for the country of Mexico. The bulk of that assistance takes the form of international narcotics and law enforcement, roughly around $40 million. There is another $11 million in ESF funds that support democracy and the rule-of-law programs. Around $22 million supports child survival and development programs. All of these resources are central to the U.S. national interest.

This amendment could directly cut off $40 million in resources that are essential for our counternarcotics assistance, law enforcement assistance, and border securities. We do not, in other words, with this amendment, gain any kind of leverage over the country of Mexico.

I highlight the fact that this assistance is more for us than Mexico because the objective of this assistance is to increase U.S. national and border security, something I am acutely aware of, living along the border. Cutting off these funds would be very shortsighted and would serve to hurt U.S. interests, not the interests of Mexico.

For decades, the U.S.-Mexico relationship was one of acrimony, distrust, and a lack of good working relationship to meet the challenges of the enormous border relationship between our two countries.

Only with the passage of NAFTA, 10 years ago, were we able to write a new chapter in U.S.-Mexico relations. We started down a path of deeper cooperation in order to spur development in Mexico, secure our shared borders, and fight the flow of illegal drugs across our territories.

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Passage of this amendment could have a devastating impact on that effort to stop the flow of drugs.

I would point out that Mexico has offered tremendous cooperation in improving border security and counterterrorism efforts. Let me cite just a couple of things. During the threat to aviation security at the end of 2003, Mexico worked closely with the U.S. Government canceling some flights, Air Mexico flights to Los Angeles and stepping up passenger screening. They stopped those flights in direct response to our request. At the commencement of the war in Iraq, the Government of Mexico implemented a plan and its military assumed a higher state of alert for potential targets of international terrorism, including key infrastructure sites and centers of tourism. Third, multilaterally, Mexico is party to all 12 United States conventions and protocols against terrorism and has hosted several conferences on security.

I believe this amendment would undermine the spirit of cooperation and the degree of cooperation that we have achieved, and I do not think this amendment reflects the priorities of the national interest of the United States. I would urge my colleagues to vote ''no'' on it.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I rise to associate myself with the comments of the chairman. I think that this amendment would be detrimental to the national security, and I urge my colleagues to defeat it.

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

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

I could not agree more with the chairman that this is more for the U.S. than it is for our neighbors. I also want to state for the record that I have enormous fondness for our neighbors to the south. I have 20 percent Hispanics in my district and many of them came from Mexico. One of my earliest childhood memories is of migrant workers sitting around our kitchen table at our farm, my mother cooking them lunch as they harvested our crops, thrashing the grain crop from our dairy farm. I have great fondness for them but, I also believe, as the gentleman stated, in the rule of law.

Let me quote Steve Cooley, the Los Angeles District Attorney. ''As you are aware, the Mexican Supreme Court unilaterally altered the Extradition Treaty in 2001.'' He goes on to say, ''This decision and its application to the Extradition Treaty between the United States and Mexico is clearly violative of the Treaty.''

That is what we are talking about tonight. We have a treaty in place. Good neighbors mean what they say and say what they mean, and live by treaties that are reached.

This amendment is all about just being honest and fair-dealing with good friends. We intend to be a good friend of Mexico and other nations around the globe. We will live by our treaties, and we ask that they live by theirs.

I urge my colleagues to support my amendment.

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

I would just briefly close by citing just a few statistics on extraditions. I have had the privilege over the last 10 years now of serving as chairman of the U.S.-Mexico Interparliamentary meeting. I can remember when I first started attending 20 years ago, extradition was the issue that we are always talking about. We do not talk about that very much anymore, and the reason is very simple.

The first 14 years of the Extradition Treaty with Mexico, from 1980 to 1994, a total of 14 years, Mexico extradited eight, a total of eight fugitives to the United States. Between 1996 and 2000, Mexico extradited an annual average of 13 fugitives each year to the United States.

Mexico has extradited more fugitives every year between 1996 and 2000 than in the first 15 years of the Bilateral Extradition Treaty combined. In 2004 they extradited a record 34 fugitives to the U.S., up from the record numbers of 17 in 2001, a record number of 25 in 2002, and 31 in 2003. These include 19 Mexican nationals and 17 narcotics defendants.

So I think there is no question that Mexico is doing what they can do. Can there be more done? Can they do better? Do we have areas of disagreement? Yes, we do, and one of these issues is the matter of the length of term for which a person may be sentenced to prison. We are working with them on that.

But I would urge my colleagues that this amendment is certainly not going to help us get a cooperative attitude with Mexico if it were to pass. I urge its defeat.

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

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

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

Mr. BEAUPREZ. Mr. Chairman, I demand a recorded vote.

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

PARLIAMENTARY INQUIRY

Mr. WEINER. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state it.

Mr. WEINER. Is this the appropriate place in the reading for a limiting amendment?

The Acting CHAIRMAN. The gentleman may offer his amendment.

AMENDMENT OFFERED BY MR. WEINER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEINER:

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

PROHIBITION AGAINST DIRECT FUNDING FOR SAUDI ARABIA

SEC. ____. None of the funds appropriated or otherwise made available pursuant to this

Act shall be obligated or expended to finance any assistance to Saudi Arabia.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. WEINER) and the gentleman from Arizona (Mr. KOLBE) each will control 5 minutes.

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

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

Mr. Chairman, perhaps the more appropriate question about this amendment is not why should we restrict any funds in this bill from going to the Nation of Saudi Arabia, but why should we allow any funds from this or any other budget to be going to Saudi Arabia.

There is not much in the bill, but there is $25,000 for the Saudis, the IMET program. More importantly, that money triggers allocations in future bills that permit the Saudis to buy U.S. arms at a discounted rate.

The administration, when they were asked to justify why we would give any money to a nation that exports terror, a nation that is getting almost $60 for a barrel of crude oil, here is what they say in their State Department budget justification: ''While Saudi Arabia controls the world's largest oil reserve, it faces an increasing budget pressure.''

So I guess one of the reasons we are providing aid to the Saudis is because of their budget pressures.

Frankly, we have heard a great deal over the course of years; in fact, the distinguished chairman of the subcommittee, who has done a terrific job on this bill in many ways, has argued in the past that the Saudis are doing better, they are doing better at cracking down on crime. But on May 28 of 2005, Syria arrested 300 Saudis trying to cross the border into Iraq to join the Jihad against the United States. I would say to my colleagues in the House that if you are relying on Syria to crack down on terrorism against Saudi Arabia, you know you have trouble.

Recently, a report in The Washington Post analyzed all of the Web sites where Jihadists brag about their so-called martyrdom, places where they list those who have given their lives so that they can blow up others, including our troops. They concluded that 70 percent of the homicide bombers on Islamic extremist Web sites are Saudis. Sixty-one percent of the Arab martyrs in Iraq are Saudis. This is just in recent months, in recent times since our last bill passed.

According to Ambassador Dory Gold, in testimony before a Subcommittee of the House Committee on International Relations in July of 2003, at least 50 percent of the funding for Hamas is Saudi blood money.

We all know the history of Osama bin Laden. When he left Saudi Arabia, he did so with, by some estimates, nearly $1 billion of Saudi blood money which was subsequently used, as we know, to attack my city, and others.

The time has come for us to say once again, just as we did last year in this bill, no aid to Saudi Arabia, no aid to a country that exports Wahabisim, no aid to a country that exports terrorism, no aid to a country that has been worse than uncooperative in our efforts to control worldwide oil prices.

There is no other way to view the Saudis except as our enemies, not as our friends. Nothing, I think, was more troubling for many of us than to see the President waiting in Crawford, Texas for over an hour while the Crown Prince came and then gave a lecture to our President on the way to fight terrorism.

The way we in the House should fight terrorism is to not provide any more aid to the Saudis, and my amendment would do that.

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

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

This is another one of those amendments that is difficult to speak against, I suppose, because we all have our problems with the record in Saudi Arabia. But it is also one that when we look at it in the cold light, I think we recognize that it does not do what it says it is going to do, it is symbolic, and the symbolism comes down on the wrong side.

In the past there have been elements, certainly, of the Saudi Government that have not been helpful to the United States in its Global War on Terrorism but, in the past few years, the Government of Saudi Arabia has greatly increased its efforts to root out terrorism and has increased its cooperation with the United States Government.

Now, this bill provides a really very small sum of $25,000 to the International Military Education and Training program, or IMET, to help train and increase military contracts with the Saudi military. Some would say, what could you possibly do for $25,000, and why do we not charge the Saudi Government for this training? In fact, that is exactly what we do. By providing this sum of $25,000, about the cost of training one officer, we allow them access to the program, and this results in Saudi Arabia spending approximately $13 million of its own funds on an annual basis to train over 400 students at U.S. military schools. This training exposes Saudi officers to U.S. military doctrines, training regimes, systems and, most importantly, to U.S. values.

With the Global War on Terrorism, now is not the time to turn our backs on those who have albeit belatedly, turned to us for assistance and cooperation. We need all the friends and the allies that we can get in this fight against terrorism. There is no question that the Saudi Arabian government has been remiss in the past in its commitments to combating terrorism, but that is changing and, above all, we need to be encouraging the change, not discouraging it, which is precisely, of course, what this amendment would do.

So let us not drive a wedge between the United States and the Arab regimes that are cooperating with us on the War on Terrorism. I urge that we defeat this amendment.

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

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Weiner amendment. This provision was included in the fiscal year 2005 Foreign Operations bill, and I believe it should be included again.

This is a common sense amendment. It sends a message to Saudi Arabia that the United States is serious about reform.

We impatiently await Saudi Government efforts to eliminate anti-Semitic and anti-Israel propaganda from its state-controlled media. We are looking for democratic reforms in Saudi Arabia, including reforms that would allow the women of that country a voice in shaping their country.

We still have not seen Saudi Arabia disavow its propaganda campaign against Christians and Jews, a campaign that is alive and well here in our very own country, as Saudi-exported materials inciting hatred and prejudice are made available at Saudi-supported American mosques.

In short, it is all carrot these days and too little sticks. The Weiner amendment provides some incentive for change in Saudi Arabia. I urge my colleagues to support the amendment.

Mr. Chairman, I am happy to yield to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the gentlewoman, and I want to thank the gentleman from New York (Mr. WEINER) for introducing this amendment yet again, which I have supported year after year. I rise in strong support of this amendment.

No one is born knowing how to hate; it needs to be taught. The Saudi Kingdom, our purported partner in peace, have turned teaching hatred into a perverted art form. Saudi textbooks, official publications of the Education Ministry, paint a hate-filled, distorted portrait of a world in which Israel does not exist, the 9/11 attacks were perpetrated by a worldwide Zionist conspiracy, and the protocols of the Elders of Zion is taught as history.

Saudi Arabia's religious beliefs have banned Barbie dolls, calling them Jewish toys that are offensive to Islam.

Last year, Saudi Crown Prince Abdullah was quoted as telling Saudi television that ''Zionists'' were behind the attack at the oil facility at Yanbu. The Crown Prince was also quoted as saying, ''Our country is targeted, you know who is behind all of this. It is Zionism.''

Fifteen of the 19 9/11 attackers were Saudi nationals; we all know that.

Knowing this, did the Saudi government express one word of remorse or regret to the families of the victims? No, not one word.

The Saudis and President Bush are constantly declaring to the United States that they are our partners in the War on Terrorism. We are talking about the same Saudis that support, encourage, and finance terrorism, the same Saudis that exude racist and anti-Semitic hatred, the same Saudis that have the worst record on the planet when it comes to religious intolerance, racial intolerance, and discrimination against women.

Our world will never be safe when children are taught hatred and disdain, when the terrorist mission of death and destruction is being funded by the Saudis.

It is unbelievable to me that we continue to pretend that they are our allies, and it is completely inexplicable that one penny of American taxpayer money is going to Saudi Arabia.

I do not want my taxpayer dollars going to the Saudis, and I do not want anyone else's. Let us pass this and send a strong message to our so-called partner in peace that either they are with us or they are against us. They cannot have it both ways, and neither can our administration.

Mrs. LOWEY. Mr. Chairman, I yield to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I want to respond to a couple of things that the chairman said.

For 3 years now, I have heard the argument for continued support for the Saudis as two somewhat contradictory positions. One, it is not a lot of money; and two, they are getting better.

Well, I think it is incumbent upon all of us, particularly in this bill when we are already short-funded, to justify why it is we provide any money at all if they are not an ally. If they are not espousing U.S. American views, if they are not improving democracy, what are they doing? I will tell you what they are doing, Mr. Chairman. They are traveling to Iraq and blowing up our troops.

□ 1900

That is not according to me; that is according to their own bragging Web sites and The Washington Post assessment about who they are. There is a dramatic increase in the amount of violence since we offered this bill last year, not a decline. There is a dramatic increase in the exporting of Wahabiism, not a decline. And there is no sign of greater cooperation. You know, a sign of great cooperation is not hiring a very expensive lobbyist here, running TV ads, running newspaper ads. A sign of cooperation is saying we are going to start cracking down on terror, not moving it out of our country into someone else's problem.

The problem that we face here, whether it is $25,000, $25 million or $25 billion, is we articulate our values in this bill. And our values are simply not to be supportive of the Saudi Arabian Government.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Chairman, I thank the gentleman for yielding time. I want to thank the chairman for his very good work on this bill. It is an excellent bill. I know they put an enormous amount of work into it, and I rise in support of this amendment because I think we can make it even better; and that is why I am joining the gentleman from New York in offering this amendment, the Weiner/Ferguson amendment; and I rise in strong support of the amendment.

The Kingdom of Saudi Arabia continues to be one of the largest financers of terrorism in the world. And the fact that this bill provides American dollars to this country for U.S.-subsidized military training is nothing short of astounding.

Our own government's reports chronicle Saudi Arabia's continuing human rights abuses, ongoing financing of terrorist groups, and exporting of terrorist ideologies. It is amazing that we are looking to Saudi Arabia, one of the wealthiest countries in the world, and giving them money out of our legislation. Now is not the time to reduce pressure on Saudi Arabia. Instead of rewarding the Saudi Government for financing terrorism and harboring terrorists, we should be holding them accountable for well-documented human rights abuses and terrorist connections.

I urge my colleagues to join me in supporting the Weiner/Ferguson amendment.

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

First of all, let me just say to the chairman and the ranking member, they have done an excellent job with a limited budget. But I think we should give them an extra $25,000 to work with by saying that we are not going to provide comfort to the Saudis, we are not going to provide aid, taxpayer aid to the Saudi Arabians.

This is not just the position of a bipartisan group here in Congress. The Council on Foreign Relations has said for years individuals and charities based in Saudi Arabia have been the most important source of funds for al Qaeda.

The 9/11 Commission said Saudi Arabia is ''a problematic ally in fighting Islamic extremism.'' Our own State Department says Hamas receives funding from ''private benefactors in Saudi Arabia.''

There is not probably an observer of the scene today that does not recognize that Saudi Arabia has done a very deft two-face game. They come here, they send us a moderate face. They have convinced, obviously, our State Department, who walks along almost in lock step with everything that they say.

We here in Congress should say we understand that we are going to start judging nations in the post-September 11 world by what they do, not by what they say. And what the Saudi Arabians have done is export Wahabiism to the United States, export terrorism to the troops in Iraq, and export terror all around the world.

Vote ''yes'' on the Weiner/Ferguson amendment. Let us finally put an end to it.

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

I just want to try to reiterate one argument and add a point on another argument that has just been made by the gentleman from the other side. First, on the issue of the funding, the financing of this program, I hope that the comments that I made have dispensed with that. For $25,000, in other words, the country has access to the program, they become a part of the IMET program, we get a $13 million payment from the country. So it is not as though we are giving money to the country of Saudi Arabia. It is a legal process that they have to do to access the program; and to do that we have to provide training for one officer, then they are able to provide training for the hundreds of other officers that come to the United States, and they pay fully for them.

And that money is here in the United States and stays here in the United States where these people are being trained. So I think that is a pretty good rate of return on the investment, $25,000 getting you $13 million. The foreign aid argument is untrue. It has nothing to do with whether Saudi Arabia is a rich country or not. It has to do with whether or not these countries should be getting any kind of training. And I think the kind of training that we give in the IMET program is exactly the kind of training we ought to be giving to military officers of other countries including Saudi Arabia.

And on the last point, the gentleman from New York made the suggestion that these people from Saudi, he said, where are they going. We know where they are going. They are going to Iraq and blowing up our troops. The implication that somehow the Saudi Government is involved in an official way in blowing up our troops in Iraq is an absolutely outrageous statement and has no basis in fact whatsoever. And so I would reject this statement.

And I think on this basis alone this amendment ought to be defeated because we should not be saying to the Saudi Government that we believe that somehow you are involved in blowing up troops in Iraq.

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

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

Mr. WEINER. Mr. Chairman, I just want to make it very clear that it has been the Saudi policy to export their worst troublemakers like bin Laden, like Wahabiism, so that the problem is not turned inward. That is their policy.

Mr. KOLBE. Mr. Chairman, reclaiming my time, the statement is made. The gentleman from New York has just confirmed what I thought. The statement is that the Saudi Government is officially involved in helping to kill American troops in Iraq. And I think that statement is an absolute outrage, and I do not think there is any basis of fact whatever for that.

I would urge my colleagues to defeat this amendment. It does not belong here. We should not do it. We should not be sending this kind of signal. I urge defeat of this amendment.

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

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

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

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. OTTER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OTTER:

Page 132, after line 13, insert the following:

LIMITATION ON ASSISTANCE FOR PALESTINIAN AUTHORITY AND THE PALESTINIAN PEOPLE

SEC. ____. (a) Notwithstanding any other provision of law—

(1) of the total amount of funds that are available in this Act for assistance for the Palestinian Authority (or any other Palestinian entity) or for the Palestinian people, not more than 25 percent of such amount may be obligated and expended during each quarter of fiscal year 2006; and

(2) none of the funds made available in this Act may be made available for assistance for the Palestinian Authority (or any other Palestinian entity) or for the Palestinian people during any quarter of fiscal year 2006 unless the Secretary of State determines that the Palestinian Authority has not provided support for acts of international terrorism during the three-month period preceding the first day of that quarter.

(b) In this section, the term ''quarter of fiscal year 2006'' means any three-month period beginning on—

(1) October 1, 2005;

(2) January 1, 2006;

(3) April 1, 2006; or

(4) July 1, 2006.

Mr. KOLBE. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Idaho (Mr. OTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho (Mr. OTTER).

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

I want to join with my other colleagues in congratulating both the chairman and the ranking member for having put together a foreign ops bill that certainly had to be an arduous task. But like the amendment that preceded me, I think that my amendment can improve on a near-perfect piece of legislation.

So, Mr. Chairman, I rise today to correct what I believe to be a fatal flaw in the way we administer our foreign aid. We cannot truly be effective, either domestically or in our role as the world leader on the world stage, when our foreign aid policy forces us to support our friends while we are indiscriminately doling out money to our and their enemies at the same time.

All the effort we put into promoting peace and cooperation is meaningless without requiring accountability from the recipients of our assistance. U.S. foreign aid should be based on a recipient's demonstrated willingness to support the ideals and the aspirations for their regions. When we provide aid to a country, we should be able to expect a marked change in that country's behavior in keeping with our and their goals.

Let me give you an example of what I am talking about here. When my children were younger, I gave them a monthly allowance. Unlike gifts that they got at Christmastime and holidays, this was money that they had to earn themselves. And this allowance came with certain strings attached. It came with an understanding that I could expect certain behavior from them. On occasion, they would forget our bargain, and their behavior would not reflect the expectations that I had set for them. But when they did not receive their allowance the next month, they were quick to fix the problem so that we could all then once again live peacefully together.

Foreign aid is like an allowance which the United States is neither obligated to offer nor give, and which does not come without strings attached. And yet we continue to act as if we are required to hand out money to nations and people who actively oppose the principles of democracy and peace. And this practice must end.

Today we have a golden opportunity to change the way we address the issue of foreign aid because of some important changes and changes in leadership of the Palestinian Authority. We have an opportunity to further the development for a partnership for peace between our countries. In light of the renewed request on foreign aid, we should act now to infuse any aid with common sense and accountability so that we can advance the realistic goals that the President has set for the Middle East.

My amendment, Mr. Chairman, is the first step. It states that no more than 25 percent of the funds appropriated to the Palestinian Authority or any other Palestinian entities will be available to the Palestinians during each financial quarter. What that means is that every quarter, the four quarters of the year, one fourth of the money in this bill that would otherwise go in one lump sum to the Palestinian Authority, but one fourth is all that will be able to be advanced to them during any one quarter. And then it will be advanced to them so long as we have the Secretary of State who will determine that the Palestinian Authority has not participated in or supported any acts of international terrorism during the previous 3 months.

In other words, our expectation is that they should quit killing people. They should quit creating acts of terrorism. And for that, we will pay them.

We know right now that those folks are being paid $25,000 a piece to wrap a bomb around themselves and go get on a bus in their so-called enemy's territory. And so that is why, with that expectation, then we make the payment.

The President is working to achieve lasting peace in this region, realistically and, I believe, in good faith; and I applaud his efforts. But if we are going to see a change in the Middle East, our approach to foreign aid must change as well. What better time than now to change our attitude and the way that we hand out foreign aid.

I encourage you to take advantage of this opportunity to assist in the peace process by making sure that our assistance carries with it the weight of our principles.

Mr. KOLBE. Mr. Chairman, if the gentleman will yield, I do not have any comments. I would make a point of order, though, if the gentleman is not prepared to withdraw his amendment.

Mr. OTTER. Mr. Chairman, I appreciate the chairman giving me the opportunity to make the point. One of these days, one of these years, perhaps during my lifetime in the United States House of Representatives, I will be able to frame this amendment so that it will not have a point of order successfully placed against it. And I thank the chairman for that opportunity to explain my amendment.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. SANDERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS:

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

TITLE VI—ADDITIONAL GENERAL PROVISIONS

PROHIBITION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK OF THE UNITED STATES TO APPROVE AN APPLICATION FOR A LONG-TERM LOAN OR LOAN GUARANTEE WITH RESPECT TO A NUCLEAR PROJECT IN 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 approve an

application for a long-term loan or loan guarantee with respect to a nuclear project in the People's Republic of China.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

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

This tri-partisan amendment has widespread support across the ideological spectrum, from Democrats and Republicans, from progressives to conservatives. It is being cosponsored today by the gentleman from California (Mr. ROHRABACHER), the gentleman from Ohio (Mr. RYAN), the gentleman from Texas (Mr. PAUL), and the gentleman from Ohio (Mr. KUCINICH). It also is being supported by a number of leading national organizations including the National Taxpayers Union; Friends of the Earth; Citizens Against Government Waste; the Green Scissors Coalition; Taxpayers For Common Sense; and U.S. PIRG, the U.S. Public Interest Research Group.

Mr. Chairman, this amendment is simple and straightforward. It would prohibit the Export-Import Bank from providing corporate welfare for the construction of nuclear power plants in China.

Mr. Chairman, I think the rationale for supporting this amendment is obvious. At a time when we have a $7.7 trillion national debt and a record-breaking Federal deficit, it is not only absurd, but it is dangerous for the taxpayers of this country to be subsidizing the construction of nuclear power plants in China.

□ 1915

Mr. Chairman, amazingly enough, the company involved here, Westinghouse Electric, which builds nuclear technology is owned by British National Fuels which itself is a company wholly owned by the British government. So we are dealing with the absurdity of American taxpayers who are in the midst of a record breaking deficit, subsidizing the British government, a nation which, to the best of my knowledge, is not made up of starving, desperate people in the developing world.

Mr. Chairman, there is no debate, but that when these four nuclear power plants will be built at a cost which involves an Export-Import loan of some $5 billion, that when these nuclear power plants will be built, the Chinese will own the technology. And a question that every Member of this Congress should be asking is, is it really in the best interest of the United States of America to provide advanced nuclear technology to China. Furthermore, the Chinese company which is building these four nuclear power plants, the Chinese national nuclear company has been tied to at least three instances of weapons proliferation involving Iran and Pakistan.

Mr. Chairman, I do not always agree with the National Taxpayers Union. But let me briefly summarize what they say in a letter that they sent to me today.

NTU has long advocated total elimination of taxpayer funding of the Export-Import Bank for the simple fact that American taxpayers should not be forced to subsidize the overseas operation of U.S. corporation or foreign governments. Considering the rapid pace of economic growth in China and its emergence as a strong force in the global business environment, it is particularly egregious to waste taxpayer dollars on such a project.

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

The CHAIRMAN. Does the gentleman from Arizona (Mr. KOLBE) seek to control the time in opposition?

Mr. KOLBE. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) is recognized for 15 minutes.

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

Mr. Chairman, I rise in strong opposition to the gentleman's amendment. As he said, this amendment would prohibit the Export-Import Bank from supporting the sale of nuclear power plant and technology in China.

It was 6 years ago in 1998 during the Clinton administration that the U.S. lifted the ban on the export of civilian nuclear power plants and fuel to China. After we became satisfied that China had met the conditions of the 1985 U.S.-China agreement on peaceful nuclear cooperation.

Last September the Secretary of Energy and the Secretary of Commerce expressed their support for increasing trade with China in nuclear energy technology and for the export of U.S. civilian nuclear power plants. In February of this year the Ex-Im Board of Directors approved a preliminary commitment of $5 million from Westinghouse Electric Company to enable it to make a bid on the design and construction of four 1,000 megawatt commercial power reactors on two sites in China.

These reactors will be the first in a series of 26 new commercial power plants planned for construction through the year 2020. So we are looking at a very large possible export in business for United States businesses. We are in heavy competition. Westinghouse is in heavy competition with companies from France and from Russia to provide the same or similar kind of technology. This order would create or sustain, according to Westinghouse, about 5,000 jobs; 5,000 jobs in the United States at Westinghouse and its American suppliers.

Because I have heard the gentleman from Vermont (Mr. SANDERS) on the floor railing against outsourcing and the China trade deficit, I thought, here is an opportunity for us to do something about that, to create jobs here at home for us to make sure that we are selling things to China. But this amendment of course would make it impossible for Westinghouse conduct this business while, other countries would get the kind of commitments that they need from the government to protect those kind of investments. We, the U.S. Government, would not be doing so for Westinghouse.

There can be no question about it. Prohibiting the Export-Import Bank from supporting this and future transactions is going to have a tremendously negative impact on U.S. exporters and U.S. employment. And it is going to send a signal to businesses that they better not be doing business in China. Nothing could be worse for us.

I strongly urge us to defeat this amendment.

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

Mr. SANDERS. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this amendment. And with all due respect, we have been hearing this type of argument for 20 years. When are the American people going to demand that the Members of the United States Congress start watching out for the interests of the people of the United States and not some small group of elite Americans and international financiers who will make a profit off this in the short run, but in the long run will create the situation that we have found in China today and the situation we find ourselves in here.

For 20 years we have been told by trading and having economic relations with this monstrous dictatorship that we would see liberalization, that we would see a change in the policies that the Chinese government has towards its own people. What have we seen instead? It is the same massive dictatorship. This is the world's worst human rights abuser, and it is the last country in the world that we should be subsidizing American business in order to create business in that country.

The fact is we have seen jobs and businessmen in this country go to China because business leaders in this country will personally make a quick buck by betraying the American working people. That is what is happening here. How can we think they would do anything else?

This government, as we are hearing today, is subsidizing this. Now, when it comes to Westinghouse, when it comes to Westinghouse, this is not even an American company. And we are going to have the United States taxpayers subsidizing a British company in order to build a nuclear power plant or a series of nuclear power plants for communist China? This makes no sense at all. We should not be subsidizing it even if it was an American company.

What are the Chinese going to do when they get this technology from Westinghouse? I can tell you right now, it is certainly something that is

acknowledged in the business community, they will start building those plants and they will copy every piece of technology that we have spent, the American taxpayers have spent, developing the technology, and the Chinese will just take it and copy it. That is why today the greatest threat to our freedom, the greatest threat to America's prosperity is not radical Islam, although that is a challenge we have to face, but in the long run it is a China that is emerging on the scene that is belligerent to everything we stand for as a people.

The last thing we should be doing is building up their economy as we have been doing as a policy of this government for the last 20 years. And let me note, nuclear power plants? Has anyone looked at the proliferation record of the communist Chinese? Why do you think we are having a challenge right now to the world peace in Korea? Do you think the North Koreans just discovered all this technology on their own.

No, the fact is that the Chinese are the ones who are behind the nuclear development in Korea and the development of weapons that threaten Japan and the United States. The last thing we should be doing is helping them develop and perfect their technology that deals with nuclear energy.

This is, again, a no-brainer for me, but the American people need to find out whose side the Congress is on. The policies we have had to China in these last 20 years have created a Frankenstein monster that threatens not only the peace on the world, but threatens the prosperity of our people and the freedom of those who would seek freedom in China itself.

We have been cutting a deal with the devil and we are now coming to a point where everybody recognizes that threat, except perhaps the leadership, unfortunately, in the United States Congress.

So I would commend the gentleman from Vermont (Mr. SANDERS). I look forward to working with him on this.

Let us get the word out to the American people whose side we are on.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the Committee on Appropriations.

Mr. TIAHRT. Mr. Chairman, I thank the chairman for yielding me time. I appreciate the good job of leadership that he is providing on this issue.

I think a question seems to be resonating here and that is, who is going to look out for U.S. jobs? I think that is a very good question. Here we have on one side Westinghouse, who is working as an American company, a conglomerate, with other corporations trying to build some of the product to be able to export that product in order to create jobs here in America and provide something to China that they are going to get one way or another.

What are the options of that? Well, we can ignore the opportunities we have for American jobs. We can say, let us give the jobs to France. France is also bidding on this. Let France have the jobs.

We have a good example of how France is gaining ground on us in the aircraft industry. They have a government that is willing to do what is necessary in order to move the aerospace industry in France forward. And here we have an opportunity to move forward with the technology that we happen to have that other countries want. So we can either create the jobs here or we can allow them to be created in France. Or there is the other Russia company that is bidding on it as well. We could let the jobs be created in Russia.

So who is looking out for U.S. jobs? This supply of finance from the Export-Import Bank would meet all the guidelines that have been established and it would provide the funding for an American company to move forward and make jobs for here in America. And that is a good motive. But the overall question is, what is Congress going to do about United States jobs?

We hear a lot about outsourcing American jobs. Nobody ever stops to say, why are we outsourcing American jobs? We keep putting barriers in place for American jobs to be created. Here is a good example. We could have Westinghouse jobs or we could have French and Russian jobs. But it goes beyond that.

Congress has created barriers over the last generation that have driven this economy to a very difficult point. Our trade deficit was $670 billion last year. Our Federal deficit is going to be about $300 billion this year. And we are seeing the loss, the outsourcing of high-quality, high-paying jobs.

If you look at what we have done here in Congress, we have created barriers that have made it difficult for people who create jobs. Health care policy, driven largely by Medicaid and Medicare, is a socialist health care policy that has driven a whole lot of paperwork and a whole lot of unnecessary practices. For example, the Hospital Association in Kansas says for every hour of health care it takes an hour of paperwork to comply with it.

We have litigation here that drives up the cost of building products here. We have regulation that costs $8,000 for every American worker, 12 percent of every product driven up by Congress' rules, and that pushing jobs overseas.

Our tax policy ends up on the bottom line of our products. Our energy policy, that cannot to make law. We could create 700,000 American jobs but we cannot get an energy bill through the Senate. We have trade policy that is unenforced. When there is a violation of our trade policy, we do not get the proper support.

The one thing that we have a surplus of in this country that we do not export is lawsuits. The only way you export lawsuits is through trade policy. You have got to have a trade policy in place to do that.

We also need to improve our research and development and our lifelong learning, but we have got to protect American jobs and this is one way to do that.

I just want to finish this up by saying, we could do a lot in Congress to create an environment here in the U.S. that would keep and create jobs, but we put barrier after barrier in place, and here is one more opportunity for us to drive jobs to France, give the jobs to France.

Let's say no, let us not do it this time. Let us oppose this amendment. Let us support Westinghouse. Let us do something for an American company for once. Just because it has the name China as the destination for the product we shouldn't go into shock. That is not the point.

The point is American jobs, either you will have them in Westinghouse, or you will have them in Russia or you will have them in France. I say bring the jobs back to America. Let us remove these barriers that we have put in place. Let us create jobs in America. We can do it and we can do it today by defeating this amendment.

I thank the Chairman KOLBE for doing a fine job.

□ 1930

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

In another time and place, I would like to deal with many of the assertions made by my friend who just spoke, but now is not the time.

Mr. Chairman, I yield 3½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman from Vermont for yielding me time.

Why should the American taxpayers underwrite a British company to build nuclear power plants in China? That is exactly the transaction the Export-Import Bank has already given preliminary approval for. British Nuclear Fuel's U.S. division would receive loans of about $5 billion to build four nuclear power plants in China. Why should American taxpayers underwrite a British company to build nuclear power plants in China? According to the Export-Import Bank, ''The nuclear power plants are being purchased to meet the increased demand for power in the heavy industrialized region of the country.''

This is not the sort of transaction the Export-Import Bank, read American taxpayers, should be funding. First, the purpose of Export-Import Bank financing is to enable manufacturing sales to countries that are too poor to afford those U.S. goods without financing. But China has no shortage of U.S. dollars that they have earned mounting the largest trade deficit the United States has with any single country.

In the last 4 years alone, China added net $472 billion to its bank holding of U.S. dollars. Poor China. According to

the International Trade Agency, that is the amount by which Chinese exports to the U.S. exceeded Chinese imports from the U.S.

Mr. Chairman, when I was growing up in Cleveland, there was a myth that, if you dug a hole deep enough, you could get to China. Well, you know what, we have succeeded in doing that with our trade deficit; and we will keep digging this hole with this proposal unless the Sanders amendment passes.

China does not lack access to substantial amounts of U.S. currency to enable it to buy U.S.-manufactured nuclear power plants without a taxpayer subsidy. Yet the Export-Import Bank is subsidizing China to buy nuclear power plants.

Now, if anyone here doubts China's wealth and thinks that we have to help China further, consider that just this last week a Chinese oil company offered $16.5 billion to buy Unocal. If they have that kind of wealth to spend on energy, do my colleagues not think they can afford nuclear power plants without a taxpayer subsidy?

Some might say that the sale of nuclear power plants to China would improve the trade imbalance with China and is therefore, beneficial; but do not believe it. If U.S. taxpayers have to buy the nuclear power plant, that is what the Export-Import Bank financing is, then we give it to China, and that will not make a difference in the fundamental imbalance of trade.

Unless the Sanders amendment passes, American taxpayers will be giving a gift of at least $5 billion for nuclear power plants in China.

The applicant for the Ex-Im Bank funding is a wholly-owned division of a British conglomerate. For those watching the trade deficit, the U.S. is already in hock to Britain as well as China. In the last 4 years, the U.K. has accrued $27 billion in surpluses. The profits from the sale of the nuclear power plants to China will flow to Britain, not to the U.S.

If my colleagues think the American taxpayers should not be buying nuclear power plants for China, then vote for the Sanders amendment.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time to close. I am the only other speaker at the moment that is here.

Mr. SANDERS. Mr. Chairman, how much time remains for either side?

The CHAIRMAN. The gentleman from Vermont (Mr. SANDERS) has 3½ minutes, and the gentleman from Arizona (Mr. KOLBE) has 8 minutes remaining.

Mr. SANDERS. The gentleman from Arizona closes; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. SANDERS. Mr. Chairman, I yield myself the balance of the time.

The American middle class is shrinking, and one of the reasons that we are losing good-paying jobs is that corporation after corporation is throwing American workers out on the street and moving to countries like China where desperate people are paid 30 cents an hour, 20 cents an hour and go to jail when they stand up for their political rights or stand up for their right to form a union.

There is increasing concern by people from all walks of life that the economy of China, which is growing in leaps and bounds, is threatening the American standard of living. Whether it is blue collar jobs or white collar, information technology jobs, China is growing while our jobs are shrinking; and we are losing good-paying jobs and providing our young people with low-wage jobs, with minimal benefits.

If it makes sense to anybody in this country to be putting $5 billion of American taxpayer money at risk, to be subsidizing the development of nuclear power plants in China, providing them with the technology that can be used for military purposes, with a company that is owned by the British Government, if somebody got up here and proposed subsidies for a federally owned company, people on the other side would go ballistic; but it is okay to be subsidizing a nationalized company in Great Britain providing and building nuclear power plants in China.

I think that the time is long overdue that the United States Congress took a very hard look at Export-Import Bank in general. Over the years, what we have seen is they are providing huge subsidies to large corporations who are outsourcing American jobs. In this instance, they are providing a subsidy to a British company owned by their own government building nuclear power plants in China.

I think that is a very bad deal. I think the American people would be shocked if we allowed this to go through, and I hope that we can support this tri-partisan amendment.

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

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume, and I will not take that much time to close this debate.

The gentleman from Vermont talked about outsourcing jobs and jobs being moved to other countries in order for them to get this business. The exact opposite is the case here.

If we do not support this kind of business, it is a legitimate thing for a government, I think, to have an export-import kind of relationship. Virtually every major country in the world does that. It is a way of saying, without putting at risk the taxpayers' dollars, and so far Ex-Im Bank has never cost the taxpayers' dollars, any real money in terms of lost loans that we have had to pay for as taxpayers, it is a way of us making sure that we get jobs here in the United States, of keeping businesses here in the United States, and that is exactly what this would do: high-paying technology jobs, high-paying engineering jobs, high paying work, design work that would be done by engineers and others to support the construction of nuclear power plants in China, a very large project.

What we are talking about here today is only the tip of the iceberg. We are talking about building a large number of these plants over many years. No doubt whoever wins the initial contract, it will be like doing cookie cutters after that. They will get the rest of them. So I think we are talking about something much, much larger than is shown here today.

It is for that reason that the State Department has strongly opposed this amendment, because they believe that it affects jobs that will result, and Westinghouse has said about the loss of 5,000 jobs if they are not able to get this contract. We think we have the technology to get it. We think we can get this contract, and we expect that we will win those jobs as a result of that.

I think it is ironic that even at a moment when my colleagues are talking about the weak economy or they are talking about the fact that we are losing jobs overseas because of the trade deficit that they want to create a larger trade deficit. They want to stop jobs from being created here at home. They want to stop American companies from exporting this kind of technology, all of which has been decided that it is safe and politically safe as well as technologically safe. They want us to stop us from exporting these kinds of jobs.

The last point I would make, Mr. Chairman, is that one of the reasons we want to do this, we should be so anxious that China increases its reliance on nuclear power, is that if they fail to do that, they are going to have to continue to use more and more fossil fuels, particularly petroleum; and we know it already is occurring. Virtually all of the incremental production in the world is being consumed by China which has a rapidly growing economy, and that is what is helping to drive up the price of oil in the world to the skyrocketing, the sky-high levels that it is today.

If we are not able to help with this kind of technology, China would perhaps have to go back to other kinds of fossil fuel-using plants. Not only does it have environmental degradation, but it obviously has enormous impact on the economy of the rest of the world.

For all of those reasons, this is a very bad amendment, ill designed, ill directed, and ill timed; and I urge its defeat.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

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

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MR. DEAL OF GEORGIA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DEAL of Georgia:

Page 132, insert the following after line 13:

GOVERNMENTS THAT HAVE FAILED TO PERMIT CERTAIN EXTRADITIONS

SEC. 583. None of the funds made available in this Act for the Department of State, other than funds provided under the heading ''INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT'', may be used to provide assistance to any country with whom the United States has an extradition treaty and whose government has notified the Department of State of its refusal to extradite to the United States any individual accused of committing a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole, or a lesser term of imprisonment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. DEAL) and the gentleman from Arizona (Mr. KOLBE) each will control 5 minutes.

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

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

Mr. Chairman, the amendment that I have at the desk relates to the growing problem of lack of extradition of criminals who committed violent offenses in the United States and then flee across our borders and are not able to be returned by way of extradition.

This is a growing problem. It is a problem for a country such as ours that now has an estimated 11 million people illegally in our country. Mexico to our south has become a point of refuge. Many of the individuals who are committing these offenses are committing them and immediately fleeing to their home country of Mexico.

Some are not quite so quick. Some are offenses such as the one we have heard in a previous amendment as it relates to the killing of a police officer in the line of duty, but it is a growing concern for all of the citizens of the States of this country and one that I think we need to begin to point a finger at.

This amendment says that if you refuse to extradite for an offense that would have a life imprisonment or less, then if funds flow through the State Department, those funds would be withheld if they are refusing to extradite.

Let me give my colleagues a scenario. Let us assume that you have two men who rape and brutally murder a 4-year-old child. One is a citizen of the United States. The other one is a citizen of Mexico who is illegally in the country. Both flee across the border to Mexico. The district attorney or the prosecutor in the circuit indicts them, and of course, in those kind of cases, they face either life imprisonment or, in some cases, capital punishment. Mexico will extradite the United States citizen back here. They will not extradite the Mexican citizen back unless the prosecutor agrees to lower the offense to a crime that would be less than a life sentence.

Now, that is a hypothetical case. I will allude to the facts as they now exist in my community in a few minutes.

Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING), my colleague.

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from Georgia for yielding me time and for bringing this amendment to the floor.

This is a discussion and debate that this country needs to have, and it takes me back to about 6 weeks ago when the incident in Denver where the alleged shooter, Raul Gomez-Garcia, shot Officer Donny Young in the back of the head and killed him and wounded another officer. We suspected that he would abscond to the sanctuary of Mexico and he did, and the plea bargain has already taken place. I am not certain if he is back in the United States under that plea bargain; but this policy, this sanctuary policy that exists in Mexico is a policy that requires us to plea bargain down the crimes in this country and tells the shooters, you can shoot and run to Mexico.

I will pose a hypothetical situation, but it is one that could happen.

Just suppose Osama bin Laden was picked up by Mexican police in Mexico City. There is no way that Mexico extradites Osama bin Laden to the United States until we plea bargain that down to something less than life imprison, no capital punishment, no life in prison. Can my colleagues imagine sitting on the parole board for Osama bin Laden and having to release him into the streets of the United States of America because of a sanctuary policy that exists in the state of Mexico?

□ 1945

That is the leverage that is out there now, and we are paying for these countries in foreign operations money to alter the crime and punishment policy in the United States. That must stop. It can stop with the Deal amendment.

Mr. DEAL of Georgia. Mr. Chairman, I would inquire as to how much time remains for me.

The CHAIRMAN. The gentleman from Georgia has 1½ minutes remaining.

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

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

Mr. Chairman, we just dealt with another amendment that, in a similar way, tried to criticize at the country of Mexico for the problems that we have with extradition, and during that debate, I think I outlined what I think has been the rather substantial improvement in the cooperation that we have had with Mexico on this issue.

During the first 14 years of the extradition treaty with Mexico, from 1980 to 1994, Mexico extradited, a total of eight fugitives to the United States. In the next 4 years, they extradited an average each year of 13. But in the last 4 years, in 2001 they indicted 17; in 2002, 25; in 2003, 31; and in 2004, they extradited a record of 34 fugitives to the United States. So I think there is little doubt that we have great cooperation.

The problem I have with the amendment offered by the gentleman from Georgia is it is not at all clear to whom this applies. I asked the gentleman, and he is not sure. We have asked the Department of State, and they are not sure. I know what his intention is and the country he is trying to effect, but we do not know it does not apply to other countries. There may well be other countries that it applies to.

I cannot say, for example, with certainty that this would not require us to cut off all of our counternarcotics efforts in Colombia. I am not sure it would not have some impact on a country like that. It could have an impact in Afghanistan. I do not know. Nobody seems to know for sure what the impact of this might be.

So for that reason, Mr. Chairman, I would suggest, and until we have a much clearer idea of how this would impact, I would urge that we not adopt this amendment and that it be defeated.

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

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

The amendment specifically excludes international narcotics control, and law enforcement money would not be subject to being withheld. That answers one of the concerns of the chairman. I do not know all the countries, but I can tell you some. Mexico, no sentence of life imprisonment or greater; Costa Rica, no sentence of more than 50 years; Spain, no life sentence; Venezuela, any sentence over 30 years; and Portugal, any sentence over 20 years.

Now, I gave the hypothetical of a 4-year-old girl raped and murdered and suspects fleeing over the border. In my county, this past weekend, a 4-year-old girl, about 3 feet tall, weighing less than 40 pounds, was brutally raped and murdered. The only suspect, the chief suspect, is now thought to have fled back across to Mexico. This is an individual who was deported from the United States less than 2 years ago and now is being sought again.

There is no way that our district attorney will be able to prosecute that case unless we agree that we are going to reduce it to substantially less than an American citizen would be charged with under the same circumstances.

I withdrew an amendment very similar to this last year in deference to the

chairman and upon the assurances that the State Department would work to change the situation as it relates to Mexico. There has been no change.

Mr. Chairman, they may say that they are proud of extraditing 30 individuals last year to the United States, but in any district attorney's office in Southern California alone, they can tell you of hundreds of murder cases where extradition has not been achieved. And so I urge the adoption of the amendment.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time to close the debate.

Let me just note that we have just been advised by the State Department that this would affect Colombia. Of course, as the gentleman said, it does not affect the international narcotics control and law enforcement account, which is one of the big sums of money that goes to Colombia, but this would affect foreign military financing, FMF, for Colombia. It would cut off the money for IMET, the International Military Education Training programs. And it would affect the anti-terrorism programs that come under the NADR category. So it would have an enormous impact on our efforts in Colombia.

I think for that reason, I would certainly hope that this body would not accept this amendment, and I urge its defeat.

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

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

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

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

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

AMENDMENT OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LEE:

Page 132, after line 13, insert the following:

PROHIBITION ON CERTAIN INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT ASSISTANCE TO THE GOVERNMENT OF HAITI

SEC. ____. None of the funds made available in this Act under the heading ''INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT'' may be used to transfer excess property of an agency of the United States Government to the Government of Haiti.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. LEE).

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

The goal of the Lee-Conyers-Kilpatrick-Waters amendment is to limit the transfer of free guns and other defense articles to the Government of Haiti which have been used to wreak havoc on the Haitian people. Many in the general public and here in Congress have been under the misconception that there is an arms embargo to Haiti. However, since 2004, close to 3,000 weapons have been transferred to Haiti from the United States and, in all probability, have gone to arm the Haitian National Police force.

This amendment requires a limitation on all transfers of excess property to the Government of Haiti because they are using excess arms and ammunition from the United States to arm criminals in the Haitian National Police force. This amendment specifically would prohibit all arms transfers by the State Department in accordance with all relevant sections of current law.

This limitation is critical, Mr. Chairman, because the people of Haiti are not safe, and they remain targets of political violence, torture, and, in many cases, murder. Unfortunately, too often the perpetrators of this violence are the Haitian National Police. There have been numerous reports in the news and firsthand accounts of human rights' and faith-based groups who have traveled to Haiti and seen the hostile environment Haitians face.

The Haitian National Police are intimidating, murdering, and executing the poor and political opposition with weapons transferred from the United States to the Government of Haiti. This is simply unacceptable. The Government of Haiti has access to weapons for police training and security and have paid for defense articles out of their own budget without our government and this Congress' free transfer of arms and ammunition.

This amendment is basically about accountability and saving Haitians' lives. The United States must not be complicit in helping to arm criminals, and that is why I urge my colleagues to support the Lee-Conyers-Waters-Kilpatrick Haiti arms limitation amendment.

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

Mr. KOLBE. Mr. Chairman, I rise to claim the time in opposition, but I will not oppose the amendment. In fact, Mr. Chairman, I want to say that I would be prepared to accept this amendment, however, I think it is extremely important that we make it clear that we want to express that our congressional intent with this amendment is that this prohibition not extend to medical equipment or excess property that is used for humanitarian purposes.

I do not believe that is what the gentlewoman is intending to do. I know what she is trying to get at, but I think it is very important we make it very clear in our intent here that we are not trying to prevent the transfer of medical equipment and other kinds of property that would be used for humanitarian purposes.

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

Ms. LEE. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), the co-chair of the Haiti task force.

Mr. CONYERS. Mr. Chairman, I appreciate the gentlewoman yielding me this time, and first of all, I want to assure the chairman that we are absolutely in agreement that medical equipment and supplies would not be affected by the reach of this amendment. I am glad the gentleman has put that in the RECORD, and I am sure we are all in total agreement.

Mr. Chairman, this amendment, the Lee-Lantos-Conyers-Waters-Kilpatrick amendment is something that we regret that we have to do. Haiti is in such a difficult situation, politically, economically, and socially, and it is so important that we try to stem the level of violence. That is the sole purpose of all of us coming together to work on this. I am so proud of the chairman for agreeing to accept this amendment, because it means that he sees and understands the underlying circumstances that have caused us to come together in the first place.

We need less violence. The election is coming up. How we are going to have an election there under these circumstances I am not even sure of. We have tried, some of us have tried to get it delayed, but we have not been successful. We need the United Nations to implement an effective disarmament program, because as long as there is as much a level of violence as we find there, we cannot even go down there.

So, please, let us support this amendment. I thank the Members on both sides that see the importance of it.

Mr. Chairman, Today I rise to support the Lee-Lantos-Conyers-Waters-Kilpatrick amendment which would preclude the State Department from transferring any ''excess arms'' that the State Department may have in its possession to the Government of Haiti and the Haitian National Police. Even though the United States has an arms embargo against Haiti, U.S. law grants authority to the President of the United States to provide weapons to Haiti, without any Congressional input, as long as these arms are identified as ''excess.'' Recently, it has come to the attention of Congress that last August, the President transferred over 4,000 arms and ammunition to the Government of Haiti. These arms included hundreds of .38 caliber, .45 caliber, and 9 mm guns as well as M–14 rifles and sub-machine guns.

Presently, the Country of Haiti is in the midst of a political, economic and humanitarian crisis. As a result, many resources, financial and otherwise are sorely needed. However, the sending of arms to further the perpetration the violence is not the prudent course of action.

Specifically, the Haitian National Police, on numerous occasions, have not been described not as ''law enforcement'' but instead as ''law breakers.'' Many incidents have been reported where the Haitian National police are accused

of harassing, beating and killing Haitian citizens, including innocent children.

Due to the many problems plaguing the Haitian National Police, the policy of transferring "excess" weapons to them is particularly unsettling. I believe it is important we stop the flow of weapons to Haiti and work with the U.N. to implement an effective disarmament program. As long as violence is the way, the people will suffer. The passage of this amendment is one of life and death and is critical to the well-being of region, of a country and of a people.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume, and I also want to thank the chairman for supporting this amendment, and I want to assure him that if we need to, in conference, make it explicit that no humanitarian assistance or excess property would be prohibited by this, we will definitely do that.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank my colleagues from California, the co-chairs of the Haiti task force, for their important work on this issue. So many of us continue to look at the horrors that are occurring every day, and instead of being minimized, they seem to increase in intensity. In talking to friends who have been there recently, each day the violence gets more grim, and it affects the average person who just wants to go about their business living normally. That is impossible.

So I am very pleased that the chairman is accepting this amendment, and I hope that we can work closely with the Haiti task force to see if we can come up with some kind of positive recommendations that can have an impact on the lives of people.

So I thank my colleagues for introducing this amendment and I look forward to working closely with them so that perhaps the average family can look forward to a decent life one day soon.

Ms. LEE. Mr. Chairman, I yield myself the balance of my time, and I thank the gentlewoman from New York and the gentleman from Michigan for their support and their very clear statements.

Also, if there are no other requests for time, I want to, once again, thank our chairman for his support and clarify again that the point he raised is certainly a concern all of us have, and we will make sure that humanitarian types of excess property that we all care about in getting to Haiti is excluded from this provision.

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

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time and, again with the understanding that we are all in agreement that the intent of this prohibition is not to extend to medical equipment or other excess property used for humanitarian purposes, I accept this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BRADLEY OF NEW HAMPSHIRE

Mr. BRADLEY of New Hampshire. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BRADLEY of New Hampshire:

Page 132, after line 13, insert the following:

LIMITATION ON ASSISTANCE TO ROMANIA UNDER THE SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) ACT OF 1989

SEC. ____. None of the funds appropriated in this Act under the heading ''ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES'' may be obligated or expended for assistance to Romania under the Support for East European Democracy (SEED) Act of 1989.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Hampshire (Mr. BRADLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume.

First, let me begin by thanking the chairman of the committee as well as the ranking member, and the gentleman from Massachusetts (Mr. MCGOVERN) for cosponsoring this amendment with me.

It is not my intention to permanently withhold dollars that are appropriated under this bill from the country of Romania. It is my hope that by the time there is a committee of conference the issue that I will describe in just a moment will have been resolved.

□ 2000

That issue involves preapproved adoptions from the country of Romania.

A couple of years ago, I met a family in my home State of New Hampshire. The woman's name is Allyson Schaaf, and she had already adopted a Romanian baby and had a second child that had been approved by the Romanian authorities. She was one of about 200 Americans families that had their adoption cases already approved before a change in the law by Romania.

Under pressure by the European Union in order to gain acceptance to the European Union, Romania changed its adoption policy without releasing the 200-or-so adopted children that already had families assigned to them here in this country.

I have met with numerous Romanian officials, including the president of Romania, the prime minister and the ambassador on several occasions, and pressed the case not only for my constituent, Ms. Schaaf, but also for the other 200-or-so American families in this circumstance.

These are families that have invested love, time, energy, and all of the commitment to try to unite their families in this country. It is my hope that with this amendment that would withhold some of the money for Romania, that that will be the signal that will be necessary for the Romanians to deal with this situation, to release the 200-or-so cases that have been previously approved; and then by the time the conference committee has been formed, hopefully these adoptions will have gone forward, and this amendment will no longer be necessary.

Once again, I thank the minority ranking member and the chairman for working with me so hard to ensure that this amendment is the appropriate amendment in terms of the parliamentary procedure.

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

Mr. KOLBE. Mr. Chairman, I claim the time in opposition.

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

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

I will not be in opposition to the amendment for the purpose of this discussion, and I thank the gentleman from New Hampshire (Mr. BRADLEY) for bringing this amendment to the floor, and I thank him for his remarks. As the gentleman suggested, this is a very emotional issue which cuts deeply with a number of American families that have adoptions pending in Romania.

The development assistance accounts in our bill accounts for roughly $20 million for Romania. I want to make it very clear it is not my intent to limit assistance to Romania for the entire year. The assistance we provide is very important for local police forces, for HIV/AIDS prevention, and for fighting human trafficking, very much the kind of thing that the gentleman from New Hampshire (Mr. BRADLEY) would want us to fight against. It helps fight corruption and money laundering and builds an independent media.

I have been working with the Romanian Government to address this issue, but I know not a great deal has been accomplished in this regard. I think by adopting this amendment this evening, we are impressing both on the State Department and I hope the Romania government, which I hope will get this message, how important it is to continue to work toward a solution. This does send a very strong signal to the Romanian Government. I am pleased to accept the amendment, but I do expect to work with the ranking member and the gentleman to work and revisit this issue in conference with the Senate and to find a solution that will not involve cutting off aid to Romania.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I want to associate myself with the comments of the gentleman from Arizona (Mr. KOLBE), and I thank the gentleman from New Hampshire (Mr. BRADLEY) for clarifying the amendment. We understand the important purposes of our

aid to Romania, and I hope we can really make a change in the adoption policy. I look forward to working with the chairman.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself the balance of my time.

I thank the gentlewoman from New York (Mrs. LOWEY) for her gracious support and the gentleman from Arizona (Mr. KOLBE) for his gracious support, and it is my hope that the 200-or-so families that have gone through the process, that they will be able, by us taking this action tonight, I hope we can help them expedite the process to unite their families into loving, caring homes in the United States.

I have met a couple of children adopted by American families, and it is a wonderful story. Anything that we can do to expedite that will be a significant step for those families. I thank both the ranking member and the chairman of the subcommittee.

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

Mr. KOLBE. Mr. Chairman, I urge an ''aye'' vote on the amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. WATERS:

Page 132, after line 13, insert the following:

SENSE OF CONGRESS REGARDING NATIONAL ELECTIONS IN HAITI

SEC. ____. It is the sense of Congress that national elections should not be held in the Republic of Haiti until conditions have been established to ensure that the elections will be free and fair. Such conditions should include the following:

(1) The disarmament of all gangs and illegally armed groups.

(2) An end to kidnappings of civilians.

(3) Security for all United States citizens working in Haiti.

(4) The establishment of security throughout Haiti in order to enable all candidates to campaign for office safely.

(5) Plans to provide security at all polling places.

(6) Plans to ensure security for United States and international election monitors.

(7) Fair trials or release for all persons in Haiti who are being detained without trial.

(8) Respect for internationally recognized human rights.

Mr. KOLBE. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

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

One week ago today, the Canadian Government issued a travel advisory for Haiti, warning its citizens not to travel to the island nation unless they have critical or compelling business or family reasons. The advisory was issued after a Montreal woman said she was kidnapped in Haiti and beaten and burned with candles until her family paid a ransom.

The U.S. State Department issued a similar travel warning on May 26, urging all U.S. citizens to leave Haiti. The travel warning was issued the day after unknown gunmen fired five rounds of bullets at a U.S. embassy van traveling in downtown Port-au-Prince.

On May 31, unknown gunmen shot a French official and stole his car while he was driving from Cap-Haitien to Port-au-Prince. The official died at a hospital in Port-au-Prince several hours later. At least seven people were killed the same day when armed men opened fire and started a fire that spread throughout an entire market in Port-au-Prince.

By mid-June, the Peace Corps had suspended its operations in Haiti and evacuated 16 Peace Corps volunteers. The same week, gunmen wounded two U.N. peacekeepers during a shootout in Cite Soleil.

Mr. Chairman, the violence in Haiti has been escalating over the past year. Kidnappings are now commonplace, and security is nonexistent. The interim government of Haiti has been unwilling, unable, incompetent, has not disarmed the gangs that roam, enforced the rule of law, or provide security to citizens and foreigners.

But the government is creating as many problems as those gangs that are roaming the streets. The Haitian National Police contribute to the violence through their use of force and summary executions. On February 28, 2005, during a large nonviolent march for democracy, police officers opened fire on unarmed demonstrators in broad daylight in the presence of international observers and media.

Many Haitians do not trust the U.N. peacekeepers who stood by and watched while the police fired on the demonstrators. Police officers are widely considered to be corrupt; and Amnesty International has expressed concerns about arbitrary arrests, ill-treatment in detention centers, and other human rights violations. There are an estimated 700 political prisoners in Haiti, and most of them have been detained illegally for months without formal charges.

This is not an atmosphere that is conducive to the organization of free and fair elections. Nevertheless, the interim government of Haiti is persisting in its plans to hold elections in October and November of this year. If elections are held under the current conditions, candidates will be afraid to campaign for office, and individual Haitians will be afraid to leave their homes to vote.

My amendment expresses a sense of Congress that national elections should not be held in the Republic of Haiti until conditions have been established to ensure that the elections will be free and fair.

The amendment specifies that conditions should include the following: the disarmament of all gangs and illegally armed groups; an end to kidnapping of civilians, security for all United States citizens working in Haiti; the establishment of security throughout Haiti in order to enable all candidates to campaign for office safely; plans to provide security at all polling places; plans to ensure security for United States and international election monitors; fair trials or release for all persons in Haiti who are being detained without trial; and respect for internationally recognized human rights.

Mr. Chairman, until all candidates for office can travel safely throughout Haiti, they cannot be expected to campaign for office. Until American citizens can travel to Haiti without risking their lives, they cannot be expected to monitor the Haitian elections. And until the people of Haiti can walk outside of their homes in peace, they cannot expect to vote.

Mr. Chairman, we are fiddling while Rome is burning. Haiti is in an absolute mess. The police officers, many of them are corrupt who were rebels, who were part of the coup d'etat, who were in exile before this interim government took over, are now executing members of the Lavalos Party, are basically killing folks who belong to the party that will likely prevail if there are elections. This violence must stop.

This Congress must send a message to CARICOM and everybody else that we will not support elections in this atmosphere. We should stop this madness and help to stabilize Haiti.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part:

''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment proposes to state a legislative position.

Mr. Chairman, for that reason I would insist on the point of order.

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

Ms. WATERS. Yes, Mr. Chairman.

I thank the gentleman from Arizona (Mr. KOLBE) for his interpretation of what I am attempting to do here. I do not know what law the gentleman is referring to. There is no law that would have us dictate when elections are to take place in Haiti. There is no law that we would be in violation of by not using our influence to make those elections happen.

As a matter of fact, Mr. Chairman, with all due respect, this is being driven by Mr. Noriega at the State Department because they have helped to create this chaos in Haiti with the removal of the democratically elected

president, and this democratically elected president will probably not be able to return to Haiti. That is not a problem. That is not something that anybody should worry about.

What we should be concerned about is why they are insisting on holding these elections in this atmosphere of violence, corruption, and complete chaos in Haiti. So I do not think the gentleman is referring to any law that he can reasonably point to that we are in violation of.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The amendment offered by the gentlewoman from California (Ms. WATERS) proposes to express a legislative sentiment of the Congress.

As such, the amendment constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

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. ____. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a Federal department or agency at any single conference occurring outside the United States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

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

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Members from either side of the aisle may disagree exactly how we got to the point we are, in general, and that is that our deficit is too high and that we spend too much money. But I think we can both agree on one thing, that we should work together to try to solve that problem.

I am offering, therefore, today what I consider is a commonsense approach to deal with a spending abuse. It is an approach that this House agreed to in similar legislation in the past.

In essence, it is a limitation on the number of Federal employees that may go overseas to international conferences. This has grown out of a growing tendency in the past by various administrations for sending various numbers to international conferences, spending upwards of millions of dollars. Back in 2004, for example, over 130 Federal employees attended an AIDS conference in Thailand.

□ 2015

Instead of spending all this money on sending personnel over there, instead we could have used it, in fact, to provide AIDS prevention and AIDS medicine; 216,000 newborns in Africa alone.

So this legislation grows out of a common problem in the past. Just sending too many people overseas, using taxpayers' dollars to do so.

Earlier in this session we had similar language which was approved by this House in the Interior bill, and I would encourage my colleagues on both sides of the aisle to approve it now in this legislation as well.

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

Mr. KOLBE. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

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

I do not intend to oppose the amendment, but simply to say that I am willing to accept this amendment at this time and will revisit this and consider this, of course, in the conference.

But I appreciate the gentleman's bringing this issue to our attention, and I am prepared to accept the amendment.

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

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

I just want to take this time to thank the chairman for his work this time, as well as in the past, to visit this issue through the conference process. So I thank the gentleman for accepting this amendment.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CAPUANO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAPUANO:

Page 132, after line 13, insert the following:

AUTHORIZATION TO USE ALL NECESSARY MEANS TO STOP GENOCIDE IN DARFUR, SUDAN

SEC. ____. Consistent with the Convention on the Prevention and Punishment of the Crime of Genocide, the President is authorized to use all necessary means to stop genocide in Darfur, Sudan.

Mr. KOLBE. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. CAPUANO).

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

What this amendment does is it authorizes the President to use all necessary means to stop the genocide in Darfur, Sudan.

Before I start, I would like to comment very clearly that I know that the gentleman from Arizona has been very active on this issue and has been very supportive, understanding the rules and the difficulties they present. I respect the position he has to take tonight, but I also want to make it clear that I consider him a friend on this issue.

For those who do not know, the genocide in Darfur has been clearly documented. This Congress declared it a genocide in July of 2004. In September of 2004, Secretary of State Colin Powell stated: ''genocide has been committed in Darfur and that the government of Sudan and the Janjaweed bear responsibility.''

This Congress has passed enough money, I think it totals about over $400 million already, for the African Union Mission and the humanitarian relief in Sudan. We have done our job. The United States has supported financially and morally. The African Union has also stepped up. The African Union, in April of 2004, created a Cease-Fire Commission. They do not have the mandate to protect civilians, however, and that is the major problem. They do have 2,600 troops on the ground right now, but the job is not being done. In May they announced that they are going to send 7,700 troops to Darfur between July and September. NATO, the EU, and the United States are all supporting that effort.

Finally, the United Nations itself has taken action. Six resolutions have passed the Security Council to bring an end to the violence. Unfortunately, all of these efforts have failed to date. The violence has already claimed the lives of 400,000 people, and it is getting worse. For those who do not understand the concept of 400,000, that is the entire population of Oakland, California or Mesa, Arizona or Tulsa, Oklahoma or Omaha, Nebraska or Minneapolis, Minnesota. The violence has created 200,000 refugees and it has displaced 2 million people. That is the entire population of New Mexico.

What is going on in Sudan is a tragedy. The United States, I believe, has a moral obligation to step up and do whatever we can to stop this genocide. We have done it in other places for other reasons. We have failed to do it in other places for other reasons. We should not fail to do it here.

The government of Khartoum is a genocidal regime. They have demonstrated this policy again and again in every segment of their country. Reports of the fighting and the killing are getting worse, and this regime remains in power this whole time. We need to stand up and take some action.

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

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I make a point of order against the amendment, but before I do so, let me say to the gentleman that I fully concur with what he is attempting to do here. I have been to Darfur. I went with the gentleman from Illinois (Mr. JACKSON), and we have seen some of the terrible things going on there. There is no question about it. We need to do everything we can to stop this. And I believe that our legislation does do a lot of that. For one thing, we have $69 million in the legislation for the assistance to Darfur for humanitarian assistance as well as other moneys to implement the peace accords in the south.

But, Mr. Chairman, this is a very broad amendment, and for that reason I must make a point of order against the amendment because it does propose to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

That rule states in pertinent part that:

''An amendment to a general appropriation bill shall not be in order if changing existing law, modifies existing powers and duties.'' This does that, and for that reason it would not be in order.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman from New York (Mrs. LOWEY) wish to be heard on the point of order?

Mrs. LOWEY. Yes, Mr. Chairman.

The CHAIRMAN. The gentlewoman is recognized.

Mrs. LOWEY. Mr. Chairman, I would like to thank my colleague from Massachusetts for spending some time to discuss the genocide that is currently occurring in Darfur. He and I understand that the administration does currently have the authorization to take steps, and with his help and with the help of the Chair, I hope we can continue to keep this issue on the tops of our agenda so that the world does not actually watch what is going on without taking all appropriate action, and I want to thank the gentleman.

The CHAIRMAN. The Chair finds that this amendment includes language conferring authority. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

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

AMENDMENT OFFERED BY MR. BONILLA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BONILLA:

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

TITLE VI—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 601. Of the amounts provided in title I, under the heading ''EXPORT-IMPORT BANK OF THE UNITED STATES—ADMINISTRATIVE EXPENSES'', not more than $66,200,000 may be expended while there is a vacancy in position of the head of the Office of Inspector General in the Export-Import Bank of the United States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. BONILLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman I yield myself such time as I may consume.

My amendment would do something very simple, and that is it would withhold 10 percent of administrative costs at the Ex-Im Bank until there is an Inspector General in place.

As we all know, Ex-Im Bank's mission is to assist in financing the export of U.S. goods and services to international markets. A by-product of this, of course, is the creation of U.S. jobs and the support of U.S. manufacturers. But all too often, it seems that the Ex-Im Bank is content to conduct operations in the shadows in a questionable manner. There appears to be a lack of official guidance in how credit worthiness is determined. There appears to be a lack of official guidance addressing the small business requirements that Congress has mandated. And more disturbing also is that we ask questions and we get no answers.

People empower us to keep an eye on these expenditures, and they are not being open with Members of Congress. All too simple questions sometimes that are set on basic policy either go unanswered or answered without any substantive information.

For example, in March of this year, I sent a letter to the Ex-Im Bank that, among other things, asked: ''Under what circumstances does EX-IM permit its employees to share information about an ongoing investigation with third parties? The bank has acknowledged that they received my letter. The Director of Legislative Affairs replied that my concerns have been forwarded to the Office of General Counsel, and the General Counsel's office has acknowledged receipt of the letter, but yet the questions remain unanswered. Obviously, their inability to answer basic questions on policy raises a concern that the bank may be operating subjectively and without internal policies or controls to prevent waste, fraud, or abuse.

This agency has existed far too long and with far too great an expense to the taxpayer to not have an Inspector General keeping an eye on it. It is time that this agency provide taxpayers with the assurance that their hard-earned tax dollars are being spent wisely. It is time the Ex-Im respects the role that this body plays in keeping an eye on them and an oversight on this agency, which is very important.

I ask the chairman for his support of this amendment.

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

Mr. KOLBE. Mr. Chairman, I rise to claim the time in opposition, but I will not oppose it.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

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

Let me just say that I think the gentleman's amendment is one that we can accept. The administration has requested $1 million to pay for an Office of Inspector General at the U.S. Export-Import Bank in addition to the $73 million that they have for regular administrative expenses.

For the past few years, the committee has not recommended separate funding for an Inspector General because we felt the bank was small. It only had 400 employees. The bank uses a private accounting firm to audit its books so a main function of the proposed IG is already being met.

Nonetheless, I understand the frustration that the gentleman from Texas has shown here this evening and has expressed. The bank should be responsive to the needs of U.S. exporters; so I do not intend to oppose the amendment.

I do want to say, however, Mr. Chairman, to the gentleman from Texas that I am concerned about what might be the unintended side consequences of this amendment. The U.S. Export-Import Bank is not able to control the nomination and confirmation process of the Inspector General, as we know. That comes from the White House, the President; so they cannot have any control over that. And without doubt it would penalize U.S. exporters and the bank itself if there were a delay through no fault at the bank in nominating and confirming the Inspector General.

So I intend to work in conference to ensure that the bank is not unintentionally harmed with respect to the support that it gives to U.S. exporters, and I am sure that that would be the intention of the gentleman from Texas as well.

I urge support of this amendment.

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

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

I appreciate the chairman's support of my amendment and acknowledge his very thoughtful remarks. I would, however, point out that private accounting is not independent because they answer to the Ex-Im chairman and not the public. So, again, we are looking for answers. The public empowers us to keep an eye on how these funds are allocated, and they need to have the sun shine on them a little more, and the Inspector General would do that because obviously they are not being responsive at this time.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. INSLEE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

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

TITLE VI—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK

SEC. 601. Of the total amount made available in this Act to the Export-Import Bank of the United States for the extension of credit for transactions related to energy projects, the Bank shall use—

(1) not more than 95 percent for transactions related to fossil fuel projects; and

(2) not less than 5 percent for transactions related to renewable energy and energy efficiency projects.

Mr. KOLBE. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

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

Our amendment seeks to improve our investment internationally in renewable energy sources and energy efficiency technologies. There is a certain irony that while this amendment comes to the floor of the House now, the President is addressing the Nation about the Iraq War right now, a war in the middle of an oil-producing region that the world is largely dependent upon to sustain its economy. The instability of that region in and of itself ought to point out the need to use the Export-Import Bank to encourage the development not of the fossil fuel energy sources but renewable energy sources and energy efficiency standards. So our amendment would simply say that we have to use at least 5 percent of our energy products in renewable energy projects so we do not have to remain dependent on fossil fuel.

A couple of things that have happened to indicate the wisdom of this: In the last couple of weeks, oil has topped $60 a barrel. And since dinosaurs went to die in the Mid East, that is where the oil is. We have to break our dependence on oil internationally from any source.

Secondly, we have seen the effort by the Chinese government-owned oil company to buy a domestic United States producer as a precursor, a predecessor, of future disputes over this resource that we are now largely dependent on. We need to break our addiction to oil. We need to get serious about renewable energy.

And the third fact that has happened in the last several weeks is that we have learned that the debate about global warming is over. Debating whether or not global warming is occurring in large part or significant part during human activity is like now debating gravity. And just two facts that I hope that some Members who may be listening tonight may consider: A picture here of a glacier in Antarctica over a several-month period, showing a block of ice breaking off the Antarctic, 26 miles by 11 miles in width, breaking off, a phenomenon that is now occurring with, if not regularity, more frequency now as an indication of global warming.

I noticed seeing in the newspaper yesterday tourism is booming in Alaska because tourists say they want to see Alaska before it melts. We are now seeing with our own eyes the symptoms of global warming across our hemisphere. We need to do something about it.

□ 2030

The science behind that, this is not just anecdotal. I would ask anyone when they think about energy sources to consider the fact that carbon dioxide now is at levels that we have never seen before in the history of the planet.

I refer you to a chart which shows the changes in CO2 levels and temperature levels that have occurred on the globe over the last several thousand years. This chart basically shows that while there have been changes in the last several hundred thousand years, we have never seen spikes of carbon dioxide, the major global warming gas, like we have now.

Here is the present. We show that our carbon dioxide levels, over 376,000 parts per million, are the highest ever in global history since we have been able to ascertain, even looking at the trapped air bubbles at historical levels thousands of feet down in the glaciers.

What we see is the prediction, Mr. Chairman, that if this Nation and the world does not become serious about renewable and clean energy, those levels will spike to unprecedented levels, up to 980,000 parts per million by 2100. In the next century, we will have carbon dioxide levels, by 2100, three times higher than they have ever been in the history of the world, at least for several hundred thousand years.

We have to get serious about this issue. Our amendment would be one small step. I would like to pass it tonight. We will not, because a point of order has been raised against it. But I hope this is one small moment when Members can think that the next time we have an opportunity to get serious about global warming or respond to the needs of our grandkids, do not let this happen to this great Earth.

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

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

There was no objection.

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

Mr. Chairman, let me just advise Members that might be listening that we are coming to the close of the end of the discussion here this evening and to the amendments, and I believe that we will be having votes in a very short period of time. I think the discussion that we have had here today, this evening, has been one that has been productive and I think has highlighted a number of the issues in foreign policy.

The foreign operations legislation appropriation bill is one which uniquely allows us to cover a broad range of foreign policy issues and allows the Congress of the United States to have its input on issues and give direction to the administration, as well as to other agencies, about how foreign policy should be conducted.

I think that some of the amendments which have been accepted here tonight have helped to strengthen the legislation that we have, and I think that the others that have not been accepted and will be voted on are ones that I hope will be defeated on the floor when it comes time to cast votes on these amendments.

So I would urge my colleagues to restrain themselves here at this late hour, and I believe that we can very quickly come to a conclusion on the bill and be able to conclude deliberations of this bill very quickly.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 132, after line 13, insert the following:

LIMITATION ON USE OF FUNDS TO REDUCE OUTLAYS FOR THE RETURN OF DARFURIAN REFUGEES

SEC. . None of the funds made available in this Act may be used to return displaced persons from Chad to Sudan.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent that the text of my amendment be read.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read the amendment.

Mr. KOLBE. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Arizona reserves a point of order against the amendment.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the ranking member and the chairman. I want to acknowledge the work that the gentleman from Arizona (Mr. KOLBE) has done and the gentlewoman from New York (Mrs. LOWEY) has done on the Darfur crisis as relates to the refugees; and I hope that maybe as we discuss this matter, I can work with the distinguished gentleman and the distinguished gentlewoman on conference language that responds to my concern.

We originally had this amendment include the words ''not against their will.'' The reason, Mr. Chairman, is that in the time that I spent in Chad with the refugees that have been resettled in Chad, I saw that the crisis in Darfur and the surrounding border areas between Sudan and Chad still exist.

We have made great strides in providing resources to the region; but as I traveled to Chad and met with the leadership of Chad, they talked about the enormous challenges that they are presently having with their refugees and the refugees from Sudan and the need for resources. At the same time as I talked one on one to the refugees that were there, they expressed to me that the brutality was still going on.

Of course, in Chad we find that there is a lack of sufficient water, adequate medical supplies, and, of course, the possibility that the Janjaweed will come across the border and raid them at will. But at the same time, these refugees were frightened about the possibility of being returned to Sudan because the Government of Chad may be overwhelmed with the resources needed to protect them.

I believe, of course, that we can help provide the resources to Chad needed to protect those refugees, and the United Nations refugee resettlement effort was very much in force and very much an effective tool.

But as we know, the genocidal regime in Sudan has left 2.5 million people displaced and at least 380,000 people dead in Darfur. We also know that there is a continuing number of refugees that have come across the border.

Due to increasing violence, 15,000 innocent civilians continue to die each month. Genocide cannot continue on our watch. The United States must move forward towards an effective action against this terrible crime.

We are gratified that this Congress voted on a genocide initiative and declared that genocide was occurring. The United Nations, of course, has had a more difficult time dealing with that question. But we know that genocide has occurred. We know that these refugees are fleeing for a very important reason. The United Nations Secretary General has described the situation in Darfur as ''a little short of hell on Earth,'' and expert John Prendergast calls it ''Rwanda in slow motion.''

Under cover of a decade-long civil war that has claimed 2 million Sudanese lives, the government-backed Janjaweed continues their campaign to wipe out communities of African tribal farmers who live in the region.

I understand that there have been changes in the Sudanese Government. In Chad, I met with the Sudanese ambassador. I have met with the Sudanese ambassador, to the dismay of many here in the United States, trying to find common ground.

I want to applaud the work of the gentleman from New Jersey (Mr. PAYNE) and the Committee on International Relations and the Committee on Appropriations Subcommittee on Foreign Operations, Export Financing, and Related Programs, that has looked at this question and has fought it with great, great perseverance. The gentleman from Illinois (Mr. JACKSON) provided additional dollars.

But I want to make sure that any Darfurian refugee that is in Chad is not forced to leave for any economic reason. Of course, we need more dollars to help Chad, more support of the United Nations Commissioner on Human Rights and Refugees. But we also need to ensure that resources here by this appropriation do not force anyone to go back to a place where they do not want to go.

Some refugees may want to go back. When I met with them one on one, they talked about their cattle being destroyed, they talked about there being no place for them, their villages had been destroyed. We looked and spoke with the African Union at the aerial footage that would show how large villages had been destroyed, so there is not much for them to return to.

I want to be able to say that we are working at all ends, the declaration of genocide, the negotiations with Sudan to stop the violence and stop the devastating destruction of these individuals in Sudan and stop the fleeing from Sudan.

But now that we are in the predicament that we are in, which is 380,000, up to 400,000 and growing, refugees in Chad, we want to make sure that there is no fear, no, if you will, requirement, no demand, no shuttling. Refugees who do not want to go back, they should not have to go.

Let me say this as well: if you speak to the women and the children that I had a chance to speak to, I can only say that tears would come to your eyes, the raping, the brutalization, the fear, the apprehension. I would ask my colleagues to consider an amendment that simply wants to give to those who are in fear of their lives the opportunity not to return if they desire not to return.

Mr. Chairman, the amendment proposes to preclude the use of funds made available in this act to force repatriation of Darfurian refugees from the Republic of Chad back to Darfur, Sudan against their will. This act could be deemed authorized under Section 12 of the Sudan Peace Act as an effort to assist the African Union in its peacekeeping efforts; however, it could prove detrimental or deadly for many Darfurians.

I traveled to the Republic of Chad last April and saw the devastation and suffering firsthand by the Sudanese refugees. They lack sufficient water, adequate medical supplies, and protection from Janjaweed militia who raid them at will.

As many of you know, the genocidal regime in Sudan has left 2.5 million people displaced and at least 380,000 people dead in the Darfur. Due to increasing violence, 15,000 innocent civilians continue to die each month. Genocide cannot continue on our watch; the United States must move toward effective action against this most terrible crime. The United Nations Secretary General has described the situation in Darfur as "little short of hell on earth." Expert John Prendergast calls it "Rwanda in slow motion." Under cover of a decade-long civil war that has claimed 2 million Sudanese lives, government backed Janjaweed continue their campaign to wipe out communities of African tribal farmers who live in the region. The government-backed Janjaweed are razing villages, systematically raping women and young girls, abducting children, poisoning water supplies, and destroying sources of food. Unlike the recent tsunamis in Southeast Asia, the situation in Darfur is manmade and therefore can be addressed.

In my visit to the region, I had the opportunity to meet with Lt. General Ansu of the African Union, which is the single peacekeeping force supported by the United Nations. During the meeting, the general noted that there is nothing they can do pursuant to the current mandate. As a result, I recently co-signed a letter, along with other Congressional Black Caucus members, to the President of Nigeria, Mr. Obasanjo, asking him to use his influence as chairman of the African Union to change the mandate of the AU in Sudan. Additionally, I am also a co-sponsor of H.R. 1424, "The Darfur Genocide Accountability Act of 2005." H.R. 1424, among other things, also calls for changing the mandate of the AU. While these are positive steps towards ending the genocide, they are clearly not enough.

In addition to my visit with Lt. General Ansu, I also had the opportunity to visit refugee camps and spoke with many of the refugees regarding what they have seen. According to them, many of the women and young girls have been raped, and many of the men have been violently murdered. Furthermore, water and food supplies have been completely destroyed making it impossible for many to survive.

The time has come for the United States to take a substantive role in curtailing this situation. I ask that my colleagues support the Jackson-Lee amendment.

Mr. KOLBE. Mr. Chairman, I understand the Parliamentarian has made a decision that this would be in order, and, therefore, I would withdraw my reservation.

Mr. Chairman, I claim the time in opposition.

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

Mr. KOLBE. Mr. Chairman, I am not at all sure what the gentlewoman is attempting to accomplish here, what the purpose of offering this amendment is. The only funds that would be affected by this, the only funds that we have in the bill that affect refugees is that we provide for the UNHCR, that is, the United Nations High Commissioner on Refugees.

I think it is quite apparent that when it comes to Darfur and the Sudan, the UNHCR would not support any kind of program of resettlement of refugees that had been, not displaced, but they are refugees that go from one place to another. Refugees that fled from Sudan into Chad, they would not support any program of resettling them back in Sudan if there were not a comprehensive peace settlement that would allow them to be resettled.

The effect of the gentlewoman's amendment would be to stop assistance for such an important program if there was to be a peace settlement that was to be achieved and everybody in Darfur and Sudan were to agree on it. I cannot believe that is what the gentlewoman really intends, because what she would be doing is taking a terrible human tragedy and simply compounding it and making it a much worse human tragedy.

Mr. Chairman, I would hope the gentlewoman would reconsider this amendment, because I do not believe that its intent is what she intends to do. Let me just make it clear, it would limit all money going to UNHCR for resettlement if there were a peace agreement in Darfur. If there were a peace agreement, we would want nothing more than to be able to return those refugees from Chad back to Darfur. I cannot believe that is what the gentlewoman intended.

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

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlewoman very much for yielding.

Mr. Chairman, if I might engage the distinguished gentleman from Arizona, I think the amendment can be interpreted in the way the gentleman has offered, but I think it can be interpreted in the way I have offered it. The problem is as we visited, first of all I want to thank Chad for what it has offered to the refugees and, of course, refugee resettlement efforts with the United Nations, where Chad is hosting the United Nations and welcoming them for the many refugee camps that are there.

But there is a terrible economic burden on Chad as well, and this is simply language that suggests that we are monitoring or ensuring that our funds are being used to, in fact, provide for those refugees who are in fear of their lives.

Now, I would be happy if the gentleman would work with me to include this in report language, so that we would have at least that protection from what might happen or what might be thought of or what might cause, if you will, some sort of pressure to return those refugees because of the economic imbalance. When we were there, though Chad was very hospitable, and all of us have gone to Chad and gone through Chad to go to Sudan, but if, for example, the financial burden became so extensive, then there might be some pressure, Mr. Chairman.

□ 2045

So I would hope that we find common ground to realize that it is a concern. I would not have brought it to the floor if it was not. I think it is an important point to make, that we understand the brutality that these refugees have experienced, and because they have experienced such devastation, we want to cross the T's and dot the I's.

So that was the explanation I wanted to make. If I can work to get a commitment on precise report language, which I think answers the concern, then I think that that is a way of addressing a definitive concern that I saw, and I think it is real, and I think my interpretation clarifies that it is not in any way undermining the funding for the U.N. Refugee Resettlement Program, but it is to make clear that even if there is an economic burden on the host country; in this instance, Chad, and again, I repeat, I thank them for their hospitality to these refugees. They should be, as we have supported their efforts, but there would not be that intent to resettle these refugees beyond the time of them wanting to go back, or for those who do not want to go back.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I know the chairman's clear concern and commitment to focus on the severe issues in Darfur, and I certainly would be delighted to work with the chairman to see if we can come up with some report language that would clarify the intent of the gentlewoman from Texas' concerns as expressed in this amendment.

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

Mrs. LOWEY. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I understand then what the gentlewoman from Texas is suggesting. Certainly, none of us would want to require forced repatriation of people from Chad back to Sudan. That is certainly not what any of us would want. But this amendment, as it is drafted, would be overly broad and would simply not allow us to do any kind of program that would help to resettle refugees that have fled from Darfur to return them to their homes, and I know that is not what the gentlewoman desires.

So, therefore, I agree with the point she is making, and we are certainly willing to work with her when we get to conference and the statement of manager's intentions in conference to work on language that will make it clear that we would oppose any kind of forcible repatriation of refugees from one country to the other.

If that is acceptable, I would hope the gentlewoman would then withdraw this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentlewoman from Texas for a concluding statement.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me try to understand the gentleman. I guess we differ whether it is overbroad, but I am welcoming of the gentleman's generous offer, in understanding that he would work with me on report language that helps us not have forced repatriation back to Sudan.

Mr. KOLBE. Mr. Chairman, if the gentlewoman from New York would continue to yield to me, the House report for the House bill is completed, but in conference, yes, we could work on language in conference.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentlewoman from New York would continue to yield, that is the clarity that I was trying to secure.

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. LOWEY) has expired.

The gentleman from Arizona (Mr. KOLBE) has remaining time.

Mr. KOLBE. Mr. Chairman, I am completed with my remarks and I am prepared to yield back the balance of my time, if the gentlewoman is prepared to withdraw the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, with that kind of offer and the understanding that the amendment was drafted to ensure that we did not have the forcing of refugees to return, I will look forward to working with the gentlewoman from New York (Mrs. LOWEY) and the gentleman from Arizona (Chairman KOLBE) to have language in conference on this matter.

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

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. HEFLEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY:

Page 132, after line 13, insert the following:

REDUCTION IN TOTAL APPROPRIATIONS

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $202,700,000.

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

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

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

Mr. Chairman, this is no surprise to anyone. I rise again today to offer an amendment to cut the level of funding in this appropriation bill by 1 percent, 1 cent on the dollar. This amounts to $202.7 million.

I have offered this kind of an amendment on a number of these bills, and it is because I feel so strongly about the need for us to come to a balanced budget which we once had, and we have gotten very far away from.

The committee has done a good job in the sense that the amount of this bill is $2.5 billion less than what the administration called for. However, it is still an increase of $750 million over last year's Foreign Operations budget.

My sense is that if you do not have the money, you do not spend more than last year. That is the situation we are in right now. I will not go into this whole thing; I simply encourage an ''aye'' vote on behalf of the amendment.

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

Mr. KOLBE. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

Mr. Chairman, the bill before us today already cuts the President's request, and the gentleman from Colorado has mentioned this; it cuts the President's request by $2.6 billion. That is 11 percent, and that is the largest cut in terms of any of the appropriation bills that we have had on the floor or will have on the floor this year.

We have cut all of the fat I think, and then some, from this bill. I am sure everybody can find something that they do not like, but there are a lot of programs that I think are very valuable that did not get funded in this because of the 11 percent cut over the President's request that we had, certainly things that the President thought were important and should be done.

I think if my colleagues were to peruse the bill, they would see that there is a $1.4 billion dollar cut from the President's account for the Millennium Challenge Corporation. That has been a priority of the President and mine in this bill. We have cut all of the new programs that the President requested. We zeroed out the Global Environmental Facility. We withheld 25 percent of the funds from the World Bank and conditioned funds of the Global Fund to fight HIV/AIDS until detailed reforms are met.

So this is a fiscally conservative bill of which I am very proud, and I ask my colleagues to oppose this amendment that is offered by the gentleman from Colorado (Mr. HEFLEY).

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

Mr. HEFLEY. Mr. Chairman, I want to express my appreciation for every one of the cuts that the gentleman from Arizona (Mr. KOLBE) mentioned, and they have done a good job where that is concerned, but I still hope we will get a positive vote on this amendment.

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

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

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

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

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LORETTA SANCHEZ of California:

Page 132, after line 13, insert the following:

LIMITATION ON INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR VIETNAM

SEC. ____. None of the funds made available in this Act under the heading ''INTERNATIONAL MILITARY EDUCATION AND TRAINING'' may be used to provide assistance for Vietnam.

Mr. KOLBE. Mr. Chairman, I reserve a point of order, and I do so until we have had a chance to see the amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. LORETTA SANCHEZ) and the gentleman from Arizona (Mr. KOLBE) each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I yield myself such time as I may consume.

I intend to withdraw this amendment, and the gentleman from Arizona (Chairman KOLBE) has been kind enough to agree to engage in a colloquy with me on the issue of International Military Education and Training, or IMET, funding for Vietnam.

I strongly support the IMET program. Sitting on the Committee on Armed Services, I understand that it is a vital tool for furthering regional security cooperation and promoting United States interests overseas.

Vietnam held off on agreeing to participate in the IMET program for quite a while because they were concerned about scrutiny of their human rights record, and those concerns are well-founded. Vietnam is responsible for a broad range of human rights abuses, including the repression of ethnic minorities, detention and torture of political dissidents, and the repression of religious freedom.

The U.S. designated Vietnam as a ''Country of Particular Concern'' in 2004 because of its violations of religious freedoms. With this designation, Vietnam joins a club including Burma, China, Iran, and North Korea.

So, should the United States provide IMET for these countries? Why should Vietnam be any different?

The Vietnamese military has reportedly been involved in numerous cases of human rights violations, including violence and brutal suppression of the peaceful Montagnard people in demonstrations in April of 2004.

Providing humanitarian assistance to a country is one thing. Establishing trade relations is yet another. But military assistance such as IMET requires an even higher standard. Why would we want to establish military relations with a repressive regime, one in which our potential counterparts are directly involved in that repression? I think Vietnam should not be eligible for IMET assistance until it has demonstrated a willingness to treat all its citizens with the fundamental dignity and respect that they deserve.

Can the chairman provide me with assurances that Vietnam's human rights record and the record of its military in particular will be taken into consideration as part of Vietnam's eligibility for IMET funding?

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

Ms. LORETTA SANCHEZ of California. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, first, I withdraw the reservation of the point of order.

Mr. Chairman, let me just say that I appreciate the gentlewoman's concern about the human rights situation in Vietnam. I share those concerns, and I believe our foreign policy should stress its importance.

I can assure the gentlewoman that improved relations between the United States and Vietnam, particularly in the area of military relations, will not ignore our objectives for improved human rights protection in that country. However, I do not wish to make engagement through IMET contingent on a specific action by the Vietnamese. I think it could have very well the opposite effect if we were to do that.

One purpose of IMET funds is to provide English language instruction to the Vietnamese military. In a fundamental way, it thus serves as a tool to give the Vietnamese military exposure to U.S. instructors, to professionalism, to progressive ideas, and to the role of the military in civil society. IMET would promote mutual understanding and provide an additional context for the Vietnamese to understand how important it is for the United States to see improvements in human rights. Besides providing this context for understanding, I believe that IMET for Vietnam will help us address transnational issues such as counterterrorism and counternarcotics and contribute to greater security and regional stability in Southeast Asia.

I thank the gentlewoman for raising this issue and look forward to working with her in the future on this.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, reclaiming my time, I thank the gentleman for his interest in the issue, and I am glad to hear that our policy towards Vietnam will not ignore human rights objectives. I sincerely appreciate the chairman taking the time with this important matter.

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

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 132, after line 13, insert the following:

LIMITATION ON MILITARY ASSISTANCE IN CONTRAVENTION OF THE CHILD SOLDIERS PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD

SEC. ____. None of the funds made available in this Act under the heading ''INTERNATIONAL MILITARY EDUCATION AND TRAINING'' or ''FOREIGN MILITARY FINANCING PROGRAM'' may used in contravention of the child soldiers protocol to the Convention on the Rights of the Child.

Mr. KOLBE. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Arizona (Mr. KOLBE) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I have worked on this issue for a long time, and I hope to be able to withdraw this amendment and engage the chairman in a colloquy.

I think all of us are reminded of the terrible wars in Liberia, Sierra Leone, and Rwanda. And, in addition to the enormity of the loss of life, one of the most troubling and very sad aspects was the use of child soldiers. In fact, even now, there are programs on the continent of Africa to restore the childhood to these children, children who had guns instead of soccer balls or basketballs or baseballs; children who had guns instead of sitting in classrooms and learning about science and math and the study of the stars.

So, it is unfortunate that even today, in 2005, we find the fact that child soldiers are still utilized. They are utilized in places like Burma, in the Republic of the Congo, and other places where wars arise.

I would think in this day and time of terrorism, we know that child soldiers are being used as terrorists around the world.

On June 18, 2002, the U.S. Senate gave unanimous consent to U.S. ratification of the Child Soldiers Protocol which was the optional protocol to the convention on the rights of children on the involvement of children in armed conflict.

□ 2100

This decision meant that the United States would not put anyone under the age of 18 in combat, nor would we approve or sanction any such activity. However, despite that fact, there are many nations throughout the world that sign and ratify the protocol. The problem of children being put into combat situations is still prevalent in many regions of the world. Despite gains in awareness and better understanding of practical policies that can help reduce the use of children in war, the practice persists; and globally the number of child soldiers, about 300,000, is believed to remain fairly constant.

In some continued armed conflicts, child recruitment increased alarmingly. And I have cited some of the countries where they are being used to fight wars, boys and girls, which is enormously tragic. They have even been used as laborers and sexual slaves. We know that the governments of Burma, Burundi, the DRC, Liberia, and Sudan and other governments have used children to fight wars. Burma's National Army alone includes an estimated 70,000 child soldiers, which is nearly one quarter of the world's total and routinely sends children as young as 12 into battle against armed ethnic opposition groups.

Mr. Chairman, I would hope that this Congress would go on record in some manner. Even as this amendment may be subject to a point of order, I believe it was worthy of our discussion that we oppose the use of children as soldiers. We have certainly opposed violent conflicts around the world and we wish to promote peace; but we will do everything we can to ensure that our children of the world, the ones who can be leaders for peace if given half the chance, if given the chance to live in a free and open society where they can be children and learn to be the best that they can be, I would hope that these children would not be put to the test of fighting in battles.

Mr. Chairman, I rise today to support my Amendment to this Foreign Operations Appropriation bill, which states that none of the funds made available in this Act under the heading ''INTERNATIONAL MILITARY EDUCATION AND TRAINING'' or ''FOREIGN MILITARY FINANCING PROGRAM'' may be used in contravention of the child soldiers protocol to the Convention on the Rights of the Child. The nations known to use child soldiers do not deserve military assistance from our nation.

On June 18, 2002 the U.S. Senate gave unanimous consent to U.S. ratification of the child soldiers protocol, which was the optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. This decision meant that the United States would not put anyone under the age of eighteen in combat. However, despite that fact that many nations throughout the world signed and ratified the protocol, the problem of children being put into combat situations is still prevalent in many regions of the world. Despite gains in awareness and better understanding of practical policies that can help reduce the use of children in war, the practice persists and globally, the number of child soldiers—about 300,000—is believed to have remained fairly constant. In some continuing armed conflicts, child recruitment increased alarmingly. In Northern Uganda, abduction rates reached record levels in late 2002 and 2003 as over 8,000 boys and girls were forced by the Lord's Resistance Army to become soldiers, laborers, and sexual slaves. In the neighboring Democratic Republic of Congo (DRC), where all parties to the armed conflict recruit and use children, some as young as seven, the forced recruitment of children increased so dramatically in late 2002 and early 2003 that observers described the fighting forces as ''armies of children.''

However, it is not just non-governmental armed opposition groups who continue to use children to fight wars. Governments including those in Burma, Burundi, the DRC, Liberia, Sudan, and Ugandan have continued to recruit and use children in armed conflict. Burma's national army alone includes an estimated 70,000 child soldiers, which is nearly one-quarter of the world's total and routinely sends children as young as twelve into battle against armed ethnic opposition groups. Both Uganda and the DRC have ratified the optional protocol, but flout their obligations by using child soldiers. The Ugandan People's Defense Force has recruited children who escaped or were captured from the rebel Lord's Resistance Army, and has trained and deployed children recruited into local defense units. The government of DRC maintains children in its ranks despite a 2000 presidential decree calling for the demobilization of child soldiers.

While none of these nations are specifically targeted to receive any military assistance in this Appropriation, it is important that this amendment is passed so that a message against the use of child soldiers is sent throughout the world. Regardless of how unlikely it is that such funding may ever take place, we as a nation can not allow even the slightest possibility that taxpayer money may go to pay for military assistance to other nations who continue to use child soldiers. It is also important to note that these military assistance funds do not cover any humanitarian assistance, only funds under the International Military Education and Training and Foreign Military Financing Programs. It's a travesty that here in America we talk of holding our children above all else, but around the world children are being used as tools for war. I urge support for the Jackson-Lee Amendment to prohibit military assistance to nations that continue to use child soldiers.

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

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

Mr. Chairman, I continue to reserve my point of order. I hope this will not be necessary. I think the gentlewoman's concern is certainly a very real one. None of us want to see child

soldiers. None of us want to see this kind of child labor and abuses of children. And I would hope that this is a priority as far as I think the United States policy is concerned. I think the United Nations agencies, I think all of them have this as a policy. But I just would hope that the gentlewoman, we will continue to work with her on the right language here. But I hope the gentlewoman would withdraw this amendment.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, if I might, to the gentleman, I would simply say I would like to work with the Chair and the ranking member. Again, I would like to call on your good graces to look at language during conference and work with you and have the language that is appropriate and of course acceptable to all of us and acceptable to the Chair and the ranking member.

I do think that silence on child soldiers is not helpful because there is continued recruitment, and so I would like to withdraw the amendment. I would like to yield to the gentleman, just to say can we work together on it.

Mr. KOLBE. Mr. Chairman, if the gentlewoman will yield, she has the assurance of the chairman that we will work with her on language in conference that would address this issue. I obviously cannot commit with the Senate exactly how that language would be worded, but certainly we will take this issue to the Congress, and we will work on language in the report language for the conference.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the chairman and let me ask and thank the chairman for his reservation of point of order. But let me thank him for entering into a discussion on this matter and allowing me to discuss it and bringing it to the attention of my colleagues.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 6 by the gentleman from Massachusetts (Mr. MCGOVERN), amendment by the gentleman from Colorado (Mr. BEAUPREZ), amendment by the gentleman New York (Mr. WEINER), amendment by the gentleman from Vermont (Mr. SANDERS), amendment by the gentleman from Georgia (Mr. DEAL), amendment by the gentleman from Colorado (Mr. HEFLEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. MCGOVERN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 234, not voting 10, as follows:

[Roll No. 329]

AYES—189

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Filner
Flake
Ford
Gordon
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pitts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rohrabacher
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—234

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Edwards
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Cox
Doolittle
Hayes
Hinojosa
Kingston
Lynch
McIntyre
McKinney
Ortiz
Ross

□ 2127

Mrs. NORTHUP and Messrs. BACA, KENNEDY of Rhode Island and HOSTETTLER changed their vote from ''aye'' to ''no.''

Mr. TANCREDO and Mr. THOMPSON of Mississippi changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Mr. Chairman, on rollcall No. 329, had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. BEAUPREZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. BEAUPREZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 327, noes 98, not voting 8, as follows:

[Roll No. 330]

AYES—327

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLay
Dent
Diaz-Balart, M.
Dicks
Doggett
Doyle
Drake
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kline
Kuhl (NY)
LaHood
Langevin
Lantos
Latham
LaTourette
Leach
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Owens
Pallone
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—98

Ackerman
Baird
Baldwin
Becerra
Berman
Blumenauer
Boucher
Brown, Corrine
Capps
Conyers
Cummings
Davis (FL)
DeGette
DeLauro
Dingell
Dreier
Ehlers
Eshoo
Farr
Filner
Frank (MA)
Gillmor
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hobson
Holt
Honda
Hyde
Jackson (IL)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kildee
Kilpatrick (MI)
Kirk
Knollenberg
Kolbe
Kucinich
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lowey
Maloney
Matsui
McCollum (MN)
McCrery
McDermott
McGovern
McKinney
Meeks (NY)
Millender-McDonald
Miller, George
Nadler
Napolitano
Oberstar
Olver
Oxley
Pastor
Payne
Pelosi
Peterson (PA)
Rogers (KY)
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Shays
Sherwood
Slaughter
Smith (WA)
Solis
Stark
Sweeney
Tauscher
Thomas
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Waters
Watson
Watt
Waxman
Wexler
Woolsey

NOT VOTING—8

Diaz-Balart, L.
Doolittle
Hayes
Kingston
Lynch
McIntyre
Ortiz
Ross

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2136

Mr. CUMMINGS changed his vote from ''aye'' to ''no.''

Mr. SCHWARZ of Michigan, Ms. PRYCE of Ohio, Mr. ENGEL, Mrs. NORTHUP and Mr. JOHNSON of Illinois changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 293, noes 132, not voting 8, as follows:

[Roll No. 331]

AYES—293

Abercrombie
Ackerman
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Cooper
Costa
Costello
Cox
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Dicks
Doggett
Doyle
Drake
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McGovern
McHenry
McNulty
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)

Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norwood
Olver
Osborne
Otter
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Ramstad
Rangel
Renzi
Reyes
Rogers (AL)
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Shuster
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Woolsey
Wu
Wynn

NOES—132

Aderholt
Allen
Baldwin
Bartlett (MD)
Barton (TX)
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boucher
Boustany
Bradley (NH)
Brady (TX)
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Cole (OK)
Conyers
Cramer
Crenshaw
Cunningham
Delahunt
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dreier
Ehlers
Etheridge
Everett
Foley
Gilchrest
Gingrey
Granger
Harris
Hart
Hastings (WA)
Hensarling
Hobson
Hoekstra
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Johnson (CT)
Kanjorski
Kelly
Kennedy (MN)
Kilpatrick (MI)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
McCaul (TX)
McCrery
McDermott
McHugh
McKeon
McKinney
McMorris
Mica
Mollohan
Murphy
Murtha
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Oxley
Pastor
Pearce
Peterson (PA)
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ruppersberger
Ryan (WI)
Sabo
Saxton
Schwarz (MI)
Sessions
Sherwood
Shimkus
Simpson
Skelton
Smith (TX)
Snyder
Stark
Sweeney
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Turner
Upton
Walsh
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Doolittle
Hayes
Kingston
McIntyre
Meehan
Ortiz
Ross
Shays

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2144

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 313, noes 114, not voting 6, as follows:

[Roll No. 332]

AYES—313

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Costa
Costello
Cox
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Drake
Duncan
Emanuel
Emerson
Engel
English (PA)
Eshoo
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
Kucinich
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Rahall
Ramstad
Rangel
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Solis
Souder
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Westmoreland
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—114

Alexander
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bonilla
Boucher
Boustany
Bradley (NH)
Brady (TX)
Cannon
Cantor
Carter
Case
Castle
Chocola
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Crowley
Cubin
Davis (KY)
Davis, Tom
DeLay
Dicks
Doyle
Dreier
Edwards
Ehlers
Etheridge
Feeney
Frelinghuysen
Gilchrest
Goodlatte
Granger
Graves
Hall
Hart
Hobson
Hoekstra
Hulshof
Inglis (SC)
Jefferson
Johnson (CT)
Keller
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
Levin
Lewis (CA)
Lofgren, Zoe
Lungren, Daniel E.
Manzullo
McCrery
McMorris
Meeks (NY)
Mica
Miller (MI)
Miller (NC)
Moran (KS)
Murphy
Murtha
Myrick
Oberstar
Otter
Oxley
Pearce
Peterson (PA)
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Ros-Lehtinen
Ruppersberger
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Sessions
Shays
Sherwood
Shimkus
Simpson
Smith (WA)
Snyder
Spratt
Sullivan
Sweeney
Tauscher
Thomas
Thornberry
Tiahrt
Upton
Wamp
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)

NOT VOTING—6

Doolittle
Hayes
Kingston
McIntyre
Ortiz
Ross

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 2151

Mr. LEACH changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DEAL OF GEORGIA

The CHAIRMAN. The pending business is the demand for a recorded vote

on the amendment offered by the gentleman from Georgia (Mr. DEAL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 294, noes 132, not voting 7, as follows:

[Roll No. 333]

AYES—294

Abercrombie
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Cardin
Cardoza
Carnahan
Case
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cox
Cramer
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (CA)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Dent
Dicks
Doggett
Doyle
Drake
Duncan
Edwards
Emerson
Engel
English (PA)
Eshoo
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kuhl (NY)
LaHood
Langevin
Lantos
LaTourette
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McHenry
McHugh
McKeon
McMorris
McNulty
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Otter
Owens
Pallone
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanders
Saxton
Schiff
Schwartz (PA)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Sodrel
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Tiahrt
Tiberi
Turner
Upton
Van Hollen
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—132

Ackerman
Allen
Baldwin
Becerra
Berman
Biggert
Blumenauer
Blunt
Bonilla
Boucher
Brown, Corrine
Butterfield
Cantor
Capuano
Carson
Carter
Castle
Clay
Cleaver
Conyers
Cooper
Crenshaw
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dreier
Ehlers
Emanuel
Etheridge
Evans
Farr
Frank (MA)
Frelinghuysen
Gilchrest
Granger
Grijalva
Gutierrez
Hastings (FL)
Hobson
Hoekstra
Holt
Hooley
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kilpatrick (MI)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Larsen (WA)
Larson (CT)
Latham
Lee
Lewis (CA)
Lewis (GA)
Lowey
Maloney
Markey
Matsui
McCrery
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Miller, George
Nadler
Napolitano
Nunes
Oberstar
Obey
Olver
Oxley
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Price (NC)
Pryce (OH)
Regula
Rehberg
Renzi
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherwood
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Stark
Sweeney
Tauscher
Thomas
Thompson (CA)
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Walsh
Waters
Watson
Watt
Waxman
Wexler
Woolsey

NOT VOTING—7

Doolittle
Hayes
Jackson-Lee (TX)
Kingston
McIntyre
Ortiz
Ross

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded 2 minutes remain in this vote.

□ 2158

Mrs. JOHNSON of Connecticut changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Ms. MOORE of Wisconsin. Mr. Chairman, on rollcall No. 333, I inadvertently voted "aye" when I intended to vote "no." Please have the RECORD reflect that I would have voted "no."

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 117, noes 309, not voting 7, as follows:

[Roll No. 334]

AYES—117

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cannon
Cardoza
Chabot
Chocola
Coble
Costa
Costello
Cox
Cubin
Davis, Jo Ann
Deal (GA)
DeFazio
Diaz-Balart, M.
Duncan
Everett
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Green, Gene
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hulshof
Inglis (SC)
Issa
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McHenry
McMorris
McNulty
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Pombo
Price (GA)
Radanovich
Rahall
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Stearns
Tancredo
Tanner
Taylor (MS)
Terry
Tiberi
Upton
Walden (OR)
Westmoreland
Wilson (SC)

NOES—309

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards

Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Green, Al
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Doolittle
Hayes
Kingston
McIntyre
Ortiz
Ross
Waters

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2204

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not rising because it happens to be my 19th wedding anniversary.

Mr. Chairman, it is my privilege to express my great appreciation for the fantastic work done by the chairman and the ranking member on this bill, and for all of us to come together to recognize the birthday of the gentleman from Arizona (Mr. KOLBE).

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

Mr. LEWIS of California. I yield to the gentleman from Arizona.

Mr. KOLBE. It is a few more than 19, too.

Mr. LEWIS of California. Let us all join in extending happy birthday wishes to the gentleman.

The CHAIRMAN. The Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006''.

Mr. KOLBE. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 341, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

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

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 393, nays 32, not voting 8, as follows:

[Roll No. 335]

YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)

Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—32

Bartlett (MD)
Berry
Cubin
Davis, Jo Ann
Duncan
Flake
Franks (AZ)
Gibbons
Goode
Goodlatte
Hefley
Hostettler
Hulshof
Jenkins
Jones (NC)
Keller
Lucas
Miller (FL)
Norwood
Otter
Paul
Petri
Pombo
Rahall
Rohrabacher
Ryun (KS)
Sensenbrenner
Stark
Stearns
Tancredo
Tanner
Taylor (MS)

NOT VOTING—8

Doolittle
Hayes
Kingston
Lewis (CA)
McIntyre
Mollohan
Ortiz
Ross

□ 2226

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, I was not present on votes held earlier this morning. Had I been present, I would have voted ''yea'' on H.R. 458, rollcall No. 324; and ''no'' on the previous question on H.R. 341, rollcall 325.

PERSONAL EXPLANATION

Mr. ETHERIDGE. Mr. Speaker, earlier today I joined local community leaders from my district on behalf of Fort Bragg, Pope Air Force Base, going to the BRAC hearing in Charlotte and thereby missed a number of rollcall votes.

Had I been present, I would have voted ''yes'' on rollcall votes 322, 323, and 324, and would have voted ''no'' on rollcall votes 325, 326, 327, and 328.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 140

Ms. KILPATRICK of Michigan. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Con. Res. 140.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

THE PRESIDENT'S SPEECH

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

Mrs. BLACKBURN. Mr. Speaker, tonight President Bush talked with America about the great struggle and the suffering that our country has endured since September 11. It is clear that these memories are seared for us of that horrific day, and our hearts break for the soldiers that we have lost and the families that they have left behind.

But the President reminded us that when tragedy struck, we pulled ourselves together; got to work, as we always do; and that we have taken this war to those who attacked us, to be sure that our children never suffer through another September 11.

We do not believe in appeasing terrorism. We do not believe in turning a blind eye as evil gathers, hoping it will strike someone else. We are Americans. It is not our way to let bullies and thugs intimidate and destroy what we and other free nations have worked so hard to build. That is why we are in Afghanistan and that is why we are in Iraq.

Mr. Speaker, the front lines of this war are on America's main streets. They are also in Kabul and Baghdad. We are in this together and we will win together.

□ 2230

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was unavoidably detained and did not vote on the Deal amendment during consideration of H.R. 3057. Had I been present, I would have voted no.

A POOR AND FLAWED INTERPRETATION OF THE CONSTITUTION

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, five U.S. Supreme Court Justices yesterday strained the credibility of the court, ignored America's founding principles and denigrated the importance of the Ten Commandments and the Judeo-Christian faith in American culture and history. Allowing Texas to display the Ten Commandments on State property but disallowing Kentucky courthouses from doing the same is a poor and flawed interpretation of the U.S. Constitution.

This schizophrenia departs from the clear intent of our Founding Fathers. The court must remember that the first amendment says we should have freedom of religion, not freedom from religion.

American government was founded on a belief and a faith in God and in doing what is right and just. I would hope that in future cases the court will interpret the U.S. Constitution with a less jaundiced eye and heed the original intent of our founders.

APPOINTMENT OF MEMBERS TO NATIONAL COUNCIL ON THE ARTS

The SPEAKER pro tempore (Mr. MCHENRY). Pursuant to the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b) note), 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 National Council on the Arts:

Mr. MCKEON, California;

Mr. TIBERI, Ohio.

COMMUNICATION FROM THE HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from Nancy Pelosi, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 28, 2005.

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

DEAR MR. SPEAKER: Pursuant to the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b) note), I hereby appoint Rep. Betty McCollum of Minnesota to the National Council On The Arts.

Best regards,

NANCY PELOSI.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER pro tempore. Pursuant to Section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107–117, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts:

Mr. KENNEDY, Rhode Island.

MAKING IN ORDER CALL OF PRIVATE CALENDAR ON TOMORROW

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be in order tomorrow.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order

of the House, the following Members will be recognized for 5 minutes each.

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

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

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

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

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

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

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

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

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

THE 1-YEAR ANNIVERSARY OF IRAQI SOVEREIGNTY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, as we celebrate the 1-year anniversary of Iraqi sovereignty, I would like to take the time to express my gratitude and appreciation for the men and women of the United States military who are fighting for freedom in Iraq and around the world, both those still fighting and those who have fallen. These soldiers of liberty are following the tradition of what Franklin Delano Roosevelt described as ''the greatest arsenal of democracy.''

From Bunker Hill to Gettysburg, and from the beaches of Normandy to the rice paddies of Vietnam, no nation has lost so many in the name of liberty. Indeed, never before in the history of mankind has one people acted to free so many of the world's oppressed, both within and beyond its borders.

America does not fight for land, glory or riches. No, Mr. Speaker, we fight to free those who live on the land, to spread the bounties of freedom, and to bring the riches of liberty to those who cannot do the job alone. So it has been, and so it is in Iraq. Our brave soldiers and support personnel are engaged in a battle as important as any the United States has ever before waged, for the success of democracy in Iraq is a crucial test of the ideals this Nation was founded upon.

Our founding texts all proclaim freedom's universalism. Liberty is not the unique right of Americans or even Westerners, but is mankind's right. Indeed, it is a right that according to our Declaration of Independence is unalienable.

We went to Iraq because Saddam Hussein's dictatorship was a threat to his neighbors, the Middle East, the United States and his own people. We remain in Iraq because we know that sometimes liberty needs some nursing before it can grow on its own. We have not abandoned other people of the world after their liberation, and we will not abandon Iraq. We will continue fighting for freedom's survival.

And while we know that the men and women who are lost to freedom's cause will never be forgotten, that knowledge can never fully heal the pain of their families. The hole left in their lives by their lost loved-one can never be fully filled. Still, from their sacrifice, much solace can be taken.

In times of war, it is often best to look to our history to see how past generations of Americans dealt with the loss of their countrymen in just causes. During the civil war, the most trying time in this Nation's history, hundreds of thousands of families lost their sons as they tried to save the union.

At the height of the casualties, President Lincoln sought to reassure a wounded nation. The Gettysburg address was a clarion call to those who heard his immortal words. In memory of the soldiers lost at the Battle of Gettysburg, Lincoln delivered the greatest 2 minutes in American oratorical history.

The speech's poignancy may never again be matched, as in just over 20 words Lincoln honored the dead for their service, ensured that their sacrifice would not be in vain, and captured the essence of the American experiment.

But I am afraid that too often Lincoln's words are forgotten, so I would like to read them aloud now so that all Members might hear them and take them to heart when considering our current conflict. For Lincoln's words are as true for our lost men and women in Iraq as they were for the fallen at Gettysburg:

''Fourscore and seven years ago our fathers brought forth on this continent a new Nation, conceived in liberty and dedicated to the proposition that all men are created equal.

''Now we are engaged in a great civil war, testing whether that nation or any nation so conceived and so dedicated can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of it as a final resting place for those who died here that the nation might live. This we may, in all propriety do. But in a larger sense, we cannot dedicate, we cannot consecrate, we cannot hallow this ground.

''The brave men, living and dead who struggled here have hallowed it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.''

This is the most appropriate part: ''It is rather for us the living, we here be dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they here gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vain, that this nation shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the Earth.''

Mr. Speaker, I am humbled by Lincoln's words. And while I cannot match their eloquence, I can heed their meaning. From the commitment of the fallen in Iraq, I will take increased devotion to the cause of liberty, the cause for which they fought, and I hope so too will all Members of this body.

President Lincoln used the Gettysburg address to honor the dead not by shirking from conflict, but rather by issuing a clarion call to continue fighting in their stead.

As we approach the Fourth of July, it is fitting that we celebrate Iraq's fledgling democracy, and remember those who fought for freedom's dawn there, and in other parts of the world.

Mr. Speaker, I thank the men and women of our Armed Forces, and hope they will return home soon with the knowledge that they have served in the tradition of America's Great Emancipator, and brought freedom to those who would otherwise never have known its glories.

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

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

INVESTIGATING GUANTANAMO DETENTION CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, whenever we approach this microphone in this institution, we do it with the greatest of respect. I respect my colleague who just spoke of the great duty and service given to America by the men and women on the front lines all over the world, but in this instance, particularly in Iraq and Afghanistan.

This weekend I had the opportunity to see another fine example of servicemen and women, soldiers and sailors, working together at Guantanamo. But as we respect and appreciate their service, I have also had the opportunity to engage in conversation with these brave young men and women, Reservists, National Guard, and the one thing they understand is that what they are fighting for is freedom, and they are fighting for the availability and the opportunity for there to be public disagreement, dissent. That is the basis of our Constitution. That is why we love America.

So I rise today to simply raise questions; to applaud the improvement that has occurred in Guantanamo, but also to suggest that there needs to be transparency, there needs to be an understanding that there was a before and now an after. We need to be able to investigate thoroughly allegations of inappropriate behavior, abuse, by those in the FBI, the media and non-governmental agencies, to be able to clear the stain that might be on those who are working hard now.

A bipartisan commission could investigate by way of talking to the detainees; understand fully what the military tribunals mean and how they operate; whether or not detainees have a right to counsel; why they are being held indefinitely; why there are no charges; why there has not been a prosecution and a conviction; and to emphasize the Rasul case, which talks about access to the courts through habeas corpus proceedings.

Again, what I said very clearly is progress has been made, and I applaud that progress. But progress will be greatly made if we have an understanding through a bipartisan process of what Guantanamo means, and ultimately to prosecute the bad and horrific terrorists, for none of us want to see terrorists released. But for those who are able to return home, to be detained at home, to be held at home, to be kept off the battlefield so that those in Guantanamo do not pose a threat to our soldiers on the battlefield and to be held against them if they happen to be caught by the enemy.

□ 2245

I ask for a simple point that freedom means airing, freedom means the opportunity to ask questions and to get answers. I say that again tonight, as we heard the President speak to the American people.

First, I applaud the fact that the President has come to the American people; it is something that I have asked for time and time again. But, Mr. Speaker, let me simply say this: we need a success strategy in order to be able to have our troops come home. It is not a cut-and-run strategy, and I resent the interpretation that those of us who have asked for a success strategy that will bring dignity and respect to our troops and freedom to the Iraqi people are in any way cutting and running.

The strategies that the President offered tonight do not lead us on that pathway. The relating of the war in Iraq to the 9/11 tragedy, the horrific terrorist act, does not comport, if you will. We are fighting a War on Terror. We need all of our allies to help us fight it. We need the Iraqis, we need the Jordanians, we need the Saudi Arabians, we need all of them. But this ongoing conflict and war in Iraq with our soldiers entrenched where the Iraqi people and the Iraqi government has not reached out to diversify their government to include the Sunnis, to make sure that they are fighting collectively against the bad elements in a unified force, that is what is keeping us from peace. Embedding our soldiers and Iraqi forces is a good military strategy, but it is not a political end to this war. And, yes, we are looking for the writing of a Constitution, the voting on a Constitution, but we need a success strategy, a time that we can look toward for our troops to be able to come home.

It would be well to give military strategies that include training our national Iraqi forces, which I agree with, and I offered an amendment on the Floor of the House, working with conferees on the Defense Appropriation, to ensure that that occurs. I support the Skelton-Harman bill that talks about reinforcing the Iraqi forces, but that is not a success strategy. Again, there is no fear to being able to talk about the time of our troops coming home, acknowledging the brave stand that they have taken and the success that they have had in initially toppling Saddam Hussein.

I disagreed with this war from the beginning because I believed that it was not a constitutional war because Congress had not declared war. But I am prepared to work with the President now, to work with our colleagues in order to develop a success strategy that comes with honor and dignity.

What we had tonight leaves us empty because, in fact, I would hope that we could believe that the insurgency would go down. But we cannot expect that, in the backdrop of Secretary Rumsfeld clearly saying that the insurgents would be active for 12 years, and tonight we did not hear any solution to the violence of the insurgents. I believe that with the presence of military forces with the United States there, the insurgents will continue to rise.

I look forward to working with my colleagues to bring peace to this crisis in Iraq. We cannot do it without an effective success strategy for our troops and for America.

EFFECTIVE STRATEGIES FOR PEACE IN IRAQ

The SPEAKER pro tempore (Mr. MCHENRY). Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, it is interesting, my colleague was just talking about the President's speech tonight and I happen to disagree with her. I thought it was a strong, resolute speech that we heard from the President. America needs to hear from him and America needs to know that this President will not cut and run. The world needs to know that the Americans are not going to cut and run.

I think that for the past few months Americans, and probably a lot of folks around the world, have heard far too much from the cut-and-run caucus on this Hill. It is time that we make certain that they know we are committed to freedom. We have a President that is not going to give in to the terrorists, and that is exactly as it should be.

Some say that by being aggressive, that by taking this War on Terrorism to the Middle East, that we are helping the terrorists and helping the insurgent recruitment efforts. These naysayers count every single person who goes out and joins and becomes a part of the insurgency but, somehow, they forget something, and they forget this: that as we are over there fighting and working to bring democracy and freedom to Afghanistan and to Iraq, that there are hundreds of thousands and millions of people that are joining us in working toward freedom, working to build a democratic ally for our children there in the Middle East, and that they are going to see a different life than the hundreds of thousands that have found themselves in mass graves in Afghanistan and in Iraq.

Mr. Speaker, it is also interesting that many times, those on the left come in and they want to talk about a time line, give us a time line. Tell us exactly when we are going to get out of there. I always find that interesting, because many times I think that the liberals want a time line because they want to control it. They want to know exactly what is going to happen when, so they can micromanage it. Our military leaders need the ability to make those decisions that need to be made right there on the front lines. They do not need Congress micromanaging this war.

Also, we do not need to tell the terrorists, this is what we are going to do and this is when we are going to do it. We need to trust that leadership of our military and we need to believe in those men and women in uniform that are fighting.

My colleague also mentioned a trip that was made to Guantanamo Bay this weekend. I was also on that trip, and I will tell my colleagues, it is one of those things that kind of gets under my skin when I hear them say progress is being made at Guantanamo Bay. That insinuates that our men and women in uniform have done something wrong, and they have not, Mr. Speaker. I think it is important that the Members of this body, and also that the American people, know what Guantanamo Bay is about.

Guantanamo Bay is a detention center, and in that detention center are

held 520 enemy combatants. Now, an enemy combatant is not somebody that got picked up for shoplifting or for running a traffic signal. An enemy combatant is a person that has ties to known terrorist groups: the Taliban, al Qaeda. They are people that have participated in trying to tear us down. They are people that have participated in the September 11 attacks, the Khobar Towers, the first World Trade Center bombing. That is what we have at Guantanamo Bay.

We hear that we should send them back to their country. There is a reason we do not, and that is because an enemy combatant is not a uniformed soldier in an Army fighting for a country. An enemy combatant is a terrorist and, many times, we do not know what country they are from. The reason we do not send them back is because there is not a country that we are going to be sending them back to. It is an important distinction that we need to make.

Mr. Speaker, as we go through this week, as we talk about the President's remarks tonight, as we talk about the time at Guantanamo Bay, it is important to remember that it is our men and women that we need to thank for our freedom. It is their families we need to thank for their support.

AMERICA IS LOSING HER INDEPENDENCE

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

Ms. KAPTUR. Mr. Speaker, some people have loosely thrown the word ''freedom'' around here tonight. Well, America's freedom is declining because we are so increasingly dependent on imported petroleum. As oil prices rise, for super it is over $2.50 a gallon now at the pump and historic levels of $60 a barrel, I must rise tonight to say how sick I am of imported petroleum governing this economy. Look what it has done to our beloved republic economically, politically, environmentally, strategically. Rising oil prices control this economy. The lack of growth, every time that price ticks up, the stock market becomes very uncomfortable.

Oil prices keep us strategically locked to dictatorships all across this globe. That causes limitation in freedoms. What about the impact that oil prices have binding us to China and Iran now, looking at what is happening there, and the proposed Unocal purchase by China right at the ankles of Unocal's investments in Afghanistan right next door, as we become players in this 21st century oil market. America, wake up. Look at who gets the profit from your expenditures out of your wallet. Rising oil prices makes our economy vulnerable here at home. We lose more jobs, and the stock market remains very, very unsteady.

Rising oil prices mean we knock points off economic growth. Think about who gets those profits off those rising prices as our young men and women in the armed forces occupy the Middle East and Central Asia where most of our imported oil comes from. Now, over 60 percent of what we consume is imported from abroad; a majority of what is used in this country is imported. We are not free.

In fact, our soldiers are guarding more and more every day oil and gas pipelines from Afghanistan to Georgia to Turkey to places most Americans have not been very familiar with. U.S. foreign policy and military involvements in these areas parallel that of our global oil corporations. Unocal is not the only one. Chevron, Exxon, Arco, the names go on.

Now, this week, the Communist-owned oil company of China has decided it wants to pay more for Unocal than it is worth. Unocal does not drill anything in this country anymore; their investments are all over the world. Remember, Afghanistan was a key transit route before we got there with the military, the 18,000 of our soldiers who are stationed there now; Afghanistan was a key transit route from Unocal from the Caspian Sea Basin. They have been at this a long time. Sadly, U.S. foreign policy in that country has mirrored Unocal's satisfaction with the Taliban government there. They tried to be friends.

In fact, Unocal had plans for a new pipeline winding a far-ranging path from Turkmenistan's gas fields to the Arabian Sea. The giant oil company built cooperative relationships with the Taliban government in Afghanistan, as did the United States Government. When we supported the Taliban, as recently as 1999, U.S. taxpayers paid the salary of oil-hungry Taliban government officials. Ask yourself about that.

But as soon as the Taliban began making things a little difficult for Unocal, demanding more money for infrastructure and access to some of the oil themselves in the summer of 2001, well, our government's position began to change on the Taliban. Shortly thereafter, the Taliban became much more vulnerable after the September 11 attack, and the Bush administration was able to secure support for invasion of that country, but then maneuvered a former Unocal consultant named Khalized to be the first ambassador to Afghanistan and, guess what? Now he was just nominated and confirmed as ambassador to Iraq. Strange coincidence.

Ask yourself, who gets the profits off the rising gas prices you are paying for. China has raised its bid to purchase the U.S. oil giant Unocal, and what a twist of fate this is. It was U.S. oil dependency that drew us to secure Central Asia for oil, and now we find ourselves in the awkward position of having China buy us out. China is trying to trump our energy investments in that area because it is right next door to them, trying to buy Unocal to access what the U.S. had hoped to gain by the Central Asian invasion.

China is also courting favor with Iran. They are trying to trump us there to gain an energy edge as the Bush administration creates more barriers with Iran. Ask yourselves, who is getting the profits and why has the Bush administration made us more dependent on foreign oil, up another 10 percent, up to 63 percent now.

Mr. Speaker, America is losing her independence.

HONORING THE LIFE AND FRIENDSHIP OF STAFF SERGEANT JOSEPH BEYERS

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

Mr. GINGREY. Mr. Speaker, last Tuesday, June 21, the gentleman from New Jersey (Mr. SAXTON), our distinguished subcommittee chairman of our great Committee on Armed Services, introduced H.R. 256 in remembrance of the brave servicemen who perished in the disastrous April 24, 1980 rescue attempt of the American hostages in Iran. That was called Operation Eagle Claw.

I appreciate the gentleman for bringing this legislation to the Floor, mainly because it is such an important resolution, but also, Mr. Speaker, because it prompted me to call an old friend.

Mr. Speaker, I rise tonight to pay tribute to the selfless service of that old friend from my childhood and a true American hero, Air Force Staff Sergeant Joseph J.J. Beyers.

□ 2300

I was reminded of my friend JJ because he was part of that rescue attempt, and he was one of the fortunate few who lived to tell about it. I had pretty much lost track of JJ after high school, although I knew, Mr. Speaker, that he was part of that rescue operation and I knew that he had been injured severely, burned severely, in critical condition for months, but that, thank God, he survived, and he recovered. But we had really lost track of each other for these many years until last week, after Mr. SAXTON introduced his resolution. I had an opportunity to track JJ down and to give him a call and to spend about 45 minutes talking to him about that operation and his life and what it meant to him and what it has meant to this country.

I want to share, Mr. Speaker, a little bit of JJ's life, our life as kids together growing up in North Augusta, South Carolina. We were both altar boys at Our Lady of Peace Catholic Church. JJ and I went to school together from the first grade.

Back in those days, Mr. Speaker, there was no pre-K or kindergarten. Everybody just showed up when they were 6 years old in the first grade. That is how long I have known that great American hero.

And a little bit later on, Mr. Speaker, and my colleagues, JJ Beyers and myself actually played in the same pony league baseball organization. He was a great athlete. He was a wonderful baseball player, an all-star in that pony league. We had some great athletes, and I would be remiss if I did not mention one who, like JJ Beyers, is another American hero, our age, our contemporary who gave his life for our country in another conflict, Vietnam.

But JJ Beyers and I went on to high school together to St. Thomas Aquinas High School in Augusta, Georgia where again we were both playing baseball and football. But after that, I went off to college. I went to Georgia Tech to college; and JJ joined the Air Force and was in the process of spending his entire adult life in the Air Force. He was a C–130 radio operator and had been assigned to Eglin Air Force Base in 1980, when Operation Eagle Claw was planned.

JJ volunteered for that duty, Mr. Speaker, to take the place of someone who had to drop out because of a sick parent. And JJ Beyers at that time was a single parent who had custody of his five children. And yet he stepped up to the plate and volunteered to fill in the gap to go on this dangerous mission, telling his commander at Eglin that his neighbors would take care of his children; that he wanted to go and do what was necessary to rescue these hostages in Iran. That is the kind of guy JJ Beyers is, and this opportunity tonight to share that with my colleagues, I think, is of tremendous importance.

Mr. Speaker, JJ, as I say, lived through that infamous collision between a Navy helicopter and that C–130 cargo plane. But he was trapped in that fuselage by raging flames after the crash and pulled to safety by two Delta Force pilots. And JJ has severe burns today and little use of both hands. He has been totally disabled. But here is what he says: ''There is no doubt in my mind everybody involved would have gone again.''

JJ is remarried now. He lives in Niceville, Florida. I just want to say one thing, Mr. Speaker, in conclusion. Something that happened in high school, I was a snapper for punts. I rolled that snap back to JJ Beyers in the biggest game of the year, the punt was blocked. The coach chewed my good friend JJ Beyers out. He never said a word. He took it like a man. I did not own up to the fact that it was my fault. JJ was a true hero then. He was a true hero in 1980, he is a true hero as we speak today, and I want to take this chance to thank him for his friendship and sacrifice.

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

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

EXCHANGE OF SPECIAL ORDER TIME

Mr. HAYES. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Texas (Mr. POE).

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

There was no objection.

APPRECIATION TO AMERICA'S TROOPS

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

Mr. HAYES. Mr. Speaker, I appreciate the time. And just having returned from Fort Bragg, the epicenter of the universe, home of the 82nd Airborne, I want to relate to you and others the speech that the President made tonight. And let me begin by saying that our heartfelt thanks and appreciation go out to the men and women in uniform everywhere tonight: Iraq, Afghanistan or wherever they may be. The President outlined very clearly tonight that this is a war against terror and terrorists that we are winning, that we must win, and that we will win. His resolve, as well as his appreciation for the troops, was most apparent.

Mr. Speaker, interestingly, I received a message early this morning from a good friend, 82nd trooper in Iraq, in which he said, we are winning. We will win. We must win. But he also cautioned us, the American people, that this is a difficult fight and we must be patient. His closing words were, a time line is a terrible idea and we must not rush to failure. Patience, honoring the sacrifice and the men and women who have given their lives so that Iraq could be a free and sovereign Nation is vitally important.

As we look at the upcoming drafting of their Constitution, starting on August 15, followed by ratification October 15 and then elections held by and for Iraqis on December 15, it is very clear that what we are doing is the right thing.

As I shared the night with Senator DOLE, the gentleman from North Carolina (Mr. MCINTYRE), Senator BURR, and those wonderful troopers of the 82nd Airborne Division, it was just so clear to me how vitally important this mission is. The Western way of life and freedom itself is at stake in this war against bloodthirsty, ruthless, ideologically incredibly wicked killers. That is the stake.

We are winning. We can win. The timetable is clear. We owe it to the members and to the families with whom President Bush spent several hours tonight consoling, praying, and, yes, shedding tears with them for the sacrifices they made so you and I and all Americans and others around the world can be free.

So, Mr. Speaker, my sincere love, gratitude, and appreciation to the men and women in uniform who serve us now who have given their lives to the families that support them, the heartfelt thanks of a Congress, a grateful Nation, and freedom-loving men and women around the world. God bless these men and women.

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

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

THE HISTORY AND WORKINGS OF THE PRIVATE CALENDAR

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

Mr. COBLE. Mr. Speaker, I would like to take this opportunity to set forth some of the history behind, as well as describe the workings of the Private Calendar. I hope this might be of some value to the Members of this House, especially our newer colleagues.

Of the five House Calendars, the Private Calendar is the one to which all Private Bills are referred. Private Bills deal with specific individuals, corporations, institutions, and so forth, as distinguished from public bills which deal with classes only.

Of the 108 laws approved by the First Congress, only 5 were Private Laws. But their number quickly grew as the wars of the new Republic produced veterans and veterans' widows' seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress, 1885 to 1887, the first Congress for which complete workload and output data is available, passed 1,031 Private Laws, as compared with 434 Public Laws. At the turn of the century the 56th Congress passed 1,498 Private Laws and 443 Public Laws—a better than three to one ratio.

Private bills were referred to the Committee of the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62nd Congress changed this procedure by its rule XXIV, clause six which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932, and then adopted in its present form on March 22, 1935.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that Act banned the introduction or the consideration of four types of private bills: first, those authorizing the payment of money for pensions; second, for personal or property damages for which suit may be brought under the Federal tort claims pocedure; third, those authorizing the construction of a bridge across a navigable stream, or fourth, those authorizing the correction of a military or naval record.

This ban afforded some temporary relief but was soon offset by the rising postwar and cold war flood for private immigration bills. The 82nd Congress passed 1,023 Private Laws, as

compared with 594 Public Laws. The 88th Congress passed 360 Private Laws compared with 666 Public Laws.

Under rule XXIV, clause six, the Private Calendar is called the first and third Tuesday of each month. The consideration of the Private Calendar bills on the first Tuesday is mandatory unless dispensed with by a two-thirds vote. On the third Tuesday, however, recognition for consideration of the Privrte Calendar is within the discretion of the Speaker and does not take precedence over other privileged business in the House.

On the first Tuesday of each month, after disposition of business on the Speaker's table for reference only, the Speaker directs the call of the Private Calendar. If a bill called is objected to by two or more Members, it is automatically recommitted to the Committee reporting it. No reservation of objection is entertained. Bills unobjected to are considered in the House in the CommIttee of the Whole.

On the third Tuesday of each month, the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection.

Such omnibus bills are read by paragraph and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matters so stricken out shall not be again included in an omnibus bill during that session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills so passed are thereupon resolved in their component bills, which are engrossed separately and disposed of as if passed separately.

Private Calendar bills unfinished on one Tuesday go over to the next Tuesday on which such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follow the same procedure and go over to the next Tuesday on which that class of business is again in order. When the previous question is ordered on a Private Calendar bill, the bill comes up for disposition on the next legislative day.

Mr. Speaker, I would also like to describe to the newer Members the Official Objectors Committee, the system the House has established to deal with the great volume of Private Bills.

The Majority Leader and the Minority Reader each appoint three Members to serve as Private Calendar Objectors during a Congress. The Objectors are on the Floor ready to object to any Private Bill which they feel is objectionable for any reason. Seated near them to provide technical assistance are the majority and minority legislative clerks.

Should any Member have a doubt or question about a particular Private Bill, he or she can get assistance from objectors, their clerks, or from the Member who introduced the bill.

The great volume of private bills and the desire to have an opportunity to study them carefully before they are called on the Private Calendar has caused the six objectors to agree upon certain ground rules. The rules iimit consideration of bills placed on the Private Calendar only shortly before the calendar is called. With this agreement, adopted on June 28, 2005, the Members of the Private Calendar Objectors Committee have agreed that during the 109th Congress, they will consider only those bills which have been on the Private Calendar for a period of seven (7) days, excluding the day the bill is reported and the day the calendar is called. Reports must be available to the Objectors for three (3) calendar days.

It is agreed that the majority and minority clerks will not submit to the Objectors any bills which do not meet this requirement.

This policy will be strictly enforced except during the closing days of a session when the House rules are suspended.

This agreement was entered into by: The gentleman from North Carolina (Mr. COBLE), the gentleman from Ohio (Mr. CHABOT), the gentleman from Florida (Mr. FEENEY), the gentleman from Virginia (Mr BOUCHER), the gentleman from California (Mr. SCHIFF), and the gentleman from Arizona (Mr. GRIJALVA).

I feel confident that I speak for my colleagues when I request all Members to enable us to give the necessary advance considerations to private bills by not asking that we depart from the above agreement unless absolutely necessary.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

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

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ETHERIDGE (at the request of Ms. PELOSI) for June 27 and until 5:00 p.m. June 28 on account of official business.

Mr. HIGGINS (at the request of Ms. PELOSI) for today before 5:00 p.m. on account of official business.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today until 1:00 p.m.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. CLYBURN (at the request of Ms. PELOSI) for today on account of a BRAC hearing.

Mr. PRICE of North Carolina (at the request of Ms. PELOSI) for today from 10:30 a.m. until 5:30 p.m. on account of official business.

Mr. BROWN of South Carolina (at the request of Mr. DELAY) for today from 11:45 a.m. until 6:30 p.m. on account of a BRAC hearing in his district.

Mr. DOOLITTLE (at the request of Mr. DELAY) for today on account of illness.

Mr. KINGSTON (at the request of Mr. DELAY) for today and June 29 until 1:00 p.m. on account of illness in the family.

SPECIAL ORDERS GRANTED

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

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

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

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

Ms. KAPTUR, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

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

Mrs. BLACKBURN, for 5 minutes, today.

Mr. COBLE, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, June 30.

Mr. MCHENRY, for 5 minutes, June 29.

Mr. GINGREY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HAYES, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

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

ADJOURNMENT

Mr. HAYES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 29, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

2470. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-119, ''Anacostia Waterfront Corporation Board Expansion Amendment Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2471. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-102, ''Board of Real Property Assessment and Appeals Reform Temporary Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2472. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-103, ''Closing of Public Alleys in Squares 5579, S.O 04-10134, Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2473. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-101, ''Adams Morgan Business Improvement District Temporary Amendment Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GUTKNECHT (for himself, Ms. HERSETH, Mr. GOODLATTE, Mr. PETERSON of Minnesota, Mr. SCOTT of Georgia, Mr. LAHOOD, Mr. BOSWELL, Mr. OSBORNE, Mr. FORTENBERRY, Mr. SALAZAR, Mr. BUTTERFIELD, Ms. FOXX, Mr. MORAN of Kansas, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. JOHNSON of Illinois, Mr. BURTON of Indiana, and Mr. LATHAM):

H.R. 3081. A bill to amend the Clean Air Act to increase the production and use of renewable fuel in the United States and to increase the energy independence of the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN (for himself, Ms. HERSETH, Mr. BILIRAKIS, Mr. BURTON of Indiana, and Mr. EVERETT):

H.R. 3082. A bill to amend title 38, United States Code, to require that 9 percent of procurement contracts entered into by the Department of Veterans Affairs be awarded to small business concerns owned by veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REHBERG:

H.R. 3083. A bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain; to the Committee on the Judiciary.

By Mr. STEARNS (for himself, Ms. SCHAKOWSKY, Mr. BASS, Mr. UPTON, Mrs. BLACKBURN, Mr. GENE GREEN of Texas, Mr. MARKEY, Mr. MURPHY, and Mr. SHAYS):

H.R. 3084. A bill to direct the Secretary of Commerce to issue regulations requiring testing for steroids and other performance-enhancing substances for certain sports associations engaged in interstate commerce; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAMP (for himself, Mr. BERRY, Mr. TAYLOR of North Carolina, Mr. BOREN, Mr. ADERHOLT, Mr. CRAMER, Mr. WHITFIELD, Mrs. EMERSON, Mr. SNYDER, Mr. BOOZMAN, Mr. DEAL of Georgia, Mr. GINGREY, Mr. DUNCAN, Mr. DAVIS of Tennessee, Mr. TANNER, Mr. FORD, Mr. SULLIVAN, Mr. LUCAS, and Mr. COLE of Oklahoma):

H.R. 3085. A bill to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself, Mr. LEACH, Mr. JACKSON of Illinois, Mr. OWENS, Ms. MILLENDER-MCDONALD, Ms. ROYBAL-ALLARD, Mr. MENENDEZ, Ms. WASSERMAN SCHULTZ, Mr. MCNULTY, Mr. GRIJALVA, Mrs. MCCARTHY, Mr. STARK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. SCHAKOWSKY, Mr. UDALL of New Mexico, Mr. MCDERMOTT, Ms. ESHOO, Mrs. CHRISTENSEN, Mr. DICKS, Mrs. MALONEY, Mr. BOSWELL, Mr. MCGOVERN, Mr. WAXMAN, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Mr. MICHAUD, Mr. WEXLER, and Mr. BRADY of Pennsylvania):

H.R. 3086. A bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women; to the Committee on Energy and Commerce.

By Mr. GINGREY:

H.R. 3087. A bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain; to the Committee on the Judiciary.

By Mr. GOODE (for himself and Mr. BOUCHER):

H.R. 3088. A bill to provide mortgage payment assistance for certain employees who are separated from employment; to the Committee on Education and the Workforce.

By Mr. HOBSON:

H.R. 3089. A bill to suspend temporarily the duty on 1,3-bis(4-Aminophenoxy)benzene (RODA); to the Committee on Ways and Means.

By Mr. HOBSON:

H.R. 3090. A bill to suspend temporarily the duty on Pyromellitic Dianhydride (PMDA); to the Committee on Ways and Means.

By Mr. HOBSON:

H.R. 3091. A bill to extend temporarily the duty suspension on 4,4′Oxydiphthalic Anhydride (ODPA); to the Committee on Ways and Means.

By Mr. HOBSON:

H.R. 3092. A bill to reduce temporarily the duty on 4,4′-Oxydianiline (ODA); to the Committee on Ways and Means.

By Mr. HOBSON:

H.R. 3093. A bill to suspend temporarily the duty on 3,3′,4-4′-Biphenyltetracarboxylic Dianhydride (BPDA); to the Committee on Ways and Means.

By Mr. HOYER:

H.R. 3094. A bill to amend the Help America Vote Act of 2002 to improve the fairness and accuracy of voter registration in elections for Federal office, establish a uniform standard for the treatment of provisional ballots cast at an incorrect polling place, and for other purposes; to the Committee on House Administration.

By Mr. KING of Iowa (for himself, Mr. SHAW, Mr. SMITH of Texas, Mr. HOSTETTLER, Mr. GALLEGLY, Mr. CALVERT, Mr. INGLIS of South Carolina, Mr. HAYWORTH, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. NORWOOD, Mr. LEWIS of Kentucky, Mr. BEAUPREZ, Mr. BACHUS, Mr. PENCE, Mr. LINDER, Mr. SENSENBRENNER, and Mr. GOODLATTE):

H.R. 3095. A bill to amend the Internal Revenue Code of 1986 to clarify that wages paid to unauthorized aliens may not be deducted from gross income, and for other purposes; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Ms. HART, Mr. RANGEL, Mr. KIRK, Mr. DICKS, Mr. SMITH of Washington, Mr. MCNULTY, Mr. HASTINGS of Washington, Mr. SCHIFF, Mr. KILDEE, Mr. GOODLATTE, Mr. LEWIS of Georgia, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Ms. BORDALLO, Mr. WEXLER, Mr. SANDERS, Mr. OWENS, and Mr. BRADY of Pennsylvania):

H.R. 3096. A bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for more frequent hemodialysis treatments; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS:

H.R. 3097. A bill to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections; and for other purposes; to the Committee on Government Reform.

By Mr. RYAN of Wisconsin (for himself, Mr. JEFFERSON, and Mr. CANTOR):

H.R. 3098. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself, Mr. GRIJALVA, Mr. NADLER, Ms. BALDWIN, Mr. BLUMENAUER, Mr. CLAY, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DELAHUNT, Ms. DELAURO, Mr. FARR, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. HOLT, Ms. KAPTUR, Mr. KIND, Mr. LANTOS, Ms. LEE, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. OLVER, Mr. PASCRELL, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. STARK, Mr. VAN HOLLEN, Mr. WAXMAN, Ms. WOOLSEY, and Ms. ESHOO):

H.R. 3099. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Energy and Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MELANCON (for himself and Mr. MCCAUL of Texas):

H. Con. Res. 194. Concurrent resolution expressing the sense of the Congress that the display of the Ten Commandments in public buildings does not violate the first amendment to the Constitution of the United States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 98: Mr. SULLIVAN.
H.R. 111: Mr. CARTER, Mr. LIPINSKI, and Mr. BRADY of Pennsylvania.
H.R. 188: Mr. BROWN of Ohio, Mr. MEEKS of New York, Mr. NEAL of Massachusetts, Mr. DOGGETT, Mr. ENGEL, Mr. SANDERS, Mr. GONZALEZ, and Ms. WOOLSEY.
H.R. 213: Mr. BLUMENAUER.
H.R. 282: Mrs. WILSON of New Mexico and Mr. SANDERS.
H.R. 284: Ms. SCHAKOWSKY.
H.R. 303: Ms. SCHWARTZ of Pennsylvania.
H.R. 405: Mrs. JO ANN DAVIS of Virginia.
H.R. 484: Mr. MENENDEZ, Mr. CLEAVER, Mr. RUPPERSBERGER, and Ms. SCHAKOWSKY.
H.R. 551: Mr. DOGGETT, Mrs. CHRISTENSEN, Ms. VELÁZQUEZ, and Mr. CUMMINGS.
H.R. 559: Mrs. CHRISTENSEN.
H.R. 577: Mr. MILLER of North Carolina and Mr. PRICE of North Carolina.
H.R. 583: Ms. GRANGER.
H.R. 602: Mr. CLYBURN, Mr. BRADY of Pennsylvania, and Mr. LOBIONDO.
H.R. 615: Mr. WEINER.
H.R. 633: Mr. MCGOVERN.
H.R. 736: Mr. BRADY of Pennsylvania.
H.R. 747: Mr. PRICE of North Carolina and Mr. BRADY of Pennsylvania.
H.R. 771: Mr. UDALL of New Mexico.
H.R. 790: Mr. AL GREEN of Texas.
H.R. 839: Mr. SNYDER, Mr. HASTINGS of Florida, Mr. GEORGE MILLER of California, and Mr. BRADY of Pennsylvania.
H.R. 871: Ms. SCHAKOWSKY.
H.R. 893: Ms. ESHOO and Mr. SCHIFF.
H.R. 896: Mr. KUHL of New York, Mr. LATOURETTE, Mr. HONDA, Mr. SANDERS, and Ms. DEGETTE.
H.R. 923: Ms. HARRIS.
H.R. 934: Mr. WALSH.
H.R. 963: Mrs. CHRISTENSEN.
H.R. 967: Mr. ROHRABACHER.
H.R. 987: Mr. BACA and Mrs. LOWEY.
H.R. 997: Mr. PETERSON of Pennsylvania.
H.R. 1000: Ms. SCHAKOWSKY.
H.R. 1070: Mrs. EMERSON, Mr. PEARCE, and Mr. POE.
H.R. 1132: Mr. TERRY.
H.R. 1136: Mrs. LOWEY.
H.R. 1182: Mr. CONYERS and Ms. CORRINE BROWN of Florida.
H.R. 1184: Mr. SABO.
H.R. 1200: Mr. MCGOVERN, Ms. MCKINNEY, and Ms. ROYBAL-ALLARD.
H.R. 1204: Mr. LIPINSKI, Mr. ISRAEL, and Mr. LATOURETTE.
H.R. 1232: Mrs. MCCARTHY.
H.R. 1241: Mr. KENNEDY of Minnesota.
H.R. 1246: Mr. SCHIFF, Mr. MATHESON, Mrs. NAPOLITANO, Mr. AL GREEN of Texas, Ms. ROYBAL-ALLARD, and Mr. BISHOP of Utah.
H.R. 1248: Mr. HOSTETTLER.
H.R. 1272: Mr. BECERRA.
H.R. 1290: Mr. CASE.
H.R. 1298: Mr. TERRY.
H.R. 1402: Ms. SLAUGHTER and Mr. CHANDLER.
H.R. 1409: Mr. AL GREEN of Texas and Mr. FRANK of Massachusetts.
H.R. 1424: Mr. LEVIN.
H.R. 1426: Mr. ENGEL.
H.R. 1431: Mr. STARK and Mr. SCHIFF.
H.R. 1440: Mr. NADLER.
H.R. 1449: Mr. GALLEGLY.
H.R. 1468: Mr. EMANUEL.
H.R. 1471: Mr. BURTON of Indiana and Mrs. CHRISTENSEN.
H.R. 1547: Mr. MILLER of North Carolina.
H.R. 1582: Mr. ROYCE.
H.R. 1589: Mr. CONYERS.
H.R. 1608: Mr. GOODLATTE and Mr. GUTKNECHT.
H.R. 1621: Mr. TIERNEY and Mr. MURPHY.
H.R. 1645: Mr. FITZPATRICK of Pennsylvania.
H.R. 1667: Mr. BRADY of Pennsylvania, Mr. FITZPATRICK of Pennsylvania, and Mr. GRIJALVA.
H.R. 1736: Mr. AKIN, Ms. MATSUI, and Mrs. TAUSCHER.
H.R. 1819: Mr. WAXMAN, Ms. JACKSON-LEE of Texas, and Mr. BRADY of Pennsylvania.
H.R. 1850: Mr. MCNULTY and Mr. MCDERMOTT.
H.R. 1861: Mrs. MCCARTHY, Mr. KANJORSKI, Mr. HOLDEN, Mr. WEINER, Mr. STARK, Mr. MCDERMOTT, Ms. SOLIS, Mr. MORAN of Virginia, Ms. LORETTA SANCHEZ of California, Mr. EMANUEL, Mr. BAIRD, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. FATTAH, Ms. BERKLEY, Ms. WASSERMAN Schultz, Mr. CROWLEY, Mr. BISHOP of New York, and Ms. ROYBAL-ALLARD.
H.R. 1898: Mr. BONILLA.
H.R. 1951: Mr. CUMMINGS and Ms. HART.
H.R. 1980: Ms. HART.
H.R. 2063: Mr. CALVERT.
H.R. 2106: Mr. MCINTYRE.
H.R. 2121: Mr. CROWLEY, Ms. WASSERMAN SCHULTZ, MR. CARDIN, and Mrs. MALONEY.
H.R. 2206: Mr. BAKER and Mr. MILLER of North Carolina.
H.R. 2207: Mrs. MCCARTHY and Mrs. LOWEY.
H.R. 2229: Mr. TERRY.
H.R. 2231: Mr. GARRETT of New Jersey, Mr. MEEK of Florida, Ms. HERSETH, and Mr. PASTOR.
H.R. 2238: Ms. MATSUI, Mrs. MALONEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JENKINS, and Mr. BACA.
H.R. 2320: Mr. TIAHRT and Mr. KUHL of New York.
H.R. 2330: Mr. RYAN of Wisconsin and Mr. DAVIS of Alabama.
H.R. 2338: Mr. SANDERS.
H.R. 2350: Mr. TERRY.
H.R. 2355: Mrs. CAPITO.
H.R. 2409: Mr. HONDA, Mr. SCHIFF, and Mr. THOMPSON of California.
H.R. 2410: Mr. SMITH of Washington, Mr. OLVER, Mr. WAXMAN, and Mr. CONYERS.
H.R. 2457: Ms. SCHWARTZ of Pennsylvania.
H.R. 2471: Mr. TERRY.
H.R. 2526: Mr. PITTS, Mr. BUTTERFIELD, Mr. OLVER, and Mr. ROTHMAN.
H.R. 2533: Mr. RUSH and Mr. SANDERS.
H.R. 2567: Mr. MCNULTY, Mr. GENE GREEN of Texas, Mr. WHITFIELD, Mr. MCCOTTER, Ms. SCHAKOWSKY, and Mr. SANDERS.
H.R. 2617: Ms. MOORE of Wisconsin, Mr. BRADY of Pennsylvania, and Mr. SANDERS.
H.R. 2648: Mr. OTTER and Mr. KENNEDY of Minnesota.
H.R. 2746: Mr. SANDERS, Mr. STUPAK, and Mr. AL GREEN of Texas.
H.R. 2793: Mr. PAYNE, Mr. SIMPSON, Mr. GRAVES, Mr. GORDON, Ms. SCHAKOWSKY, Mr. WEXLER, Mr. HINCHEY, Mr. WAXMAN, Mr. HOLDEN, Ms. JACKSON-LEE of Texas, Mr. RAMSTAD, and Mr. SENSENBRENNER.
H.R. 2794: Mr. BURTON of Indiana, Mr. ROGERS of Michigan, and Mr. BAIRD.
H.R. 2802: Mr. TERRY.
H.R. 2803: Mr. MILLER of Florida, Mr. BACHUS, Mr. BRADY of Pennsylvania, and Mr. JONES of North Carolina.
H.R. 2830: Mr. OTTER.
H.R. 2835: Ms. SCHAKOWSKY.
H.R. 2874: Mr. GRIJALVA, Mr. SERRANO, Mr. CUMMINGS, Mr. SIMMONS, Mr. MCCOTTER, and Mr. STUPAK.
H.R. 2876: Mr. SHAYS and Mr. SCHIFF.
H.R. 2877: Mr. PITTS and Mr. BUTTERFIELD.
H.R. 2932: Mr. HENSARLING.
H.R. 2952: Mr. CONAWAY.
H.R. 2968: Mr. GENE GREEN of Texas and Mr. SNYDER.
H.R. 3000: Mr. RANGEL.
H.R. 3041: Mr. SABO.
H.R. 3059: Mr. KIND and Mr. OWENS.
H.R. 3064: Mr. OWENS and Mr. JEFFERSON.
H.R. 3073: Mr. SESSIONS, Mr. ADERHOLT, Mr. KING of Iowa, Mr. PITTS, Mr. GOODE, Mr. JONES of North Carolina, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. HERGER, Mr. SMITH of New Jersey, Mr. EVERETT, Mr. HEFLEY, Mr. BAKER, Mr. DUNCAN, and Mr. BURTON of Indiana.
H.R. 3079: Mr. KENNEDY of Minnesota.
H. J. Res. 53: Mr. NEY, Mr. GALLEGLY, and Ms. FOXX.
H. Con. Res. 27: Mr. SHERMAN and Mr. FATTAH.
H. Con. Res. 59: Mr. CLYBURN, Mr. KILDEE, Mrs. NAPOLITANO, Mr. HASTINGS of Florida, Mr. SERRANO, and Ms. MILLENDER-MCDONALD.
H. Con. Res. 85: Mr. LARSEN of Washington.
H. Con. Res. 133: Ms. MOORE of Wisconsin.
H. Con. Res. 140: Mr. SHAYS and Mr. REYNOLDS.
H. Con. Res. 168: Mr. GUTIERREZ, Mr. MCCOTTER, and Mr. LEACH.
H. Con. Res. 172: Mr. GONZALEZ, Mr. SHIMKUS, and Mr. UDALL of New Mexico.
H. Con. Res. 175: Mr. FATTAH, Ms. CORRINE BROWN of Florida, and Mr. MENENDEZ.
H. Con. Res. 187: Ms. HARRIS, Mrs. JO ANN DAVIS of Virginia, Mr. SCHIFF, Mr. SAXTON, Ms. BERKLEY, Mr. WEXLER, Mr. LANTOS, Mr. BROWN of Ohio, Mr. BARRETT of South Carolina, Mr. SMITH of Washington, and Mr. MCCAUL of Texas.
H. Con. Res. 191: Mr. SCHIFF, Mr. ISRAEL, Mr. MCCOTTER, Mr. KINGSTON, Mr. MCCAUL of Texas, Mr. GREEN of Wisconsin, Mr. WILSON of South Carolina, Mr. MENENDEZ, Mr. SMITH of New Jersey, Mr. ROYCE, Mr. CHANDLER, Mr. LEACH, Mr. MCDERMOTT, Ms. HARRIS, Mr. GALLEGLY, Mr. POE, Mr. WEXLER, Mr. ROHRABACHER, Mr. SHIMKUS, Mr. FALEOMAVAEGA, Ms. ROS-LEHTINEN, Mr. REGULA Mr. PITTS, Mr. BROWN of Ohio, Mr. DINGELL, Ms. BORDALLO, and Mr. SANDERS. and Mr. SANDERS.
H. Res. 67: Mr. SHERMAN.
H. Res. 214: Mr. MCCAUL of Texas.
H. Res. 215: Mr. CALVERT.
H. Res. 276: Mr. MCHUGH, Mr. FOLEY, Mr. DAVIS of Illinois, Mrs. CHRISTENSEN, and Mr. CROWLEY.
H. Res. 297: Mr. GILLMOR and Mr. BACHUS.
H. Res. 323: Ms. BORDALLO, Mr. WHITFIELD, and Mr. TERRY.
H. Res. 325: Mr. GRIJALVA, Mr. CUMMINGS, Mr. KING of New York, Mr. WEINER, and Mr. BISHOP of New York.
H. Res. 326: Mr. BARRETT of South Carolina, Mr. PITTS, and Mr. LANTOS.
H. Res. 328: Ms. ROS-LEHTINEN, and Ms. WATSON.
H. Res. 335: Mr. MEEKS of New York, Mr. WEXLER, Mr. ACKERMAN, and Mr. ISRAEL.
H. Res. 340: Mrs. MILLER of Michigan, Mr. MCCAUL of Texas, Mr. NORWOOD, Mr. GOODE, Mr. BRADLEY of New Hampshire, Mr. GIBBONS, Mr. CANTOR, Mr. JONES of North Carolina, Mr. GREEN of Wisconsin, Mr. FERGUSON, Mr. WOLF, and Mrs. CUBIN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsor were deleted from public bills and resolutions as follows:

H. Con. Res. 140: Ms. KILPATRICK of Michigan.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3057

OFFERED BY: MR. BEAUPREZ

AMENDMENT NO. 7: Page 132, after line 13, insert the following:

LIMITATION ON ASSISTANCE TO FOREIGN COUNTRIES THAT REFUSE TO EXTRADITE TO THE UNITED STATES ANY INDIVIDUAL ACCUSED IN THE UNITED STATES OF KILLING A LAW ENFORCEMENT OFFICER

SEC. ____. None of the funds made available in this Act for the Department of State may be used to provide assistance to any country the government of which has notified the Department of State of its refusal to extradite to the United States any individual accused in the United States of killing a law enforcement officer, as specified in a United States extradition request.

H.R. 3057

OFFERED BY: MR. BRADLEY OF NEW HAMPSHIRE

AMENDMENT NO. 8: Page 132, after line 13, insert the following:

LIMITATION ON ASSISTANCE TO ROMANIA UNDER THE SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) ACT OF 1989

SEC. ____. None of the funds appropriated in this Act under the heading ''ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES'' for assistance to Romania under the Support for East European Democracy (SEED) Act of 1989 (except $15,000,000 of such funds) may be obligated or expended before January 15, 2006.

H.R. 3057

OFFERED BY: MR. DEAL OF GEORGIA

AMENDMENT NO. 9: Page 132, insert the following after line 13:

GOVERNMENTS THAT HAVE FAILED TO PERMIT CERTAIN EXTRADITIONS

SEC. 583. None of the funds made available in this Act for the Department of State may be used to provide assistance to any country with whom the United States has an extradition treaty and whose government has notified the Department of State of its refusal to extradite to the United States any individual accused of committing a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole, or a lesser term of imprisonment.

H.R. 3057

OFFERED BY: MR. HEFLEY OF COLORADO

AMENDMENT NO. 10: Page 132, after line 13, insert the following:

REDUCTION IN TOTAL APPROPRIATIONS

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $202,700,000.

H.R. 3057

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 11: Page 29, line 18, after the dollar amount, insert the following: ''(reduced by $1,000,000)''.

H.R. 3057

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 12: Page 29, line 18, after the dollar amount, insert the following: ''(reduced by $1,000,000) (increased by $1,000,000)''.

H.R. 3057

OFFERED BY: MS. LEE OF CALIFORNIA

AMENDMENT NO. 13: Page 132, after line 13, insert the following:

PROHIBITION ON CERTAIN INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT ASSISTANCE TO THE GOVERNMENT OF HAITI

SEC. ____. None of the funds made available in this Act under the heading ''INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT'' may be used to transfer excess property of an agency of the United States Government to the Government of Haiti.

H.R. 3057

OFFERED BY: MR. OTTER OF IDAHO

AMENDMENT NO. 14: Page 132, after line 13, insert the following:

LIMITATION ON ASSISTANCE FOR PALESTINIAN AUTHORITY AND THE PALESTINIAN PEOPLE

SEC. ____. (a) Notwithstanding any other provision of law—

(1) of the total amount of funds that are available in this Act for assistance for the Palestinian Authority (or any other Palestinian entity) or for the Palestinian people, not more than 25 percent of such amount may be obligated and expended during each quarter of fiscal year 2006; and

(2) none of the funds made available in this Act may be made available for assistance for the Palestinian Authority (or any other Palestinian entity) or for the Palestinian people during any quarter of fiscal year 2006 unless the Secretary of State determines that the Palestinian Authority has not provided support for acts of international terrorism during the three-month period preceding the first day of that quarter.

(b) In this section, the term ''quarter of fiscal year 2006'' means any three-month period beginning on—

(1) October 1, 2005;
(2) January 1, 2006;
(3) April 1, 2006; or
(4) July 1, 2006.

H.R. 3057

OFFERED BY: MR. SIMPSON OF IDAHO

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

PROHIBITION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK 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 the People's Republic of China or any agency or national thereof.

H.R. 3058

OFFERED BY: MR. DAVIS OF FLORIDA

AMENDMENT NO. 4: Page 224, insert the following after line 8:

SEC. 948. (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.560 or 515.561 of title 31, Code of Federal Regulations (relating to travel-related transactions incident to travel to Cuba and visiting relatives in Cuba), as published in the Federal Register on June 16, 2004.

(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

H.R. 3058

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT NO. 5: Page 77, line 24, after the dollar amount, insert the following: ''(reduced by $10,000,000) (increased by $10,000,000)''.

H.R. 3058

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 6: Page 2, line 10, after the first dollar amount, insert ''(reduced by $17,339,000)''.

Page 2, line 19, after the dollar amount, insert ''(reduced by $2,052,000)''.

Page 2, line 23, after the dollar amount, insert ''(reduced by $1,910,000)''.

Page 2, line 24, after the dollar amount, insert ''(reduced by $1,422,000)''.

Page 3, line 7, after the dollar amount, insert ''(reduced by $11,895,000)''.,

Page 3, line 17, after the dollar amount, insert ''(reduced by $60,000)''.

Page 4, line 11, after the dollar amount, insert ''(reduced by $31,583,000)''.

Page 6, line 22, after the dollar amount, insert ''(reduced by $25,000,000)''.

Page 9, line 11, after the dollar amount, insert ''(reduced by $59,000,000)''.

Page 29, line 10, after the dollar amount, insert ''(reduced by $26,325,000)''.

Page 30, line 10, after the dollar amount, insert ''(increased by $657,000,000)''.

Page 42, line 9, after the dollar amount, insert ''(reduced by $6,592,000)''.

Page 51, line 25, after the dollar amount, insert ''(reduced by $2,500,000)''.

Page 164, line 12, after the first dollar amount, insert ''(reduced by $745,409,000)''.

Page 164, line 12, after the second dollar amount, insert ''(reduced by $9,500,000)''.

Page 165, line 22, after the dollar amount, insert ''(reduced by $9,500,000)''.

Page 166, line 9, after the dollar amount, insert ''(reduced by $568,409,000)''.

Page 166, line 18, after the dollar amount, insert ''(reduced by $133,417,000)''.

Page 167, line 14, after the dollar amount, insert ''(reduced by $434,992,000)''.

Page 169, line 2, after the dollar amount, insert ''(reduced by $150,000,000)''.

Page 171, line 4, after the dollar amount, insert ''(reduced by $17,500,000)''.

H.R. 3058

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $669,350,000.

H.R. 3058

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 8: Page 150, line 1, strike ''$750,000'' and insert ''$3,000,000''.

H.R. **3058**

OFFERED BY: MR. GARY G. MILLER OF CALIFORNIA

AMENDMENT NO. 9: Page 57, line 17, after the dollar amount, insert the following: ''(reduced by $24,000,000)''.

Page 77, line 24, after the dollar amount, insert the following: ''(increased by $24,000,000)''.

H.R. 3058

OFFERED BY: MR. NADLER

AMENDMENT NO. 10: Page 76, line 24, after the dollar amount, insert the following: ''(increased by $10,000,000)''.

Page 95, line 2, after the dollar amount, insert the following: ''(reduced by $10,000,000)''.

H.R. 3058

OFFERED BY: MR. NADLER

AMENDMENT NO. 11: Page 63, line 20, after the dollar amount, insert the following: ''(increased by $100,000,000)''.

Page 63, line 21, after the dollar amount, insert the following: ''(increased by $100,000,000)''.

Page 63, line 25, after the dollar amount, insert the following: ''(increased by $100,000,000)''.

Page 92, line 23, after the first dollar amount, insert the following: ''(reduced by $36,000,000)''.

Page 95, line 2, after the dollar amount, insert the following: ''(reduced by $65,000,000)''.

H.R. 3058

OFFERED BY: MR. POE

AMENDMENT NO. 12: Page 7, lines 8, 9, and 11, after the dollar amount, insert ''(increased by $24,875,000)''.

Page 30, line 10, after the dollar amount, insert ''(reduced by $24,875,000)''.

H.R. 3058

OFFERED BY: MR. SHUSTER

AMENDMENT NO. 13: Page 164, line 12, insert after the first dollar amount ''(increased by $2,000,000)''.

Page 166, line 9, insert after the dollar amount ''(increased by $2,000,000)''.

Page 167, line 12, insert after the dollar amount ''(increased by $2,000,000)''.

Page 171, line 4, after the dollar amount insert ''(reduced by $2,000,000)''.

H.R. 3058

OFFERED BY: MR. SIMMONS

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used to enter into, implement, or provide oversight of contracts between the Secretary of the Treasury, or his designee, and private collection agencies. Notwithstanding this provision, the Secretary of the Treasury, or his designee, may continue to utilize any private collection contract authority in effect prior to October 22, 2004. Nothing in this provision shall impact the administration of any tax or tariff.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for ''INTERNAL REVENUE SERVICE–BUSINESS SYSTEMS MODERNIZATION'' is hereby reduced by $5,000,000.

H.R. 3058

OFFERED BY: MR. SIMMONS

AMENDMENT NO. 15: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act may be used to make taxpayer identification numbers (TINs) or social security numbers available to private collection agencies for the purpose of collecting taxes.

H.R. 3058

OFFERED BY: MR. SOUDER

AMENDMENT NO. 165: In title V, in the item relating to ''Federal Funds—Federal Payment to the District of Columbia'', insert the following:

(a) None of the funds contained in this Act may be expended for any action to enforce section 7–2502.01, District of Columbia Code, in relation to possession of a firearm; section 7–2506.01, District of Columbia Code, in relation to possession of ammunition; section 7–2507.02, District of Columbia Code, in relation to the keeping of a firearm; or section 22–4504, in relation to carrying a pistol, if—

(1) the person against whom the provision is sought to be enforced is not otherwise prohibited by section 922(g) or (n) of title 18, United States code, or by section 22–4503, District of Columbia Code, from possessing a pistol or other firearm, and would not be prohibited from receiving a registration certificate under section 7–2502.03(a), District of Columbia Code; and

(2) the pistol or other firearm involved is not a firearm described in section 5845(a) of title 26, United States code); and

(3) the possession, carrying or keeping of the pistol or other firearm occurred within such person's place of residence.

(b) This restriction shall not apply to any case in which a penalty could be imposed under section 924(c) of title 18, United States code if the defendant were tried and convicted in a court of the United States.

H.R. 3058

OFFERED BY: MR. SOUDER

AMENDMENT NO. 17: In title VI, in the item relating to ''FEDERAL DRUG CONTROL PROGRAMS—OTHER FEDERAL DRUG CONTROL PROGRAMS'', after each of the first and second dollar amounts, insert the following: ''(increased by $25,000,000)''.

In title VII, in the item relating to ''GENERAL SERVICES ADMINISTRATION—REAL PROPERTY ACTIVITIES—FEDERAL BUILDINGS FUND''—

(1) after the aggregate dollar amount preceding paragraph (1), insert the following: ''(reduced by $25,000,000)''; and

(2) after each of the dollar amounts in paragraphs (4) and (5), insert the following: ''(reduced by $12,500,000)''.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, TUESDAY, JUNE 28, 2005 No. 88

Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, give us today the gifts that bring us meaning. Shower us with the gifts of wisdom and courage so that we may choose right and strive to do Your bidding. Give us the gifts of strength and prudence, so that we will resist temptation and anticipate traps and snares. Bless our Senators with the gifts of diligence and perseverance, enabling them to accomplish the difficult and to never give up trying to do Your will.

Give them also the gifts of loyalty and forgiveness, so that they will be true to their friends and patient with their enemies. Give each of us the gift of purity, so that we will find pleasure in simple things and a desire to honor You in our thoughts and deeds.

We pray in Your loving 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.

ENERGY POLICY ACT OF 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following the opening statement of the two leaders, we will proceed to passage of the Energy bill. A lot of work has gone into this bill at this point, and this upcoming final passage vote is one further step toward a national energy policy. We look forward to a good conference with the House to produce a final Energy bill for the President to sign.

Following that vote, we will resume consideration of the Interior appropriations bill. Pending to that bill are approximately 40 first-degree amendments. The committee, over the course of the weekend and yesterday, had been reviewing those amendments and, hopefully, we can dispose of most of those amendments without rollcall votes. We will need to debate and vote on some of the pending amendments, and therefore we will have votes throughout the day. We would like to finish the Interior appropriations bill today, and I will be speaking shortly to the two managers with regard to progress that is being made.

We will be recessing from 12:30 to 2:15 today. When we conclude the Interior bill, the Senate will begin the Homeland Security appropriations bill, and we will finish that bill prior to the start of the July 4 recess. In addition to funding the work of the Department of Homeland Security, that legislation begins the hard work of enhancing the security of our borders. We will complete action on this piece of border security legislation this week.

It is also possible that the Senate could complete work on other appropriations bills beyond the two to which the minority leader and I have agreed. We will be working together with the chairman and the ranking member of the Appropriations Committee to see what we can accomplish in addition to the Interior and Homeland Security appropriations bills.

In addition, this morning, the Finance Committee is working on our free-trade agreement with several Central American countries. If the committee completes action on that, we would also take that up this week. Under the law, debate on the free-trade agreement would total no more than 20 hours equally divided, and we will do that later this week.

As I mentioned last week, we will also consider any other available conference reports or legislative or executive items that are ready for action throughout the week—the highway conference report extension, a welfare extension, as well as a series of important nominations that could be resolved this week as well: Lester Crawford to run our Food and Drug Administration, Tom Dorr to serve in the Department of Agriculture, Gordon English to serve in the Department of Homeland Defense. All of these are possible for action before the recess.

We are going to have a very busy final week and, I know, a productive week. We will be working through Friday. I want to announce to our colleagues once again, as I have before, that in all likelihood we will be voting on Friday, and intend to vote on Friday.

In addition, I ask unanimous consent that I be recognized at 3:45 today, to be followed by Senator BUNNING, to be followed by Senator MCCONNELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, will the majority leader yield for a question on the schedule?

The PRESIDENT pro tempore. Under the previous order, this is the time to vote on H.R. 6.

Mr. DORGAN. Mr. President, I ask unanimous consent we be allowed to have the majority leader respond to a question.

The PRESIDENT pro tempore. Is there objection?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Mr. FRIST. I will be happy to respond.

Mr. DORGAN. The majority leader suggested that perhaps CAFTA might be brought up later this week. As the majority leader knows, CAFTA is brought to us under something called fast-track procedures, No. 1, and No. 2, an expedited procedure by which, when it is brought to the floor, it is given 20 hours of debate. Some of us feel very strongly that fast track is wrong, but, nonetheless, that is the process.

I ask the majority leader if he is intending to bring up CAFTA under fast track as the last order of business because the suggestion then would be you bump fast track up against the Fourth of July recess. I think that would mistreat a very serious issue.

My hope is that the majority leader will not decide to make the CAFTA trade agreement the last order of the day in this week because, if so, that will suggest that there is a desire to truncate the debate, to shrink the 20 hours, and not have a thoughtful and full debate on a very important trade issue at a time when we have the largest trade deficit in the history of this country.

My question would be, is there consideration to bringing up the Central American Free-Trade Agreement when we return from the Fourth of July recess?

Mr. FRIST. Mr. President, as I mentioned, the Central American Free-Trade Agreement is currently being addressed by the committee. That will be done today and possibly into tomorrow. Before we make any definitive scheduling beyond that, we will let it get through the committee. I will be talking to the Democratic leader. It is an issue that we could, through a fast-track mechanism, address before we leave for our July recess. No final decision has been made. I will be in discussion with the Democratic leader.

The PRESIDENT pro tempore. Does the Democratic leader seek recognition?

Under the previous order, the hour of 9:45 having arrived, we will proceed to a vote on H.R. 6. The yeas and nays have not been ordered.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. I wonder if, in regular order, would it be appropriate for the Senator from New Mexico and two Senators to speak for 3 minutes on the bill?

The PRESIDENT pro tempore. By unanimous consent that could be the order.

Mr. DOMENICI. Mr. President, we will soon vote this morning on final passage of the Energy Policy Act of 2005. I hope and expect that my colleagues will vote overwhelmingly to pass it for a number of reasons, but I want to concentrate on two of the most significant.

First, this bill is a huge step forward in our quest to enact policies that will ultimately move us away from our dependence on foreign sources of energy. There are no quick fixes for the predicament we have created for ourselves over the past 50 years.

But Senator BINGAMAN and I, of all people, are keenly aware of the promise that research and development of new technologies holds for our future energy independence. He and I have had the good fortune to witness the tremendous accomplishments of the scientists at Los Alamos and Sandia over the years. We know that partnerships in science and technology between the government and the private sector can spur significant advancements in technologies we need for our future—a future where we become more productive, more efficient, less dependent on foreign sources, and more protective of our environment in the process.

We have provided in this bill the opportunities for those partnerships as well as other incentives for the private sector to make the advances we need to have for our energy future.

Secondly, this is a bipartisan product that deserves broad support. Senator BINGAMAN and I have worked together on the Energy and Natural Resources Committee for over 20 years.

We have struggled through the issues we address in this bill for many years. Over the past six months, we have garnered the fruits of that association into this bipartisan bill to create what I believe is a fine product to get us started on solving our energy problems.

This bill isn't perfect. No bill ever is. But Senator BINGAMAN and I believe it is a worthy product that deserves your support. We look forward to a speedy conference with the House of Representatives and hope to soon deliver a conference report to this body for passage.

I also express my sincere thanks to my staff, as well as Senator BINGAMAN's staff, for their many, many days of long hours and hard work to make this bill a reality. They have been open to all of you and your staffs, and, I believe, have honestly attempted to address any issue Senators have brought to them.

I especially want to thank Alex Flint, Staff Director, and Judy Pensabene, Chief Counsel, for managing this entire process. Other members of the staff who also lent their expertise and professionalism to the process are: Carole McGuire, Deputy Staff Director; Karen Billups, Deputy Chief Counsel; Counsels Kellie Donnelly, Lisa Epifani, and Frank Macchiarola; Professional staff members Dick Bouts, Kathryn Clay, Frank Gladics, Josh Johnson, John Peschke, and Clint Williamson; Mamie Funk, Communications Director, and Angela Harper, Deputy Communications Director; Colin Hayes, Legislative Aide; Carol Craft, Chief Clerk; Cherstyn Monson, Executive Assistant; and Staff Assistants David Marks, Amy Millett, and Steve Waskiewicz.

Lastly, I sincerely thank the majority leader and his excellent staff for helping us shepherd this bill through the Senate.

I believe today we will pass, for the first time in many years, a new policy for the United States with reference to our energy production, the energy needs of the future.

I think this is a very good bill. I think it will provide us with a significant number of alternative energy supplies, all of which will be predicated upon the proposition that energy should be clean, the energy that we produce in the future; much of it should be renewable; that, indeed, we have conservation; that nuclear should become part of our arsenal; that, in addition, innovation will be the order of the day.

Along with production of ethanol, the rest of the bill will produce jobs, jobs, jobs, and will secure jobs for our future.

With reference to natural gas, one of our most significant and serious problems today, we hope that there will be a new and invigorated supply which will give us an opportunity to have prices for natural gas stabilize or even come down, without which we have a very difficult future for millions of jobs that are dependent upon natural gas or derivatives from natural gas.

All in all, I think this is an exciting and good bill. I thank the Senate for its support, the leader for his support, Senator BINGAMAN for his support. This is truly the first major bill in a long time that is bipartisan in nature. That made it possible, and I am very proud to have been part of it.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, the bill before us is not perfect. It does not go as far I would have liked, or others may have liked, to reduce our dependence on foreign oil, to improve our automobile fuel efficiency, or to reduce greenhouse gas emissions.

But it makes a good start. The bill puts the Senate on record, for the first time, as saying that global warming is a problem and that we need to take serious action to address it. The bill stops short of taking those actions itself, but it acknowledges the problem, and that is an important—indeed essential—step in the right direction.

The bill also takes major steps toward increasing the amount of energy we use to make our electricity and to fuel our cars and trucks from renewable energy sources. It promotes the development and deployment of new energy technologies, improves energy efficiency, and modernizes our electricity laws. It was a good bill coming out of committee and it has been made better on the floor.

Much of the credit for the bill goes to Chairman DOMENICI for the fair, open, and bipartisan process he used to draft the bill and shepherd it through the

committee and on the floor. Not all issues were resolved the way he would have liked or I would have liked, but he let the committee and the Senate work their will. It has resulted in a good bill.

Special thanks must also go to the committee staff, both majority and minority, who put in long hours and hard work on the bill over the last several months. Everyone on the Democratic staff of the committee contributed to this effort: Bob Simon, Sam Fowler, Patty Beneke, Tara Billingsley, Jonathan Black, David Brooks, Michael Carr, Mike Connor, Deborah Estes, Amanda Goldman, Leon Lowery, Jennifer Michael, Scott Miller, Sreela Nandi, Dominic Saavedra, Al Stayman, Vicki Thorne, Bill Wicker and Mark Wilson. I especially wish to thank our Democratic staff director, Bob Simon. I would also like to single out Jonathan Epstein and James Dennis on my personal staff for their contributions to the bill.

I would also like to acknowledge the constant and valuable help given to us by the Democratic cloakroom staff and the staff of the Democratic Leader.

Our task now will be to keep our bipartisan bill from being undermined in conference. Twice before the Senate has sent an energy bill to conference, only to see it die in conference or on the floor. But I am confident that the third try is the charm.

Again, I commend Senator DOMENICI for his leadership and bipartisan approach to this effort. I think we have come up with a bill which should enjoy good bipartisan support here on the Senate floor.

There are obviously some provisions I wish were in the bill that are not. But I think we are going into conference with a good piece of legislation. I hope we are successful in persuading the House to agree with us on that. I do think we still have many hurdles to overcome, as we have learned from previous Congresses, but I am optimistic that this time we will succeed in completing action on an energy bill.

Mr. FEINGOLD. Mr. President, energy policy is an important issue for America and one which my Wisconsin constituents take very seriously. Crafting an energy policy requires us to address important questions about, for example, the role of domestic production of energy resources versus foreign imports, the need to ensure adequate energy supplies while protecting the environment, the need for additional domestic efforts to support improvements in our energy efficiency, and the wisest use of our energy resources. Given the need for a sound national energy policy, a vote on an energy bill is a very serious matter and I do not take a decision to oppose such a bill lightly. In my view, however, this bill does not achieve the correct balance on several important issues, which is why I will oppose it.

The Congressional Budget Office, CBO, estimates that implementing the bill will cost $5.1 billion in 2006 and $35.9 billion over the 2006–2010 period. I am concerned that this estimate does not include the at least $10.1 billion in unpaid-for tax breaks. The $10.1 billion includes $5.7 billion in production tax credits and $4.4 billion in various subsidies to the oil, gas, and nuclear industries. Although I support the extension of the wind energy production tax credit and incentives for alternative fuels such as biodiesel, I am concerned that these tax expenditures are not offset. This billion dollar figure does not include the potential costs of the billions of dollars in loan guarantees provided in the bill, which could prove extremely costly to taxpayers. According to the CBO, loan default risk is ''well above 50 percent'' leaving taxpayers to foot the bill. The oil, gas, coal, hydroelectric and nuclear industries are mature industries that do not need to be propped up by the taxpayers. I am also especially concerned about the tax subsidies for the oil and gas industry, which is already experiencing windfall profits as oil nears $60 a barrel.

Even before the Senate added the tax title to the bill or any other amendments, CBO estimated that implementing the bill would cost $5.1 billion in 2006 and $35.9 billion over the 2006–2010 period. None of this spending is offset, or paid for. Our nation's budget position has deteriorated significantly over the past few years, in large part because of the massive tax cuts that were enacted. We now face years of projected budget deficits. The only way we will climb out of this deficit hole is to return to the fiscally responsible policies that helped put our nation on a sound fiscal footing in the 1990s, and that means making sure the bills we pass are paid for. Otherwise we are digging our deficit hole even deeper and adding to the massive debt already facing our children and grandchildren.

In addition, this bill repeals the proconsumer Public Utility Holding Company Act, the Federal Government's most important mechanism to protect electricity consumers. The bill does include language from my colleague from Washington, Ms. CANTWELL, banning Enron-like energy trading schemes. I also welcome the addition of new language that gives the Federal Government more oversight of utility mergers. This language, however, in my opinion, does not adequately prevent utilities from using affiliate companies to out compete small businesses.

That is why I joined with the Senator from Kansas, Mr. BROWNBACK, in filing the consumer protection, fair competition, and financial integrity amendment. We believe that small businesses and consumers should be protected from abuses involving public utility companies' related businesses. We also share the belief that repeal of the Public Utility Holding Company Act in the underlying bill creates a serious regulatory void and market flaw that Congress should correct.

Our amendment would have improved the bill by making clear the actions that the Federal Energy Regulatory Commission—or FERC—must take to ensure that deregulated holding companies do not outcompete our small businesses, damage their financial standing, and then pass the costs of bad investments to consumers.

Our amendment was supported by a wide and impressive coalition of business, labor, financial, and consumer groups which include AARP, American Iron and Steel Institute, American Public Power Association, American Subcontractors Association, Associated Builders and Contractors, Association of Financial Guaranty Insurers, ACA Financial Guaranty Corporation, Ambac Assurance Corporation, Assured Guaranty Corporation, Blue Point Re Limited, CIFG, IXIS Financial Guaranty, Financial Guaranty Insurance Company, Financial Security Assurance, MBIA Insurance Corporation, Radian Asset Assurance Inc., RAM Reinsurance Company, XL Capital Assurance, ELCON, International Brotherhood of Electrical Workers, Mechanical Contractors Association of America, National Electrical Contractors Association, Plumbing-Heating-Cooling Contractors—National Association, Public Citizen, Public Interest Research Group, Sheet Metal and Air Conditioning Contractors' National Association, Small Business Legislative Council, and Wisconsin Public Power, Incorporated.

My State of Wisconsin is acutely interested in and concerned about the repeal of PUHCA and about ongoing abuses involving the unregulated corporate affiliates of regulated utilities. I have also heard from contractors and other small businesses across the Nation who have been harmed by unfair competition by affiliates of public utilities.

I am pleased this consumer protection amendment was a bipartisan effort. I believe we have broad support in this body and beyond for this amendment, which is why I was disappointed that we were not able to offer this amendment because of the threat of another amendment being offered that would eliminate the oversight provisions currently in the bill.

I am pleased, however, that we were able to obtain assurances from the chair and ranking member that they would hold a hearing on abusive affiliate transactions. I also appreciate the ranking member's commitment to request a GAO investigation of the potential for abusive transactions involving affiliates of public utility companies.

During debate on this important measure, I supported several efforts to improve the underlying bill and the bill contains many provisions that I support. Specifically, I strongly supported the amendment offered by the Senator from New Mexico, Mr. DOMENICI, No. 779. I am pleased that the Senate overwhelmingly passed this important measure. I support the national ban of methyl tertiary butyl ether,

MTBE, and the measures in the bill that increase the supply of ethanol. I am also pleased that the amendment includes language I drafted to consolidate the number of Federal reformulated gasoline blends. I have worked closely with Congressman PAUL RYAN in an effort to reduce the number of Federal reformulated gasoline blends and increase gasoline supplies for consumers.

In recent years, fuel supply shocks such as pipeline problems and refinery fires have contributed significantly to gasoline price spikes in southern Wisconsin. Chicago and southeast Wisconsin use a specialized blend of reformulated gasoline to meet Federal Clean Air Act requirements that is not used elsewhere in the country. When supplies of this type of gasoline run low, Wisconsin is unable to draw on supplies of gasoline from other areas. Consolidation of the number of boutique fuels will help Wisconsin and consumers across the country. I look forward to working with my colleagues on both sides of the aisle to ensure that the boutique fuels issue is adequately addressed in the energy bill conference report.

I also supported Senator BINGAMAN's amendment to mandate a renewable portfolio standard requiring electric utilities to generate or purchase 10 percent of the electricity they sell from renewable sources by 2020. The Senate has previously considered renewable portfolio standards of 20 percent. We can do even better on renewable energy sources, but I am pleased that the Senate took a positive step forward on this important issue.

I am also pleased with the many energy efficiency incentives and the reauthorization of the Energy Performance Savings Contracts Program. I also support the inclusion of mandatory electricity reliability standards to prevent blackouts.

I supported the Cantwell energy security amendment, No. 784, because it would have helped to put America on the path towards independence from foreign oil. Reducing our dependence on foreign oil by 40 percent by 2025 will make our country stronger and safer. For years, the American economy has been subject to the whims of the Organization of Petroleum Exporting Countries, OPEC, cartel. The amendment did not address which technology should be used to reduce our dependence on foreign oil and does not mandate changes in fuel economy standards. The language is simple—it sets our goal and we have to figure out how to get there. We are a country of innovators. Whether it is wind, solar, biodiesel, or a technology we still have not dreamed of yet, we can—and we must—break our addiction to foreign oil. This bold, aggressive amendment would have ensured that we meet our goal of real energy independence. I was disappointed that the Senate did not adopt this amendment.

In sum, the American people deserve a more fiscally responsible energy policy than that is reflected in this bill, and I cannot vote in favor of it. This measure will need to be improved in conference to get my vote.

Ms. FEINSTEIN. Mr. President, I start by thanking Chairman DOMENICI and Senator BINGAMAN for all of their hard work on this bill. They said they were going to work to get a bipartisan bill and they accomplished their goal.

Overall, however, I believe that this Energy bill will help the country meet its energy needs in a number of important ways.

This bill provides strong consumer protections, aggressive energy efficiency standards, and a focus on new technologies to meet our energy needs in a more environmentally friendly manner.

Additionally, the bill takes a step in the right direction to reduce our consumption of fossil fuels, especially natural gas. This is a major improvement over past Energy bills, which have done nothing to reduce our use of fossil fuels.

As we learned during the Western energy crisis, Federal energy regulators did not have enough authority to prevent widespread market manipulation.

Through the course of the crisis in California, the total cost of electricity soared from $7 billion in 1999 to $27 billion in 2000 and $26.7 billion in 2001. The abuse in our energy markets was pervasive and unlawful.

So I am pleased to report that this bill includes provisions that I have sought over the past 4 years to strengthen consumer protections and hopefully prevent another energy crisis like the one we experienced in the West.

These consumer protections include: a broad ban on manipulation in the energy markets; stronger criminal and civil penalties in the energy markets to provide stronger deterrents to violations of Federal energy laws; elimination of the unnecessary 60-day waiting period for refunds at FERC, which may cost Californians millions of dollars; new provisions to make the energy markets more transparent; and a ban on traders who manipulated the natural gas or the electricity markets from ever trading in energy markets again.

I am also very pleased that Senators GRASSLEY and BAUCUS included in the Energy bill much of the energy efficiency tax incentives that Senator SNOWE and I sponsored.

The simplest, most effective thing we could do today to reduce our electricity use would be to use more energy-efficient appliances, such as air conditioners, refrigerators, and clothes washers.

We know that energy efficiency works. In California, efficiency programs have kept electricity consumption flat for the past 30 years, in contrast to the rest of the United States, where consumption increased 50 percent.

During the Western energy crisis, California faced energy shortages and rolling blackouts, but it could have been much worse. Ultimately, the State was able to escape further blackouts because Californians made a major effort to conserve energy. This reduced demand for electricity and helped ease the crisis.

By creating incentives to reduce demand, the energy efficiency tax incentives will help us avoid power shortages and blackouts in the future.

In addition, encouraging more efficient technologies will also reduce pollution and save consumers billions of dollars in the long run.

America cannot solve its energy challenges by simply adding more supplies. We must find ways to reduce demand for energy and create more efficient technologies. Including the energy efficiency tax incentives is a big step in the right direction.

For all of those reasons, I am supporting this bill. However, I still have some major reservations about the legislation as it now stands. Among them are:

Ethanol. The bill includes an 8 billion gallon mandate for ethanol when my State does not need it to meet clean air standards. I think this mandate is bad and costly public policy.

LNG Siting. This bill gives the Federal Energy Regulatory Commission exclusive authority over siting LNG terminals. I believe States should have a strong voice in this process.

Global Warming. Although we can already see the real effects of global warming, this bill takes no effective action to curb greenhouse gases.

Outer Continental Shelf. This bill provides for an inventory of the resources off our shores. This is not necessary unless we plan on drilling, to which I remain very much opposed.

Essentially, this bill takes no risks whatsoever to do the right thing. And though I will vote in favor of this bill, I would like to discuss these serious reservations that I have with it.

I am extremely concerned about the bill's 8 billion gallon ethanol mandate.

First, though, I would like to thank the committee for accepting an amendment I offered to protect California's air quality. It waives the requirement that California use ethanol in the summer months when it can end up polluting the air more than protecting it.

Despite this win for California's air quality, I still have concerns about the impacts of mandating that refiners use 8 billion gallons of ethanol by 2012.

President Bush has said over the past few months that this Energy bill will not do anything to reduce gas prices at the pump. I would like to add another note of caution: I hope this bill does not actually increase the price at the pump for consumers.

According to the Energy Information Administration, gas prices in California have been anywhere between 4 and 8 cents higher since ethanol replaced MTBE in California's gasoline, starting in 2003.

In May 2005, the Director of the Petroleum Division at the Energy Information Administration stated before

the House Government Reform Committee that:

. . . refiners lost production capability when replacing MTBE with ethanol. This, along with continued demand growth, has contributed to price pressures. From 2000 through 2002, California retail gasoline prices averaged about 19 cents per gallon more than the U.S. average gasoline price, but in 2003 as MTBE began to be removed, California prices averaged 27 cents per gallon higher than the U.S. average, and remained at that level through 2004.

So far this year, California's gasoline prices are at least 23 cents higher than the national average. To be clear, adding ethanol to our gasoline has increased the cost at the pump.

In addition, when the 8 billion gallon mandate is fully implemented in 2012 it will only reduce U.S. oil consumption by one-half of 1 percent.

Since ethanol has a somewhat lower energy content than gasoline, more of it is required to travel the same distance. This results in a vehicle's fuel economy being approximately 3 percent lower with ethanol-blended gasoline.

Further, this provision is both a mandate and a subsidy. Ethanol receives a tax credit of 51 cents per gallon. An 8 billion gallon mandate means a $2 billion loss to the U.S. Treasury over today's receipts.

I do not believe that we should be imposing this huge mandate at a time when there is already such a huge subsidy to the ethanol industry, and when the Nation has such huge budget deficits.

We should have either the subsidy or the mandate, but not both.

I also remain concerned about the provision in the bill that provides exclusive authority over siting onshore liquefied natural gas terminals to the Federal Energy Regulatory Commission.

Increased demand for natural gas means we need new natural gas supplies, and liquefied natural gas is one of the options available to us.

States will be responsible for the safety of these facilities for a long time after they are sited. That is why it is so important to preserve the rights of the States to participate in the process to determine where these facilities should be located.

For LNG facilities that are sited more than 3 miles offshore, the Governor has the right to approve or veto a project.

Yet for facilities that are located onshore, in our busy ports and near our closely packed communities, States have less input.

That is why I offered an amendment to provide Governors the same authority for siting onshore facilities that they already have for offshore facilities.

To give a remote Federal agency control when States are concerned about the safety of residents near a proposed site is a mistake.

I firmly believe that States should have the right to veto a project that could endanger the public safety of its citizens.

I thank Senators LIEBERMAN and MCCAIN for their efforts to address the growing and imminent problem of global warming.

I strongly supported their amendment to cap greenhouse gas emissions at the year 2000 levels by 2010 and implement a market-based emissions cap and trade system.

The United States has only 4 percent of the world's population, and yet we produce 20 percent of the world's greenhouse gas emissions. As the world's largest greenhouse gas emitter, the United States has a duty to act.

We have already begun to see the very real effects of global warming. The polar ice caps are shrinking, glaciers are melting, snowpacks are dwindling, and coastlines are falling away.

If we do not act, these problems will only grow worse. California depends on the Sierra Nevada snowpack as its largest source of water. It is estimated that by the end of the century, the shrinking of this snowpack will eliminate the water source for 16 million people—equal to all of the people in the Los Angeles Basin.

Much of the world is already reducing their greenhouse gas emissions and they are counting on us to do the same.

It is time that the United States—the world's largest contributor to climate change—stepped up and took responsibility for our actions and their impact on the world. Global warming is too serious a problem for us to keep ignoring it.

Yet the Senate voted against the McCain-Lieberman amendment. We missed a big opportunity to do the right thing for our country and for the world.

I am also concerned because the bill includes a provision that would allow the Department of Interior to conduct an inventory of the resources in the Outer Continental Shelf.

I joined my colleagues from Florida and New Jersey to strip this provision from the bill. Unfortunately, the amendment was not agreed to.

Why would we need to inventory the resources on the Outer Continental Shelf unless we intend to drill there? I believe this provision is the proverbial ''nose under the camel's tent.''

I strongly oppose lifting the moratoria on drilling on the Outer Continental Shelf and my State is unified in its opposition as well. Our coast is too important to California's economy and to our quality of life.

Despite soaring gas prices, this bill does not take any steps towards reducing our oil consumption, which could easily be done by holding SUVs and light trucks to the same fuel economy standards as passenger vehicles.

SUVs have gained popularity to the point that they now make up more than half of new car sales in the United States. That is why I believe SUVs and light trucks should be held to the same fuel efficiency and safety standards as the smaller passenger cars they are replacing on our roads.

This would both reduce our oil consumption and imports as well as curbing greenhouse gas emissions that cause global warming. In addition, increasing fuel economy in SUVs and light trucks would save owners hundreds of dollars each year at the gas pump.

Consumers are concerned about high gas prices, yet we do next to nothing in the bill to increase the fuel economy of our vehicles so that they use less gasoline.

Our dependence on oil is reaching critical levels. Crude oil is hitting record highs at nearly $60 per barrel this week and it is not going to fall any time soon.

Crude oil is a global commodity and global oil demand is rising, especially in China and India.

In the past 5 years, China's oil imports have doubled, and show no signs of slowing down. Chinese demand for oil is expected to double again by 2025, while its imports will quadruple to 60 percent of its total oil consumption.

China is now the world's second biggest oil consumer, behind only the United States. And today we heard the news that China wants to buy an American oil company.

In addition, India's oil needs are expected to grow rapidly in the coming years. Last year alone, India's oil consumption grew by 10 percent.

Their rapidly growing economies are fueling their growing dependence on oil—which makes continued higher prices inevitable.

The most effective step we can take to reduce gas prices is to reduce demand. We must use our limited fuel supplies more wisely.

That is why I am so disappointed that the Senate did not include any provisions to increase fuel economy in the bill.

I am pleased that the chairman and ranking member were able to work together on a bill that does not roll back environmental protections, as the House bill does.

I want to take a minute to point out the most egregious House provisions that I hope we will not see in a conference report. They include:

Retroactive liability protection for MTBE producers despite the fact that the courts have already found that they make a defective product. This provision protects oil companies from having to pay billions of dollars to clean up the water supplies across the country that MTBE has contaminated.

Even though I am supporting the Senate Energy bill, I will not hesitate to vote against the conference report if it includes MTBE liability protection.

Allowing communities to get out of requirements to clean up their air if they claim that part of its problem is a result of transported air pollution. This provision severely weakens the Clean Air Act.

Exempting the underground injection of chemicals during oil and gas development from regulation under the Safe Drinking Water Act.

Weakening the ability of States to have a say in Federal activities that affect their coasts, including limiting appeals related to pipeline construction or offshore energy development under the Coastal Zone Management Act.

Opening the Arctic National Wildlife Refuge to drilling.

Further, the House $8 billion tax package is completely lopsided in favor of oil and gas production—only 5 percent of the $8 billion goes toward incentives for renewable energy production.

While I am pleased that the bill includes strong consumer protections that will hopefully prevent another energy crisis, incentives for energy efficiency, and promotes new energy technologies, I am disappointed that the bill does not do the right thing on global warming, ethanol, fuel economy, the Outer Continental Shelf, or LNG siting.

And so, it is with reluctance that I cast my vote in favor of this Energy bill.

Mr. LEVIN. Mr. President, I am supporting the energy bill before us today because I feel that it is a step forward in establishing a sound energy policy for our Nation. With oil prices soaring to over $60 per barrel, consumer gasoline prices continuing to rise, and the impacts of global climate change increasingly apparent, we need to move toward diversity of our energy supply and reduction of our dependence on oil.

The bill before us today includes provisions that will increase the diversity of our Nation's fuel supply, encourage investment in infrastructure and alternative energy technologies, increase domestic energy production, take critical steps to improve the reliability of our electricity supply, and improve energy efficiency and conservation. This bill is not a perfect bill, but on balance it moves toward a sound energy policy that will lead the way to greater energy security and efficiency for the United States. It will increase our domestic energy supplies in a responsible manner, provide incentives to move toward more and diversified supply options, and provide consumers with affordable and reliable energy. When we consider energy policy, it is always a balance. Many factors must be taken into account—the environment, national security, our economy and jobs. Each and every vote on this bill required a balancing of these factors to determine what is best for Michigan and for our country.

Our policies have long ignored the problem of U.S. dependence on foreign oil, and we remain as vulnerable to oil supply disruptions today as we have been for decades. Taking the steps necessary to reduce our dependence on foreign oil is an important objective for this country. I have long supported a broad array of Federal efforts to meet that objective. I believe that we need a long-term, comprehensive energy plan, and I have long supported initiatives that will increase our domestic energy supplies in a responsible manner and provide consumers with affordable and reliable energy.

There are provisions included in this bill that will help take important steps in this direction—particularly those provisions of this bill that address energy efficiency and renewable energy and will lead us toward greater uses of alternative fuels such as ethanol and biodiesel. I have also long advocated Federal efforts that will lead to revolutionary breakthroughs in automotive technology that will help us reduce our oil consumption. We need a level of leadership similar to the effort of a previous generation to put a man on the moon. I believe we need our own ''moon shot'' in the area of automotive technology to develop alternatives to petroleum and to make more efficient use of all forms of energy.

I am pleased that the bill before us today is a bipartisan bill and, as such, it is a significant improvement over what the Senate has considered in previous years. This proves that when we work together in a bipartisan fashion, not only is the process better but so is the resulting policy.

The bill includes a wide range of energy efficiency provisions that will ensure that conservation and efficiency are a central component of our Nation's energy strategy. These provisions address Federal, State, and local energy efficiency programs, provide funding for important programs such as home weatherization, and establish efficiency standards for a wide variety of consumer and commercial products. Provisions of the bill will also ensure more efficient operation of Federal facilities, setting an important example by the Federal Government. The bill will also accelerate advances in energy-efficient appliance technologies by providing a tax credit for the production and sale of products such as super energy-efficient washing machines, refrigerators and dishwashers. Increasing the sale of these products will result in significant energy and water savings, thereby reducing dependency on foreign energy, reducing emissions and conserving water. Finally, because the tax credits apply only to U.S.-manufactured products, the bill can stabilize or increase American manufacturing jobs.

This legislation also takes critical steps to improve the reliability of our electrical grid and promote electricity transmission infrastructure development. Our economy depends upon electric power, and, in some cases, electric power literally saves lives. Failures in the electric system interrupt many crucial activities. Our current industry-developed, voluntary standards for the reliability of the electrical grid have long been in need of improvement. That need for improvement was underscored painfully by the August 2003 blackout. There were two key lessons from the blackout—the need for strong regional transmission organizations to ensure that reliability standards are carried out and enforced, and the need for additional transmission upgrades to maintain reliability. I regret that it has taken 2 years to get to a consensus on these issues. Nonetheless, I am pleased that the provisions of this bill authorize the creation of an electricity reliability organization to establish mandatory and enforceable reliability standards, which is a critical and necessary step forward.

The bill puts an increased emphasis on renewable energy technologies, such as wind and solar power. These technologies are becoming more economical every year. In fact, in some areas of the country these technologies are competitive with traditional fuels such as coal and natural gas. With this in mind, this bill includes a renewable portfolio standard, which requires sellers of electricity to obtain 10 percent of their electric supply from renewable energy sources by the year 2020. Existing hydroelectric pumped storage facilities—such as the Ludington pumped storage facility in Michigan—are included in the definition of hydroelectric facilities, which will ensure that these reliable existing sources of renewable power are calculated in a utility's base generation and can continue to be utilized to full potential. Finally, to promote the use of renewable fuels, the bill also includes a requirement for refiners to use 8 billion gallons of ethanol or biofuels by 2012. Overall, the increased use of renewable technologies will reduce our dependence on foreign oil and lead to the creation of tens of thousands of new jobs.

The bill also puts increased emphasis on diversity of supply and includes a broad range of provisions intended to encourage the use of new and cleaner technologies, particularly for power generation. Nearly 60 percent of electricity generation in Michigan is generated from coal, which will remain a vital resource well into the future. Programs authorizing research in clean coal-based gasification and combustion technologies will ensure that the most advanced technologies are developed for power generation. Other provisions of the bill also encourage the use of innovative technologies for both power generation and other end-uses.

Increased emphasis on diversity of fuel supply will help to take the pressure off of our tight natural gas supply, which is important for States such as Michigan with a large manufacturing base. Over the past 6 years, the tight natural gas supply and volatile domestic prices have had significant impacts on the U.S. manufacturing sector, which depends on natural gas as both a fuel source and a feedstock and raw material for everything from fertilizer to automobile components. As domestic production of natural gas has declined, demand for natural gas has increased dramatically, particularly in

the area of power generation. Today, U.S. natural gas prices are the highest in the industrialized world, and many companies have been forced to move their manufacturing operations offshore. More than two million manufacturing jobs have been lost to overseas operations in the 5 years since natural gas prices jumped from $2.00 per million Btu to more than $7.00 per million Btu.

I am pleased that the Senate bill includes a significant research, development, demonstration and commercialization effort in the area of hydrogen and fuel cells. I believe that this program will help us make critical strides toward realizing the goal of putting hydrogen fuel cell vehicles on the road over the next 10 to 15 years.

We need a significantly larger effort than anything on the drawing boards, and we need to put greater Federal resources into work on other breakthrough technologies—such as advanced hybrid technologies, advanced batteries, advanced clean diesel, and hybrid diesel technology. Federal Government investment is essential not only in research and development but also as a mechanism to push the market toward greater use and acceptance of advanced technologies. Expanding the requirements for the Federal Government to purchase advanced technology vehicles will help provide a market for advanced technologies.

We also must have far greater tax incentives for advanced technologies than have been proposed to date. To that end, I had hoped to offer an amendment to the bill—along with Senators BAYH and ALEXANDER—to provide more generous consumer tax credits for purchase of advanced technology vehicles and to provide an investment tax credit to manufacturers to help defray the cost of re-equipping or expanding existing facilities to produce advanced technology vehicles. The Finance title of this energy bill includes laudable incentives, but I believe we need more generous consumer tax credits for a wider variety of vehicles—including advanced clean diesel, as well as hybrid and fuel cell vehicles—to encourage consumers to make the investment in these technologies. I also believe that an investment credit on the manufacturing side is necessary to offset the high capital costs of such an investment. I hope that more significant tax incentives for a wide range of advanced vehicle technologies will be considered during the House-Senate energy conference.

The Senate bill also includes an amendment I offered to have the National Academy of Sciences conduct a study and submit a budget roadmap to Congress on what level of effort and what types of actions will be required to transition to fuel cell vehicles and a hydrogen economy by 2020. If hydrogen is the right answer, we will need the equivalent of a moon shot to get there. We will need a significant Federal investment—well beyond anything we are doing today—in conjunction with private industry and academia to reach that goal. This study and roadmap will be an important step toward determining if that is the right path to follow.

I am also pleased to have cosponsored an amendment offered by Senator VOINOVICH to authorize $200 million annually for 5 years to fund Federal and State grant and loan programs that will help us to replace older diesel technology with newer, cleaner diesel technology. Our friends in Europe have taken advantage of the opportunities that diesel offers for improving fuel economy and reducing oil dependence. We have not been able to do so here in the U.S. because of our concerns about tailpipe emissions. Initiatives such as those included in this amendment will help the U.S. to develop advanced diesel technology that will be able to meet our emissions standards in a cost-effective manner.

Lastly, the Senate rejected resoundingly efforts to require significant and arbitrary increases in the corporate average fuel economy—CAFE—standards, adopting instead an amendment offered by Senator BOND and myself that offered a more balanced approach. Our approach requires an increase in both car and truck CAFE standards but it requires the Department of Transportation to set these standards looking at the maximum technological feasibility, taking into consideration a series of critical factors such as safety, the impact on manufacturing and jobs, and the lead-time required for developing new technologies. Other proposals offered in the Senate—but rejected—would have hurt domestic manufacturers and the U.S. economy, without doing much for the environment.

Gasoline prices have been extremely volatile over the past few years and are likely to stay high. Our demand for oil continues to increase while our supplies have remained about the same. To reduce the impact of high gasoline prices over the long-term, we need to reduce our consumption of oil by continuing to develop advanced vehicle technologies such as hybrids, advanced clean diesels, and fuel cells. In the short-term, however, I continue to be concerned about price fluctuations because gasoline prices can have a dramatic effect on not only the average consumer's wallet, but also the economy as a whole. During consideration of the energy bill, I supported an amendment offered by Senator BYRD designed to provide some relief to high gas prices, specifically for people who live in rural areas. This provision allows employers to provide tax-free commuter benefits to employees who live in a rural area and drive to work in an area that is not accessible by a transit system.

I was also pleased to support an amendment to help small businesses and farmers deal with the high price of fuel. This amendment, offered by Senator KERRY, gives small farms and businesses access to low-interest credit through disaster loan programs. These programs, through the Small Business Administration and the U.S. Department of Agriculture, will give much needed relief to these small businesspeople and small farmers who have been hurt by the price spikes in heating oil, natural gas, propane, gasoline and kerosene.

Lastly, I supported an amendment offered by my colleague from Michigan, Senator STABENOW, requiring the Federal Trade Commission to conduct an investigation and provide a report to Congress on whether the increase in gasoline prices is the result of market manipulation or price gouging. In 2002, as chairman of the Permanent Subcommittee on Investigations, I lead an investigation into how gas prices are set. Since that time, gas prices have continued to rise, and I believe a new investigation and report is warranted to hopefully result in some protection for consumers.

I am pleased that this bill contains an amendment that I offered with Senator COLLINS to direct the U.S. Department of Energy to develop and use cost-effective procedures for filling the U.S. Strategic Petroleum Reserve. The amendment requires DOE to consider the price of oil and other market factors when buying oil for the SPR and to take steps to minimize the program's cost to the taxpayer while maximizing our energy security. Since early 2002, DOE has been acquiring oil for the SPR without regard to the price or supply of oil. During this period the price of oil has been very high—often over $30 per barrel—and the oil markets have been tight. Many experts have stated that filling the SPR during the tight oil markets over the past several years increased oil prices. With this amendment, the bill directs DOE to use some common sense when buying oil for the SPR.

Any successful businessperson knows the saying, 'Buy low, sell high.' It makes sense for buying oil as well as pork bellies.

Finally, I want to mention an issue that was a source of strong debate in the Senate but which this bill does not adequately address: global warming. For years, almost all scientists have agreed that human actions are causing temperatures around the world to increase. Experts also agree that this global warming will lead to environmental problems and economic hardship, but there has been no consensus in the United States about what we should do to stop climate change.

The threat is real and growing, and the longer we wait to reach a reasonable consensus, the more painful the solutions will be. I believe two major policy changes are needed at the federal level: support for a new, binding international treaty that includes all countries, and a massive new federal investment in research, development and commercialization of new technologies. Both of these steps would provide real environmental and economic

benefits while being fair to American workers. The Senate considered several well-intentioned proposals on this issue, though I did not believe they would have taken us in a comprehensive direction. I supported a sense of the Senate resolution that acknowledges the problem and calls on the administration to work with the Congress to enact a comprehensive national program to address this issue.

The energy bills considered by the Senate over the last couple of years have been doomed by a heavy-handed, partisan approach and by a conference committee that added many objectionable provisions before the bill came back to the Senate. We lost valuable time in putting us on the course toward a sounder energy policy. It is my sincere hope that the majority will pursue a different approach this year and produce a bill that will have strong bipartisan support.

Mr. INOUYE. Mr. President, I rise today to discuss two amendments that I filed concerning the Federal Energy Regulatory Commission hydro relicensing process and its impact on Indian tribes.

The two amendments were simple amendments that I had hoped to have included in a managers' package.

As presently drafted, section 261 will authorize license applicants to have veto authority over the Secretary's decision on whether to accept alternative conditions. This will have substantial adverse effects on Indian reservations that are occupied by hydroelectric project facilities as well as fishery resources that the United States holds in trust for Indian tribes.

The Federal Government has an obligation, a trust responsibility, to protect the resources and related property rights in them that we hold in trust for Indian tribes.

A cornerstone of Federal Indian policy regarding tribal natural resources is that development of them will not occur without the consent of the tribe for which the United States holds the resources in trust.

By injecting the judgment of a hydroelectric dam operator—whose interests may well be adverse to a tribe's—to override the Secretary's determination of the Federal trust responsibility for tribal resources affected by a license application seems to me to be a clear violation of our trust responsibility. In certain cases this could result in an applicant having a virtual veto over conditions relating to the protection of Indian lands and resources.

Congress acted to create reservations to fulfill solemn obligations to Indian tribes and vested in the Secretary the special responsibility to be the repository of expertise in the management and protection of those reservations as well as fisheries in which many tribes reserved rights in their treaties with the United States—treaties that were ratified by this Senate.

The tribal land and fishery resources that would be adversely affected by section 261 are vested property rights that the United States holds in trust. There is no justification for subordinating those rights to the activities and interests of a licensee in the manner provided for in this legislation.

The Federal Government has continuously broken its promises to Indian tribes. Over the past 60 years or so, this has cost us, and the taxpayers, hundreds of millions of dollars, if not more for breaking those promises. And we continue to face additional liability in the billions of dollars for breaking other promises and violating our trust responsibility. This has got to stop.

Justice Black once wrote at another critical juncture in the history of the Federal Power Act's relationship to tribal property rights: ''Great nations, like great men, should keep their word.''

Although I am disappointed that we may once again be violating our solemn obligation to the Indian tribes who have contributed so much to our great country, I note that Senator DOMENICI has assured me that he will continue to look at this matter.

I call on my colleagues in the conference of this legislation to work to ensure revision of the language that is antithetical to tribal rights and longstanding Federal Indian policy.

Mr. OBAMA. Mr. President, during the 2 weeks or so that we have been debating this Energy bill in the Senate, the price of crude oil has climbed to a record high of $60 a barrel. Gas is now up to $2.24 per gallon. The Saudis are pumping at near-full capacity, and their own oil minister says that the price of crude will probably stay at this level for the rest of the year.

At this price, the United States is sending $650 million overseas every single day. That is $237 billion a year—much of it to the Middle East, a region we have seen torn by war and terror. It doesn't matter if these countries are budding democracies, despotic regimes with nuclear intentions, or havens for the madrasas that plant the seeds of terror in young minds, they get our money because we need their oil.

As demand continues to skyrocket around the world, other countries have started to realize that guzzling oil is not a sustainable future. What's more, these countries have realized that by investing early in the energy-efficient technology that exists today, they can create millions of tomorrow's jobs and build their economies to rival ours.

China now has a higher fuel economy standard than we do, and it has got 200,000 hybrids on its roads. Japan's Toyota is doubling production of the popular Prius in order to sell 100,000 in the U.S. next year, and it is getting ready to open a brand new plant in China. Meanwhile, we are importing hydrogen fuel cells from Canada.

These companies are running circles around their American counterparts. Ford is only making 20,000 Escape Hybrids this year, and GM's brand won't be on the market until 2007. As falling demand for gas-hungry SUVs has contributed to Standard and Poor reducing the bond rating of these companies to junk status, these giants of the car industry now find themselves in the shadow of companies and countries that realize the time has come to move away from an oil economy.

So here we are. We have people paying record prices at the pump and America sending billions overseas to the world's most volatile region. We have countries such as China and India using energy technology to create jobs and wealth while our own businesses and workers fall further and further behind.

And we have the Energy bill that is before us today.

Now, this bill takes some small steps in the right direction. It will require utilities to generate 10 percent of their electricity from renewable sources. It will help us realize the promise of ethanol as a fuel alternative by requiring 8 billion gallons to be mixed with gasoline over the next few years, and by providing a tax credit for the construction of E85 stations all over America. It will provide funding for the clean coal technologies that will move America to use its most abundant fossil fuel in a cleaner, healthier way, including for low-emission transportation fuels. It will support the development of 500 mile-per-gallon automobile technology. And it will provide a good mix of tax incentives to move America towards more energy efficiency instead of simply rewarding the oil and gas industries, as the House bill does. The good that these proposals will do is reason enough to vote for this bill, and I will do so.

But we shouldn't kid ourselves today. This isn't time to pat ourselves on the back and think we have put America on the path to energy independence. Experts say that this bill will reduce our foreign oil consumption by 3 percent. Three percent. Our own Department of Energy predicts that American demand will jump by 50 percent over the next 15 years. So 3 percent doesn't amount to much—and it certainly won't make a difference at the pump. Even President Bush admits this. We tried to pass an amendment that would have reduced our foreign oil dependence by 40 percent in 2025, but too many Senators said no.

And so when you look at this energy crisis and realize that it is about so much more than energy, when you realize that our national security is at stake and that the global standing of our economy hangs in the balance, when you see prices continue to rise and other countries continue to innovate, you can't help but ask yourself, ''Is this the best America can do?'' The country that went to the Moon and conquered polio? The country that led the technological revolution of the 1990s?

It would be one thing if the solutions to our dependence on foreign oil were pie-in-the-sky ideas that are years

away. But the technology is right at our fingertips. Today, we could have told American car companies, we will help you produce more hybrid cars. We could have made sure there were more flexible fuel tanks in our cars. We could have addressed the big reason why car companies are hurting in this country—legacy health care costs. Had we taken all of these actions, we could have put America on the path to energy independence once and for all.

We also could have addressed the fact that global warming is threatening us with higher temperatures, more drought, more wildfire, more flooding, and more erosion of our coastal communities. People who don't believe this can yell about it as loudly as they want, but it doesn't change the fact that the overwhelming scientific evidence proves this over and over again. We could have taken care of this problem now and left a better world to our children.

With each passing day, the world is moving towards new technology and new sources of energy that will one day replace our current dependence on fossil fuels.

And so America has a choice.

We can continue to hang on to oil as our solution. We can keep passing Energy bills that nibble around the edges of the problem. We can hope that the Saudis will pump faster and that our drills will find more. And we can just sit on our hands and say that it is too hard to change the way things are and so we might as well not even try.

Or we could realize that this issue of energy—this issue that at first glance seems like it is just about drilling or caribou or weird-looking cars—actually affects so many aspects of our lives that finding a solution could be the great project of our time.

It won't be easy and it won't be without sacrifice. Government can't make it happen on its own, but it does have a role in supporting the initiative that is already out there. Together, we can help make real the ideas and initiatives that are coming from scientists and students and farmers all across America.

Abraham Lincoln, who first opened our National Academy of Sciences, once said that part of Government's mission is to add ''the fuel of interest to the fire of genius in the discovery of new and useful things.''

Today, when it comes to discovering new and useful solutions to our energy crisis, the fire of genius burns strong in so many American innovators and optimists. But they're looking for leadership to provide the fuel that will light their way. This bill is a reasonable first step, but I know that we can do much, much better.

Mrs. BOXER. Mr. President, for several years now we have been debating a national energy policy. In 2002 and 2003, I voted against the Energy bills because I believed they were bad for California and emphasized expanding old, dirty sources of energy instead of investing in clean, renewable energy.

Today's bill, however, is slightly better. It is more balanced and more protective of consumers. I will, therefore, vote for it.

However, this is not a perfect bill, and it contains many provisions that I oppose. I am voting to move the process forward today, but if the bill returns to us from conference more like the House bill, I will have to vote against it.

Let me begin with how this bill is better than previous bills. For the first time, we have an Energy bill that creates a Renewable Portfolio Standard, RPS. What that means is that utility companies will have to get 10 percent of their energy from renewable resources, such as wind and solar, by the year 2020. That is enough to supply 56 million U.S. homes with electricity generated by renewable sources.

There are a variety of other provisions in the bill that will encourage conservation, energy efficiency, and development and use of clean sources of energy. For example, there are $6.4 billion in tax breaks in the bill to provide incentives for alternative and renewable fuels. That includes something I have been advocating for several years—extending and strengthening the tax break for people who purchase hybrid cars. It also includes a tax deduction for energy-efficient buildings, the production of energy-efficient appliances, and the expansion of the credit for environmentally friendly geothermal facilities.

Unlike previous Energy bills, this bill actually contains some protections for consumers. We in California know all too well what happens when energy companies are allowed to manipulate the market and gouge consumers. This bill specifically prohibits manipulative practices in the electricity market, and it contains provisions for better accountability and more transparency so that consumers can know what is happening.

Speaking of the electricity crisis in California, we are still waiting for the refunds that are owed to us. The Federal Energy Regulatory Commission, FERC, found that rates were unjust and unreasonable; they found that markets were manipulated. They have ordered some refunds, but California has yet to see a penny 4 years later. And FERC continues to drag its feet in ordering the full $8.9 billion that is owed to my State.

That is why I am pleased that this bill includes my amendment calling on FERC to conclude action on the refunds issue and requiring FERC, if it has not done so by the end of this year, to explain to Congress what exactly has been done and to spell out a timetable for the rest of the process. Californians deserve their refunds, and I hope my amendment will finally bring this matter to a conclusion.

I am also glad the Senate approved an amendment Senators DORGAN and STABENOW and I offered that requires the Federal Trade Commission to investigate the possible manipulation of the price of gasoline. We are seeing unprecedented prices at the pump that cannot be completely explained by the rise in crude oil prices. Oil companies should not be making undeserved, windfall profits at the expense of consumers who, in many cases, have no alternative but to drive to work.

While I oppose the ethanol mandate in this bill, I am pleased that the bill includes a proposal I originally offered with Senator LUGAR to count each gallon of ethanol made from agricultural waste products as 2.5 gallons toward meeting the mandate. This will be a big help to both the farmers and consumers of California. I am also pleased that this bill contains my original proposal to provide grants for the construction of agricultural waste ethanol production facilities.

As I mentioned, one of the bad things about this bill is the ethanol mandate. Even with the Feinstein provision to exempt California during the summer months, I am still concerned about what this mandate will mean for future gasoline prices in my State.

I am also adamantly opposed to the provision of this bill that requires an inventory of energy resources in America's Outer Continental Shelf. This could easily lead to future oil and gas development in some coastal areas. And an ''inventory'' is not as innocuous as it sounds. It will be conducted with seismic airguns, which shoot sounds into the seafloor for mapping. These sounds can injure marine mammals and fish, possibly leading to beachings and reduced fish catches.

The bill grants FERC the sole authority over the siting of liquefied natural gas terminals onshore, denying States the right to have a say in the decision.

This bill lacks what is probably the surest way to reduce our crippling dependence on foreign oil—increasing mileage standards on automobiles. Raising the fuel economy of passenger automobiles to 40 miles a gallon by 2016 would save about 95 billion gallons of oil by 2016.

Finally, I want to mention my disappointment at this bill's heavy reliance on nuclear energy at a time when we still have no solution for the nuclear waste problem and still have safety concerns about nuclear facilities. The bill reauthorizes the Price-Anderson Act to put the taxpayers on the hook in case of an accident, and it provides tax incentives and loan guarantees to encourage the construction of more nuclear powerplants. This does not make sense. We are subsidizing and encouraging the production of more nuclear waste when we have no place to put it.

As you can see, this is not a perfect bill. But, again, I will vote for it today in order to move the process forward and because it is better than the previous two Energy bills. I hope that the Senate conferees will fight to maintain

the Senate's language during the conference. If they do not—if this bill returns to the Senate looking more like the backward-thinking House bill—I will have to vote against it.

Mr. OBAMA. Mr. President, I would like to express my gratitude to the managers of the energy bill, Senators DOMENICI and BINGAMAN, for their support of two amendments that I offered. I am proud that these amendments have been included in the legislation that the Senate will vote on today, and I believe that their enactment will help America increase its energy independence and transition our energy industry to full usage of 21st century technologies.

The first adopted amendment, which was cosponsored by Senator LUGAR, provides $85 million to three universities for research and testing on developing Illinois basin coal into transportation fuels, including Fischer-Tropsch jet fuel, a type of low-emissions diesel that can be used in jets and diesel. The funds provided in this amendment will assist Southern Illinois University, Purdue University, and the University of Kentucky in upgrading existing facilities and constructing new facilities to conduct research and testing on this technology. It is critical that our Government invests in domestic fossil fuel supplies in an innovative manner, and this is a commonsense way to expand our coal industry in an environmentally friendly manner.

The second adopted amendment, which was cosponsored by Senator BAYH, provides $40 million for research on combined plug-in hybrid and flexible fuel vehicles. Today, we have the technology to produce both plug-in hybrid vehicles, which run partly on electricity rather than fuel, and flexible fuel vehicles, which run on a blend of 85 percent renewable fuel and 15 percent petroleum. But we don't yet have the technology to combine both technologies into the same car. If we could do this, there is the potential for developing a car that could get 500 miles per gallon of gasoline. At a time when our country spends billions of dollars a year on importing foreign oil, it is imperative that we take meaningful, proactive steps that not only stem our future oil dependence but also reduce our reliance on overseas sources. My amendment would do just that by stimulating the commercialization of this technology at a cost of only 6 percent of our Nation's daily spending on foreign oil.

Again, I thank the bill managers for their assistance with these amendments.

I ask unanimous consent to have the following two articles on the potential of combined plug-in hybrid/flexible fuel vehicles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek, Mar. 7, 2005]

IMAGINE: 500 MILES PER GALLON

(By Fareed Zakaria)

The most important statement made last week came not from Vladimir Putin or George W. Bush but from Ali Naimi, Saudi Arabia's shrewd oil minister. Naimi predicted that crude prices would stay between $40 and $50 throughout 2005. For the last two years OPEC's official target price has been $25. Naimi's statement signals that Saudi Arabia now believes that current high prices are not a momentary thing. An Asian oil-industry executive told me that he expects oil to hit $75 this decade.

We are actually very close to a solution to the petroleum problem. Tomorrow, President Bush could make the following speech: ''We are all concerned that the industrialized world, and increasingly the developing world, draw too much of their energy from one product, petroleum, which comes disproportionately from one volatile region, the Middle East. This dependence has significant political and environmental dangers for all of us. But there is now a solution, one that the United States will pursue actively.

''It is now possible to build cars that are powered by a combination of electricity and alcohol-based fuels, with petroleum as only one element among many. My administration is going to put in place a series of policies that will ensure that in 4-years, the average new American car will get 300 miles per gallon of petroleum. And I fully expect in this period to see cars in the United States that get 500 miles per gallon. This revolution in energy use will reduce dramatically our dependence on foreign oil and achieve path breaking reductions in carbon-dioxide emissions, far below the targets mentioned in the Kyoto accords. ''

Ever since September 11, 2001, there have been many calls for Manhattan Projects and Marshall Plans for research on energy efficiency and alternate fuels. Beneath the din lies a little-noticed reality-the solution is already with us. Over the last 5-years, technology has matured in various fields, most importantly in semiconductors, to make possible cars that are as convenient and cheap as current ones, except that they run on a combination of electricity and fuel. Hybrid technology is the answer to the petroleum problem.

You can already buy a hybrid car that runs on a battery and petroleum. The next step is ''plug-in'' hybrids, with powerful batteries that are recharged at night like laptops, cell phones and iPods. Ford, Honda and Toyota already make simple hybrids. Daimler Chrysler is introducing a plug-in version soon. In many states in the American Middle West you can buy a car that can use any petroleum, or ethanol, or methanol—in any combination. Ford, for example, makes a number of its models with ''flexible-fuel tanks.'' (Forty percent of Brazil's new cars have flexible-fuel tanks.) Put all this technology together and you get the car of the future, a plug-in hybrid with a flexible-fuel tank.

Here's the math (thanks to Gal Luft, a tireless—and independent—advocate of energy security). The current crop of hybrid cars get around 50 miles per gallon. Make it a plug-in and you can get 75 miles. Replace the conventional fuel tank with a flexible-fuel tank that can run on a combination of 15 percent petroleum and 85 percent ethanol or methanol, and you get between 400 and 500 miles per gallon of gasoline. (You don't get 500 miles per gallon of fuel, but the crucial task is to lessen the use of petroleum. And ethanol and methanol are much cheaper than gasoline, so fuel costs would drop dramatically.)

If things are already moving, why does the government need to do anything? Because this is not a pure free market. Large companies—in the oil and automotive industry—have vested interests in not changing much. There are transition costs—gas stations will need to be fitted to pump methanol and ethanol (at a cost of $20,000 to $60,000 per station). New technologies will empower new industries, few of which have lobbies in Washington.

Besides, the idea that the government should have nothing to do with this problem is bizarre. It was military funding and spending that produced much of the technology that makes hybrids possible. (The military is actually leading the hybrid trend. All new naval surface ships are now electric-powered, as are big diesel locomotives and mining trucks.) And the West's reliance on foreign oil is not cost-free. Luft estimates that a government plan that could accelerate the move to a hybrid transport system would cost $12 billion dollars. That is what we spend in Iraq in about 3 months.

Smart government intervention would include a combination of targeted mandates, incentives and spending. And it does not have to all happen at the federal level. New York City, for example, could require that all its new taxis be hybrids with flexible-fuel tanks. Now that's a Manhattan Project for the 21st century.

[From the Los Angeles Times, March 24, 2005]

THE 500–MILE-PER-GALLON SOLUTION

HIGH-TECH CARS, ARCTIC DRILLING, NEW GAS TAXES: WE MUST HAVE THE WILL TO DO IT ALL

(By Max Boot)

Soaring oil prices—crude is over $55 a barrel and unleaded gasoline over $2 a gallon—are not much of an economic or political issue. Yet.

In absolute terms, today's prices are still half of the 1970s peaks, and the U.S. economy has become much less dependent on petroleum since then. (Computers run on electricity, not gasoline.) But imagine what would happen if Al Qaeda were to hit the giant Ras Tanura terminal in Saudi Arabia, where a tenth of global oil supplies are processed every day. Prices could soar past $100 a barrel, and the U. S. economy could go into a tailspin. As it is, high oil prices provide money for Saudi Arabia to subsidize hate-spewing madrasas and for Iran to develop nuclear weapons.

Both Democrats and Republicans know this, but neither party is serious about solving this growing crisis. Democrats who couldn't tell the difference between a caribou and a cow grandstand about the sanctity of the Arctic National Wildlife Refuge, even though 70 percent of Alaskans are happy to see a bit of drilling in this remote tundra. Republicans, for their part, pretend that tapping ANWR will somehow solve all of our problems. If only. A government study finds that, with ANWR on line, the U.S. will be able to reduce its dependence on imported oil from 68 percent to 65 percent in 2025.

How to do better? Biking to work or taking the train isn't the answer. Even if Americans drive less, global oil demand will surge because of breakneck growth in India and China. The Middle East, home of two-thirds of the world's proven oil reserves, will remain of vital strategic importance unless we can develop alternative sources of automotive propulsion and substantially decrease global, not just American, demand for petroleum. An ambitious agenda to achieve those goals has been produced by Set America Free, a group set up by R. James Woolsey, Frank Gaffney and other national security hawks.

They advocate using existing technologies—not pie-in-the-sky ideas like hydrogen fuel cells—to wean the auto industry from its reliance on petroleum. Hybrid electric cars such as the Toyota Prius, which run on both electric motors and gas engines, already get more than 50 miles per gallon. Coming soon are hybrids that can be plugged into a 120-volt outlet to recharge like a cellphone. They'll get even better mileage.

Add in ''flexible fuel'' options that already allow many cars to run on a combination of petroleum and fuels like ethanol (derived from corn) and methanol (from natural gas or coal), and you could build vehicles that could get—drum roll, please—500 miles per gallon of gasoline. That's not science fiction; that's achievable right now.

Set America Free estimates that if we convert entirely to flexible-fuel, plug-in hybrid electric vehicles, U.S. gasoline imports in 20 years will drop by two-thirds. As important, because Americans are the world's biggest car buyers, U.S. preferences would reshape the global automotive industry. Carmakers would wind up shipping hybrid electrics to Europe and Asia too. President Bush could hasten the transition through an international agreement to move major economies away from oil dependency. This would not only reduce the Middle East's strategic importance but also help reduce emissions to Kyoto-mandated levels.

There is, of course, a catch. Moving to hybrid electric cars won't be cheap. Automakers would have to retool their wares, gas stations would have to add alcohol-fuel pumps, parking lots would have to add electric outlets. Set America Free puts the price tag at about $12 billion over the next four years. It sounds like a lot of money, but it could easily be financed by slightly raising U.S. gasoline taxes (currently about 43 cents a gallon), which are much lower than in Europe and Japan. Higher taxes could also be used to encourage more domestic oil exploration and production, given that petroleum will never be entirely eliminated as an energy source.

There are many untapped sources of gasoline in North America, such as the tar sands of Alberta, Canada, and the shale of Utah, Wyoming and Colorado. But extracting oil from such sources costs at least three times more than pumping it out of the Arabian desert. Congress could make this more economically feasible by imposing a higher tax on oil that doesn't come from North America.

Needless to say, this runs smack dab into Republican orthodoxy that opposes new taxes and regulations, while the prospect of more drilling raises the hackles of Democratic environmentalists. Absent some political courage in both parties, we will continue to be at OPEC's mercy.

Mr. JEFFORDS. Mr. President, I intend to vote in favor of H.R. 6, as amended by the Senate, the Energy bill. I want to explain in detail my reasons for supporting this legislation and highlight my serious concerns regarding the House-passed version of H.R. 6. I strongly oppose many of the provisions in the House-passed bill, and the Senate conferees should hold strongly to the Senate-version of this bill and reject the House legislation.

Energy policy is an important issue for America and one my Vermont constituents take very seriously. The bill before us seeks to address important issues, such as the role of domestic production of energy resources versus foreign imports, the tradeoffs between the need for energy and the need to protect the quality of our environment, and the need for additional domestic efforts to support improvements in our energy efficiency, and the wisest use of our energy resources. Given the importance of energy policy, this bill is a very serious matter. I do not take a decision to support such a bill lightly. Although this bill is not exactly as I would have written it, it begins to move this Nation toward a more balanced approach to our energy needs.

During floor debate, the Senate modified the renewable fuels standard contained in the Energy Committee reported bill to more closely resemble legislation reported by the Environment and Public Works Committee, S. 606. Specifically, the bill would repeal the Clean Air Act requirement for oxygenated gasoline, and phase out the use of the additive methyl tertiary butyl ether, or MTBE, in 4 years. It would require refiners to use biofuels, presumably mostly ethanol, in volumes of 8 billion gallons by 2012. This is a much more aggressive goal than the 108th Congress Senate-passed bill that I supported, which included a 5 billion gallon by 2012 mandate. It is my hope that such a significant commitment will begin to reduce our dependence upon foreign oil.

I would like to share the history of the renewable fuels provisions included in this bill we are adopting today. I've long supported a more aggressive approach to replacing petroleum-based motor fuels with fuels made from domestic resources, including ethanol produced by farmers growing grains and fibers. I commend Senators DOMENICI and BINGAMAN on their leadership on this important matter.

Back in 1991, I introduced S. 716, the Replacement Fuels Act, to require gasoline refiners to replace increasing percentages of their product with domestically produced, nonpetroleum liquids. Many of us knew then that it was technologically possible, and now it seems that a majority has crossed that threshold of understanding.

When I first introduced my Replacement Fuels Act, many did not take it seriously. The oil industry certainly did not. But I made the rounds with several of my colleagues to convince them of the benefits of such a program, including the national security benefits of weaning ourselves from our dependency on foreign oil. At the time, I argued that the costs to our military, in terms of personnel and dollars, of protecting the shipping lanes of the Persian Gulf, and of attempting to quell the political unrest of the Middle East, were staggering then and only apt to grow larger.

I recall meeting with the distinguished Senator from New Mexico, now the chairman of the Energy Committee, in his office to discuss my bill. We agreed on the domestic benefits of moving in this direction—for our farmers; for our environment; for our national and domestic security. After considerable discussion, Senator DOMENICI agreed to cosponsor my bill.

I made the rounds to other members of the Energy Committee for their advice and support. Many of those committee members who cosponsored my bill are still here today—Senators BINGAMAN, BURNS, CRAIG and CONRAD, SHELBY and AKAKA. Four other committee members, since retired, also were cosponsors, making a majority of the committee and ensuring committee approval. Other Members who cosponsored my bill and who are here today include Senators GRASSLEY, REID, and WARNER.

In the end, the bulk of the language of my Replacement Fuels Act was included as title V of Public Law 102–486 the Energy Policy Act of 1992. Before final passage of that act, however, in every instance that ''shall'' appeared in my bill, it was changed to ''may'' in the final law. In other words, it changed from a mandate to an option, and we've only made modest gains in the past dozen years, when we could have made bold progress.

So, again, I commend Senators DOMENICI and BINGAMAN for their leadership to move us more aggressively toward domestic production of transportation fuels and away from our growing foreign dependence.

I urge Senators and the public to take note of the Sense of the Senate on climate change successfully included in the bill due to the efforts of Senators BINGAMAN, DOMENICI, SPECTER, and many others. It says that Congress should enact a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that, one, will not significantly harm the United States economy; and, two, will encourage comparable action by other nations that are major trading partners and key contributors to global emissions. Such a program regarding air pollution and environmental policy is clearly in the jurisdiction of the Environment and Public Works Committee, and I am strongly committed to holding hearings and reporting implementing and bipartisan legislation from that committee, on which I serve as the ranking member, as soon as possible.

During debate on the renewable fuels provisions, I agreed to modify the absolute deadline for EPA's long-awaited and long-delayed mobile source air toxics, MSAT, rule from July 2005 in Domenici amendment No. 779 to July 2007. EPA is widely expected to promulgate a final rule well before that later date, but this provision provides additional certainty and protection. In addition, the provision as amended and included by Senator INHOFE in the last manager's package, will allow EPA to regulate more stringently than the 2001–2002 toxics emissions reductions baseline in the final MSAT rule.

That more stringent rule will take the place of the baseline so long as it

will achieve and maintain greater overall reductions in emissions of air toxics. Such reductions must occur in the same timeframe and result in overall reductions of each and every one of the air toxics emitted in the combustion of gasoline, when compared to the 2001–2002 baseline. This provision should not be construed to permit EPA to count reductions of less toxic pollutants like aldehydes equal in effect or equivalent to reductions of more toxic pollutants like benzene. The intent of this provision is not to allow EPA to avoid toxics potency weighting or sensible risk analysis and exposure assessment in determining the meaning of ''overall reductions.'' This provision should also not be viewed as a vehicle for changes to the liability system for fuel additives. The Senate has spoken very strongly on this point, and the conferees should be aware that any new MTBE language addressing the issue of retroactive liability is likely to jeopardize passage of the conference report in the Senate.

I am also pleased that the Senate included a 10-percent renewable portfolio standard in this bill. I have worked for more than 20 years to boost the percentage of renewable sources used to generate our Nation's electricity. While I believe we could be taking a much more aggressive step, we need to take a serious first step, and the provisions in this bill do just that. Though I understand that the House has concerns with adding an RPS, it is my hope that the conferees will acknowledge that, for many States, renewable energy can and should be a bigger energy source.

I am pleased that the Senate has also chosen to promote renewable energy by accepting three amendments I offered to the bill during floor debate. It is my hope these modest provisions will be retained in conference. My first amendment will make significant reductions in energy use in the Capitol complex by requiring the Architect of the Capitol to review the possibility for energy savings in the Dirksen Building. The second two amendments expand the sources of grant financing available to utilities for projects involving renewables and efficiency. The Senate has agreed to add livestock methane, a promising source of energy in Vermont, as an energy source that is eligible to compete for grants under the Department of Energy's Renewable Energy Incentives Program. The Senate has also agreed to create a new $20-million-per-year grant program for upgrade of electric transmission.

As I mentioned, though, the bill is not perfect, and the conferees should carefully review several provisions. In title XIII there are a number of sections authorizing investigations that will recommend changes to environmental laws, such as the Clean Water Act, the Safe Drinking Water Act, the Clean Air Act, and the National Environmental Protection Act. Unfortunately, in a number of these areas the Environmental Protection Agency, whose responsibility it is to ensure the air we breath and the water we drink is safe, is not involved in developing or approving these recommendations.

While I proposed amendments to include the Environmental Protection Agency in these sections, not all of changes were adopted. The sections needing amending include: section 1306 Backup Fuel Capability Study; section 1309 Study of Feasibility and Effects of Reducing Use of Fuel for Automobiles; and section 1320, Natural Gas Supply Shortage Report. It is my belief that any studies that involve environmental compliance should include the involvement of the agency whose mission it is to oversee the implementation of these environmental laws.

I am pleased that my Recycling Investment Saves Energy, RISE, provisions were included as section 1545 of the final bill. The provisions will provide almost $100 million in tax incentives for recyclers over the next decade to preserve and expand our Nation's recycling infrastructure. The targeted 15 percent tax credit for equipment used in the processing and sorting of recyclable materials will increase quantity and quality of recyclable materials collected. This national investment is necessary to reverse the declining recycling rate of many consumer commodities, including aluminum, glass and plastic, which are near historic lows. It will also generate significant energy savings as increasing the U.S. recycling rate to 35 percent will result in annual energy savings of 903 trillion Btus, enough to meet the energy needs of an additional 2.4 million homes.

The Finance title includes an amendment that I authored to improve future Federal energy investment and policy decisions. It requires the Secretary of Treasury to contract with the National Academy of Sciences to complete a study and report to Congress on the health, environmental, security and infrastructure externalities associated with energy activities and how they may or may not be affecting revenues, the economy and trade. Such information will dramatically improve our ability to review the costs and benefits of energy legislation and tax policy changes.

I am pleased that my amendment to section 1305, the coal bed methane study, was adopted. My amendment requires that as it studies the issue the Department of Energy consult with States and the Environmental Protection Agency on the impacts of coal bed natural gas production on surface water and ground water resources. This consultation should occur, especially before making recommendations to Congress on changes to the Clean Water Act and the Safe Drinking Water Act.

This bill does a reasonable job in balancing support for traditional fossil fuels and nuclear power and renewable energy, but I am perplexed by provisions in the Energy bill that provide $1.82 billion in grants for oil, gas and coal industries. With oil hovering around $60 a barrel and gasoline prices at record highs, I question the wisdom of providing additional subsidies for oil and gas exploration and production. While Americans pay more at the pump, multinational oil companies continue to report record profits. The bill also waives royalty payments for oil companies drilling in Federal waters and rewards these already profitable companies while depleting the U.S. economy of $100 million over 10 years.

The bill gives $1.8 billion to the dirtiest powerplants to build new coal powerplants, thereby giving them an economic advantage over powerplants that installed pollution control technologies. I am also concerned about provisions in the coal title that unfairly benefits mining companies with current leases on federal lands by doubling the acreage, 162 to 320 acres, of coal-leased lands; removing the 40-year limitation for leases; and doubling the time (from 10 to 20 years) current leaseholders can pay advanced royalties. These provisions will have the most significant impact on the Powder River Basin where three mining companies dominate current production. I question the wisdom in subsidizing these fossil fuel industries that will only continue to encourage our Nation's dependence upon these polluting and expensive energy sources.

I also urge the conferees not to include the Leaking Underground Storage Tank, LUST, reform provisions in the final bill. The Senate Environment and Public Works Committee is actively considering these issues and has planned a hearing for July 2005. Our Committee's actions led the Senate to enact bipartisan comprehensive LUST reform legislation last Congress by unanimous consent. Adding LUST reform onto the Energy bill would needlessly bypass our legislative consideration and prevent this issue from getting the careful attention that it requires.

The LUST provisions of the Senate's Energy bill, section 210, are problematic. Most significantly, the section raids the LUST Trust Fund and diverts dollars from their intended purpose—cleaning up contamination from leaking USTs. Without increasing the amount of money to be appropriated to the States, the provision expands the eligible uses of the LUST Trust Fund to pay for cleanup of spills from non-UST sources, such as pipelines, cars, and above ground storage tanks. In a letter to Rep. W.J. ''Billy'' Tauzin on May 7, 2003, former EPA Administrator Christine Todd Whitman opposed these provisions because they ''would change the historical scope of the program, and could stress the Agency's ability to adequately address releases from USTs.''

I am concerned because this section will go to conference with the House-

passed LUST provisions that also contain significant flaws. The House provisions add a new periodic inspection requirement for USTs that is weaker than the 2-year minimum inspection frequency recommended by EPA and the 3-year minimum requirement recommended by the Government Accountability Office. For example, a tank last inspected in 1999 wouldn't need to be inspected again for over a decade. In addition, the House delivery prohibition provisions may preempt existing authority in 24 States. Finally, the provisions requiring secondary containment within 1,000 feet of existing community water systems includes an exemption that ignores prevention in favor of expensive cleanup.

So we have our work cut out for us. Today, the Senate is passing a good bill that needs some work in conference, but not a substantial overhaul or weakening. To retain my support the conferees need to prevent substantial modifications to this bill, resist the addition of controversial items added in the House-version of H.R. 6, avoid substantive modification to core titles of the bill, limit adjustments to the bill's fiscal scope and cost, and consider additions of provisions to provide energy security.

This is a good effort to develop energy legislation for America, which is a goal widely shared in both Houses of Congress. It is my hope that conferees seek this year to reach consensus on issues such as: national electricity reliability standards, the use of renewables, the phase out of methyl tertiary butyl ether, MTBE, and production of suitable oxygenate replacements, and the fiscally responsible extension of needed energy tax provisions. With this bill I am supporting today we send them a good template to achieve that goal.

Mr. KYL. Mr. President, H.R. 6, the Energy bill, is an effort to improve our Nation's energy supply and reliability, and for that it should be praised. Like any bill of its magnitude, the Energy bill includes a variety of good and bad provisions, and it has to be weighed for the relative good and bad it will do. I've come to the conclusion after careful study that the bad outweighs the good, particularly for the State of Arizona. And it is for that reason that I must vote no. This bill will likely raise the price of gasoline in Arizona, hurt our air quality, and raise the price of our electricity, all while increasing the Federal deficit with enormous subsidies, special projects, and tax breaks for everything from fish oil to luxury hybrid cars. I support the President in his efforts to reduce our dependence on foreign oil, and I wish this bill did more to accomplish that goal.

As I have said, some important provisions of this bill have much to recommend them. Unfortunately, the ethanol ''Renewable Energy'' title is not one of them. The ethanol provisions of the Energy bill are truly remarkable. They mandate that Americans use 8 billion gallons of ethanol annually by 2012. We use 3.4 billion gallons now. For what purpose, I ask, does Congress so egregiously manipulate the national market for vehicle fuel? No proof exists that the ethanol mandate will make our air cleaner. In fact, in Arizona, the State Department of Environmental Quality has found that ethanol use in the summer will degrade air quality, which will probably force areas in Arizona out of attainment with the Clean Air Act. Arizonans will suffer. California also expects that the summertime use of ethanol would harm air quality, but in the Senate bill, California is exempted from the summer mandate. If Arizona had the same exemption, then the ethanol mandate would still be expensive and unwarranted, but at least it would not actually cause physical harm.

An ethanol mandate is not needed to keep the ethanol industry alive. That industry already receives a hefty amount of Federal largesse. CRS estimates that the ethanol and corn industries have received more than $40 billion in subsidies and tax incentives since 1996. I repeat, $40 billion Yet, this bill not only mandates that we more than double our ethanol use, but provides even more subsidies for the industry. In the next 5 years, CBO estimates that the loan guarantee program by itself will cost $110 million, while CRS estimates that the tax incentives for ethanol will cost taxpayers $37.7 billion. Furthermore, according to the Energy Information Administration, a mandate of five billion gallons would cost between $6.7 and $8 billion a year—forcing Americans to pay more for gasoline. Not surprisingly, the 8 billion gallon mandate will cost even more.

Professor David Pimentel, of the College of Agriculture and Life Sciences at Cornell, has studied ethanol. He is a true expert on the ''corn-to-car'' fuel process. His verdict, in a recent study: ''Abusing our precious croplands to grow corn for an energy-inefficient process that yields low-grade automobile fuel amounts to unsustainable, subsidized food burning.'' It isn't efficient, and will impede the natural innovation in clean fuels that would occur with a competitive market, free of the government's manipulation.

Ethanol is not the only mandate in the bill. This Energy bill also ignores state law and mandates a national one-size-fits-all renewable portfolio standard (RPS) for electricity. Currently, 19 States, including Arizona, and the District of Columbia have their own renewable standards. In Arizona, a State that gets its electricity mainly from coal, natural gas, and hydro facilities, our Corporation Commission has tailored the State's renewable standard to our unique circumstance as a desert State that receives a lot of sunshine, little wind, and has few other renewable resources. The current Arizona standard is 1.1 percent, of which 60 percent must come from solar energy. While solar energy is abundant in Arizona, it costs 3–5 times more than conventional energy and 2–4 times more than other more cost effective renewable energy such as wind and geothermal—a fact that is reflected in the Arizona standard. The Arizona Corporation Commission has recently proposed raising the State's renewable standard and changing the mix of alternative sources that would be acceptable. This proposal, however, is part of an open, collaborative process. All stakeholders have had the chance to submit comments both supporting, opposing, and refining the change. The Corporation Commission will weigh the costs to Arizona ratepayers, and is more likely than the Congress to find a renewable standard that works for Arizona.

Unfortunately, the Senate RPS requirement does not have Arizona ratepayers in mind. Utilities in Arizona will be forced, under this bill, to comply with both the State mandate and the Senate's RPS mandate that has different requirements. To meet the Senate's mandate, the bill punishes States that lack reasonably priced renewable resources such as wind and geothermal, hydroelectricity cannot be used under the Senate bill, by forcing them to go buy credits from wind-rich parts of the country or to buy those credits from the Federal Government for $ .015/kwh, adjusted for inflation. That means that if a State cannot find a renewable source that costs less than the conventional price of energy plus $.015/kwh, then it is cheaper to buy the government credit. Arizona simply does not have renewable resources that can compete with the Senate bill's $0.015/kwh RPS penalty. Paying the penalty will be more cost effective than producing solar energy or acquiring other renewable resources. The effective result will be a transfer of wealth from Arizonans to renewable-rich states or to the Federal Government. For my home State of Arizona, electricity rates will rise.

A nationwide renewable portfolio standard is, therefore, not only duplicative in Arizona, it would raise consumers' electricity prices and create inequities among States. In simplest terms, an RPS mandate would require electric utilities to forego inexpensive conventional energy for more expensive renewable technologies or purchase renewable energy credits from the Federal Government. Either way, an RPS mandate will result in an expensive, hidden tax on electricity consumers.

Now for the tax title. My overarching concern is that Congress continues to try to use special interest tax subsidies to set an industrial policy—failed strategy of ''Government knows best''—on the strongest and most dynamic economy in the developed world.

I share the concerns of many of my colleagues that the budget deficit demonstrates a lack of wise stewardship of taxpayer dollars. The only way we will get the budget back into balance is to

enact policies that support economic growth and spend taxpayer dollars with care.

Almost exactly 2 years ago, Congress, working with President Bush, approved one of the most important and best-designed tax cuts in recent memory: the jobs and growth tax bill. Quite simply, it cut tax rates on income and on dividends and capital gains. We know from widely accepted economic studies—most recently from our 2004 Nobel-Prize winning economist, Dr. Prescott from Arizona State University—that high tax rates discourage work, savings and investment and that to encourage these favorable economic activities, the best thing we can do is keep tax rates low and get out of the way.

When our economy is growing and businesses and individuals are making money they pay more in taxes, meaning the Government collects more revenue, even at lower rates—indeed, because of the lower rates. So far this year, Federal tax revenues are up significantly. From October 1 through April 30, revenues climbed by $146 billion to a total of $1.216 trillion; an increase of 13.6 percent over a year earlier and four or five times the inflation rate. Income tax receipts are up $66 billion, or 16 percent, to $547 billion. Corporate income tax receipts are rising even faster, up 48 percent to $134 billion.

Capital gains tax revenue is set to exceed the Government forecasts by $14 billion this fiscal year and by $16 billion in fiscal year 06. Roughly $5 billion of the dividend tax cut has been recouped through higher than expected dividend payments. These are the kind of tax policies Congress ought to be pursuing. Instead, we are spending over $18 billion on tax subsidies for the energy industry—subsidies that will not generate economic growth and that will not make a dent in our dependence on foreign oil.

The tax subsidies in this bill are exactly the wrong approach. Government should not try to force taxpayers into one favored type of investment by providing tax subsidies for that investment. If an investment is not economically viable without a Government subsidy, then perhaps it is not an activity that ought to be encouraged with taxpayer dollars. And if a technology is already viable without a taxpayer-financed subsidy, then we should not devote scarce resources to encourage what is already happening in the free market.

My primary complaint has to do with the use of tax credits by the Government. The Federal Government uses tax credits to induce individuals or businesses to engage in favored activities. This can distort the market and cause individuals or businesses to undertake unproductive economic activity that they might not have done absent the inducement. Tax credits are really appropriations that are run through the Internal Revenue Code and are a way to give Federal subsidies, disguised as tax cuts, to favored constituencies. It is something we should do sparingly—very sparingly. While tax credits can be effective in encouraging activities we consider laudable for one reason or another, I believe that, as stewards of the taxpayers' money, we must only support those credits that provide broad benefit to all taxpayers and that are worth the revenue they will cost the Federal Treasury.

I do not believe that any of the tax credits in the bill meet these tests. The bill extends and expands the credit provided in section 45 of the Code. This credit is available on a per-kilowatt-hour basis for energy produced from wind, solar, closed-loop biomass, open-loop biomass, geothermal, small irrigation, and municipal solid waste. I believe that the credit for wind energy should have sunset several years ago. Wind energy has been provided this credit since 1992, and if it is not competitive after a decade of taxpayer subsidies, it will never be competitive. In 2001, the wind industry was in fact touting its great success and competitiveness with other forms of energy, but here we are extending the wind credit for 3 more years. I wager that we will still be paying for the ''temporary'' advantage being given to these new energy forms a decade from now.

At best, we don't know whether the existing tax subsidies that this legislation extends work at all because we have never subjected them to a comprehensive review. At worst, we are simply funneling taxpayer dollars that could be better used by private individuals in the free market to favored constituencies. During the markup of the tax title in the Finance Committee, many of my colleagues on the Committee expressed sympathy with my concern that Congress passes a myriad of credits and incentives to encourage favored activities, but we never go back to see if the subsidies are working as intended. I am hoping that I can work with my colleagues who expressed these concerns to ask for a Government Accountability Office study of the many subsidies and incentives included in this legislation to track their cost and effectiveness.

One subsidy we ought to watch closely is the alternative fuel vehicle subsidy. As much as we all support the goal of cleaner air, we must be careful not to create more problems than we solve. In my own State of Arizona, an alternative fuels subsidy program had to be repealed when its many scandalous deficiencies were exposed. Nor has there been any evidence that the vehicles to which the subsidy applies aren't simply priced higher by the amount of the subsidy. I have serious questions about whether the incentives are necessary and whether it is appropriate to use the tax code to persuade taxpayers to purchase one type of vehicle over another.

I know hybrid cars and alternative fuel cars are very popular, so Senators may hesitate to stand in the way of tax incentives for people to buy them. But I believe their very popularity argues that there is no need for the tax incentives. People are buying them today without being coaxed by the Federal Government. I hope we can agree to have the GAO study this new credit to determine how much the provision is really costing, how effective it is at encouraging the purchase of alternative fuel vehicles, and how long the credit will be needed.

I have spoken of the ''bad'' in the bill, now I want to discuss what is ''good''. I have been particularly interested in the provisions in the electricity title that are designed to restructure our electricity markets. Some of my colleagues have been tempted to move immediately to completely unregulated electricity markets; others favored imposing a more stringent regulatory regime as a result of problems in California.

Representing Arizona, I was well aware of the problems stemming from the California energy crisis but cannot agree with those who say the solution is to return to a command-and-control regulatory structure. I continue to believe that the most efficient way to allocate resources is through competitive markets. The bill encourages competitive markets while ensuring that safety and reliability are maintained. The reliability provisions of the electricity title will convert the current voluntary system of reliability procedures to a mandatory system that all utilities must follow, but that is sensitive to regional differences in the electricity grid. The electricity title also repeals the Public Utility Holding Company Act of 1935. As we all know, our energy markets have evolved significantly since the era of the Great Depression. State regulators are smarter, more well equipped, and able to protect consumers from the ills that gave rise to the Public Utility Holding Company Act of 1935 nearly 70 years ago.

On the downside, the electricity title also contains unfortunate provisions that would grant the Federal Energy Regulatory Commission (FERC) additional authority to regulate generation, natural gas utilities, and holding companies. Giving FERC new merger authority is going in the wrong direction. Utility mergers and acquisitions are already subject to multiple and overlapping reviews by FERC, SEC, DOJ, FTC, and the States. FERC uses exactly the same merger review guidelines as the antitrust agencies, DOJ and FTC—thus FERC performs essentially the same review those agencies already perform. There is no need to add new layers of review.

I have often expressed my concern with what some industry officials have termed a jurisdictional reach by FERC into the delivery of power to retail customers. The service obligation amendment that I worked on with the chairman has been included in this package, and I believe it provides a commonsense way to promote competitive markets while preserving the reliability

that retail electric consumers expect and deserve. In its actions governing access to transmission systems, FERC has not adequately ensured that the native load customers, for whom the system was constructed, can rely on the system to keep the lights on. The bill adds a new section 218 to the Federal Power Act to ensure that native load customers' rights to the system, including load growth, are protected.

It is also worth noting that the Energy bill expands jurisdiction over those stakeholders in electric markets that were previously unregulated by the FERC. The ''FERC-lite'' provision that addresses the Federal Energy Regulatory Commission's efforts to provide open access over all transmission facilities in the United States again, in my mind, strikes the right balance. It requires FERC to ensure that transmission owners—whether they are municipal utilities, power marketing administrations, or electric cooperatives—deliver power at terms that are not discriminatory or preferential. However, this provision is limited and does not give FERC the ability to begin regulating the rate-setting activities of these organizations. FERC-lite does not confer further authority to FERC over public power systems. FERC cannot order structural or organizational changes in an unregulated transmitting utility to comply with this section. For example, if an integrated utility providing a bundled retail service operates transmission distribution and retail sales out of a single operational office, the Commission cannot require functional separation of transmission operations from retail sales operations.

Gratifying, as well, is that the Senate bill has not pursued a command-and-control approach with respect to regional transmission organizations, or RTOs. I believe the best approach, which is captured in this bill, is for FERC to provide incentives to encourage membership in RTOs and independent system operators. As lawmakers, we need to be sensitive to the policy changes we propose and how the laws we draft will affect Wall Street and the markets, and we must make sure we promote the investments that are needed. This is a prime example of how the Energy bill has sought to advance policies to which the investment community can respond favorably.

So, in conclusion, while this bill includes several meritorious provisions, especially the electricity title, I must vote against it because of the $ 18.4 billion in tax subsidies and the bill's irresponsible manipulation of the energy markets through an ethanol mandate and a national renewable portfolio standard. I hope that the conference of the House and the Senate is able to address these issues so that I can support this bill in the future.

Mr. ALLEN. Mr. President, as we consider the possibilities and challenges that face our great Nation and the tremendous dependence we have on foreign sources of oil, every effort to reduce that dependence becomes a key point for consideration by the Congress. In addition, the growing demand for oil by China and India only intensifies the need for action. We must become less reliant on foreign sources of oil and natural gas from unstable parts of the world.

I have been made aware that by reducing fuel consumption in the aviation sector through implementation of an idle reduction technology we would see fuel reductions in excess of 90 million barrels of petroleum each year after full implementation.

Implementing this type of technology would also greatly reduce the associated mobile source emissions greatly benefiting our metropolitan areas facing EPA nonattainment and the losses associated this categorization. The airline industry and the general public would also benefit from such technology through reduced costs and environmental improvements.

According to DOT, expenses for U.S. commercial airlines, fuel and oil expenses were equal to those of labor which has historically been the single largest expense for the carriers. By reducing the amount of fuel required through idle reduction technology, the U.S. commercial airlines could save well over $4 billion in fuel costs at today's fuel prices, a large percentage of the estimated losses for this year.

Applying innovative technology applications in this manner will assist in reducing our overall dependence on foreign oil while providing other benefits as well.

The Energy bill that has passed today includes support for research and development for optimizing fuel efficiency for commercial aircrafts. This is an important step in the right direction for America's energy future.

Mr. LEAHY. Mr. President, today we are voting on the Energy bill, which provides Congress with a historic opportunity. We should seize this opportunity and ensure that as this legislation goes to conference, the NOPEC bill, S. 555, remains an essential part of the underlying legislation.

America's fuel crisis continues to take hard-earned money from our families, farmers, and businesses. When President Bush took office, the price of 1 gallon of regular gasoline was about $1.45. Today, that same gallon will cost an American at the pump more than $2.20. And yesterday, our financial markets closed with the ominous and unprecedented news that a barrel of crude oil now sells for more than $60 per barrel. We know that these prices have a real impact—a major shipping carrier announced disappointing earnings last week in part due to the high price of fuel—and yet the administration has done nothing to address the situation.

In the face of continued inaction from the White House, it is time for Congress to substitute action for talk. It is time for us to finally pass NOPEC as part of the larger Energy bill.

We should have considered and passed this bill, S. 555, on its own. This bill passed out of the Judiciary Committee for a second time with overwhelming support earlier this year. I have repeatedly called for its consideration by the Senate over the last several months. It is long past time for the Congress to hold OPEC accountable for its anticompetitive behavior. This amendment will release the United States from being at the mercy of the OPEC cartel by making them subject to our antitrust laws. It will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and other anticompetitive activities in this regard.

The President's solution to high gasoline prices this summer is to open the Arctic National Wildlife Refuge, pristine wilderness area, to oil drilling. But drilling in ANWR will not provide any new oil for at least 7 to 12 years and will take an environmental toll. ANWR drilling will do absolutely nothing to help working Americans who have sticker shock at the gas pump or who will be facing record-high home heating prices in a few months. The Bush administration admits that its energy policies include no immediate help for gas prices and no short-term solutions.

The NOPEC bill is a unique element of this legislation. It can do something immediately to help relieve the situation we face every time we fill-up at the pump. We should insist that it be retained, enacted, and implemented. I hope that Republican leadership does not demand this provision be removed but that if it does, the Senate stands firm on behalf of the American people. We should not squander this opportunity to address the real concerns of the American public.

Mr. FEINGOLD. Mr. President, I voted in favor of the Bond-Levin amendment regarding CAFE standards, and I want to explain my views in detail. Fuel efficiency is a critically important issue for our country, for my home State of Wisconsin, and for our future. I remain committed to the goal that significant improvements in automobile and light truck fuel efficiency can be achieved over an appropriate time frame. My vote for the Levin-Bond is entirely consistent with that goal.

The Levin-Bond amendment seeks to renew the Department of Transportation's role in setting CAFE standards, acting through the National Highway Traffic Safety Administration, NHTSA. If Congress does not act to try to restore normalcy to the NHTSA process, we will keep having these fights which Congress attempts to either block or set CAFE standards, every 20 years or so, when the political will is sufficient to do so. NHTSA will never be able to carry out the normal process of reviewing and incrementally improving fuel efficiency for automobiles and light trucks, as Congress

originally intended when it passed the CAFE law in the 1970s.

Both interest groups battling over the CAFE issue, the auto manufacturers and the environmental community, have switched their positions in this debate on this bill over the past several years. The auto industry, which once wanted CAFE perpetually frozen with a rider to an appropriations bill, now supports the Levin amendment. The environmental community, which once opposed the rider and wanted NHTSA to act, now wants Congress to set the standard rather than NHTSA. With my vote, I am maintaining my consistent position on this issue.

As I stated on the Senate floor in the debate on the CAFE rider on June 15, 2000, my vote was about ''Congress getting out of the way and letting a Federal agency meet the requirements of Federal law originally imposed by Congress.'' I supported removing the rider back in 2000 because I was concerned that Congress has for more than 5 years blocked NHTSA from meeting its legal duty to evaluate whether there is a need to modify fuel economy standards.

As I made clear in 2000, 2002, 2003 and many other previous debates on this issue, I have made no determination about what fuel economy standards should be, though I do think that an increase is possible. NHTSA has the authority to set new standards for a given model year, taking into account several factors; technological feasibility, economic practicability, other vehicle standards such as those for safety and environmental performance, the need to conserve energy, and the recommendations of the National Academy of Sciences. I want NHTSA to fully and fairly evaluate all the criteria, and then make an objective recommendation on the basis of those facts. I expect NHTSA to consult with all interested parties—unions, environmental interests, auto manufacturers, and other interested citizens—in developing this rule. And, I expect NHTSA to act, and if it does not, this amendment requires Congress to act on a standard.

In opposing the Levin-Bond amendment, some subscribe to the view that NHTSA has a particular agenda and will recommend weak standards. I do not support that view.

NHTSA should be allowed to set this standard. Congress is not the best forum for understanding whether or not improvements in fuel economy can and should be made using existing technologies or whether emerging technologies may have the potential to improve fuel economy. Changes in fuel economy standards could have a variety of consequences. I seek to understand those consequences and to balance the concerns of those interested in seeing improvements to fuel economy as a means of reducing gasoline consumption and associated pollution.

In the end, I would like to see that Wisconsin consumers, indeed all consumers, have a wide range of new, more fuel efficient automobiles, SUVs, and trucks available to them, taking into account all appropriate energy, technological and economic factors. That balancing is required by the law. I expect NHTSA to proceed in a manner consistent with the law by fully considering all those factors, and this amendment ensures they do so.

In supporting this amendment, I maintain the position that it is my job to ensure that the agency responsible for setting fuel economy be allowed to do its job. I expect it to be fair and neutral in that process, and I will work with interested Wisconsinites to ensure that their views are represented and that the regulatory process proceeds in a fair and reasonable manner toward whatever conclusions the merits will support.

Mr. ALLEN. Mr. President, I rise today to talk about an important innovative in manufacturing related to America's needs for clean, reliable, and affordable energy that is important for national security, American jobs, and our competitiveness in the global marketplace.

In the Commonwealth of Virginia, we are fortunate to have a competitive manufacturing industry representing several sectors from pharmaceuticals to fire safety to paper products to refining. Virginia is also fortunate to have a strong base of smaller, progressive companies that are producing products that help America achieve cleaner air standards and decrease our dependence on foreign sources of energy.

One such company advancing these priorities is Afton Chemical located in Richmond, VA. Founded in 1921, Afton is a full-service global petroleum additives supplier. It has a strong commitment to innovative technology and world-class research. It operates a state-of-the-art research facility in Richmond and a European research and test facility in Bracknell, Berkshire, England. It has manufacturing facilities worldwide.

Afton develops, manufactures, blends, and delivers chemical additives that enhance the performance of petroleum products. One of these additives, MMT, is an organic-based fuel additive designed to boost octane levels in gasoline. MMT is used commercially in the United States and throughout the world. The product is added into fuel at very small concentrations.

MMT provides refiners with an economical octane improver. MMT achieves emission reductions by lessening the degree to which a barrel of crude oil has to be processed to make a gallon of gasoline. Because less refining is needed, fewer emissions are emitted to the air. Those fewer emissions include greenhouse gas emissions. Because less refining per barrel of crude is needed, a barrel of oil goes a lot further; thereby increasing refinery capacity.

In fact, refinery studies have shown that MMT, if used in all gasoline in the United States, would save up to 30 million barrels a year of crude oil, reducing our dependence on foreign oil. At today's crude oil prices, that is nearly $2 billion per year. Because refiners using MMT operate under less severe conditions, refinery emissions of greenhouse gases can also be reduced by millions of tons per year.

Now, more than ever, with high gasoline prices and greater dependence on foreign oil from unstable countries, we need products that help conserve oil and result in more efficient refining of oil. Afton Chemical has made production of cleaner burning fuel additives a priority. And because of their efforts in this area, I applaud their efforts in increasing energy efficiencies.

I am proud of all the companies in Virginia, like Afton, that are innovating to find solutions for more efficient, cleaner burning, and less toxic fuels for America's energy needs. Whether these companies are producing MMT or biodiesel made from home-grown Virginia soybeans, innovators from the Commonwealth are creating energy solutions to strengthen our national security, create new jobs and save current ones and most importantly, increase our competitiveness in the global marketplace.

Mr. BIDEN. Mr. President, today I joined my colleagues in voting for the Energy Policy Act of 2005 which passed the Senate by a vote 85 to 12. This legislation is not perfect, but it is a bipartisan framework that offers the basis of a comprehensive and balanced plan to address the energy needs of our country.

This bill takes important steps in shifting our dependence away from foreign oil. It spurs the development of renewable sources—biodiesel, wind, solar, and geothermal. Importantly, the Senate-passed bill contains a national renewable portfolio standard, requiring utilities to generate at least 10 percent of their electricity from renewable energy sources by 2020. The legislation also requires that we quadruple the amount of renewable fuels, such as ethanol, used annually in gasoline. Furthermore, this bill advances conservation by promoting energy-efficient homes and appliances, fuel cell vehicles, hybrid vehicles, and alternative fuel vehicles.

Among my greatest disappointments, however, is the Senate's failure to adopt the McCain-Lieberman climate stewardship amendment to establish an effective domestic program to reduce greenhouse gas emissions, and the Kerry-Biden resolution to return the United States to its leadership role in the global deliberations on climate change. We have to be creative and to recognize the many different ways we can begin to make real progress in reducing greenhouse gas emissions, with the goal of stabilizing the still-growing human impact on our climate. By not adopting these amendments, the Senate missed the chance to get back on the right side of history.

Although I supported passage of this bill before us today, I have grave concerns about what may be brought back to the Senate after final negotiations with the House of Representatives. If certain provisions in the House-passed Energy bill, including those that permit leasing the Arctic National Wildlife Refuge for oil and gas development, are in the conference report, I will not support passage of the bill. If the conference report steals from these new investments in renewable energy and diverts even more taxpayer dollars to oil companies, when this week oil is at $60 a barrel, I will not support passage of the bill. We have seen comprehensive energy policy legislation doomed in the past when those negotiating the final bill have sacrificed the long-term interests that we all share for short-sighted special interests. I urge my colleagues to preserve the progress toward energy independence promised in the bipartisan bill passed today.

Mr. KOHL. Mr. President, I rise today in support of the Energy bill. This country needs a coherent policy to meet the growing demand for energy that comes with economic growth. America needs a supply of affordable, reliable energy. We need an Energy bill that will give us lower prices, a cleaner environment, greater consumer protection and I believe this current version of the Senate Energy bill does just that.

We in Congress have had an opportunity to craft a far-reaching and progressive energy policy for this country. I believe we owe it to the American people to put together a well balanced plan that meets the needs of everyone, consumers and industry alike, instead of playing favorites and leaving the taxpayers with the bill. Unlike the House version, I am pleased that the Senate version of the Energy bill does not give the makers of the gasoline additive MTBE liability protection from environmental lawsuits. In the past MTBE has been a very contentious issue in the Energy bill, but I am optimistic that the Senate and House can garner an agreement on the MTBE provision. .

I support alternative energy development and I believe this legislation provides the necessary incentives for the development of alternative forms of energy. The bill protects the economic and environmental health of our country by encouraging the use of alternative power sources, including solar, wind, biomass, hydrogen, geothermal, and other renewable energy resources. By including a ten percent Renewable Portfolio Standard for utilities, the Senate took a bold step toward the promotion of clean, sustainable energy. I have long believed that our Nation must implement a sensible national energy policy which emphasizes greater energy conservation and efficiency, as well as the development of renewable resources.

Recent events in the Middle East, coupled with the environmental problems associated with the use of fossil fuels, have only increased the need for such a comprehensive policy. Simply put, we cannot continue to rely on imported oil to meet such a large part of our Nation's energy needs. This dependence places our economic security at great risk. At present, petroleum imports account for fully one-half of our national oil use and one-third of our trade deficit. In addition, the use of oil and other fossil fuels contributes to global climate change, air pollution, and acid rain. For these reasons I supported a strong ethanol mandate in the bill, to help improve our energy independence and help clean the environment.

This legislation, which I voted for, is not the perfect answer for solving our energy problems in this county. Few pieces of legislation that we vote on are, but I believe this legislation takes the right steps in helping our country move toward a more self-sufficient and well balanced society for our energy needs.

Mr. BUNNING. Mr. President, the provisions in the Energy bill will greatly improve the ability of electricity transmission operators to ensure the reliability of our grid, especially with the help of new technologies.

I want to make the Department of Energy and Federal Government aware that there is a company in my State that currently provides independent real-time energy information. This company's patented technology collects power supply information using a network of remote, wireless devices to monitor multiple points on the transmission grid. This information is provided to utilities, Federal agencies, and others responsible for monitoring our critical energy infrastructure and the markets associated with that infrastructure. I applaud them for their ingenuity and efforts to further increase the reliability of our electricity transmission grid.

It is my understanding that the Federal Government is looking at developing monitoring technology similar to the technology of other companies such as the one in my State and other States. I want to implore to the Department of Energy and other Federal Government agencies to not choke out these new innovations already being developed and deployed in the private marketplace. I ask that the Federal Government consider the new technologies already commercially deployed when examining the role the Federal Government should play when developing these new abilities.

Mrs. CLINTON. Mr. President, I rise to speak on the energy bill. I am pleased to say that I support this bill.

The bill includes provisions that will help develop new energy sources and technologies, encourage conservation and increased energy efficiency, improve the reliability of our electricity system, and address the challenge of climate change. I think that it should go further in some respects—particularly in making us less dependent on foreign oil. But overall, it represents a step in the right direction.

First, I want to discuss several provisions that I think are extremely important in helping us develop new energy sources and technologies. It is true that in the coming decades we will continue to rely heavily on traditional energy resources such as fossil fuels to heat and light our homes and power our cars. But there are new sources of energy and new energy technologies that offer great potential to help us meet many of these needs. We need to move beyond fossil fuels, and that goal must be a top priority of our national energy policy.

Hydrogen fuels cells are clearly one of the energy technologies that offer great promise. I am extremely pleased that the bill includes the major provisions of the Hydrogen and Fuel Cell Technology Act of 2005 that I have worked on for years with Senator DORGAN. This ambitious legislation authorizes significant funding for hydrogen research and development and sets aggressive goals for the deployment of hydrogen technologies. The research and development components authorize $3.75 billion over the next 5 years for work on hydrogen fuel cells, hydrogen powered automobiles, and a nationwide fueling infrastructure. But in addition to funding, the legislation sets ambitious goals for deployment of fuel cells in transportation: 100,000 hydrogen-fueled vehicles on the road in the United States by 2010, and 2.5 million on the road by 2020.

I am also pleased that the bill includes significant provisions to promote the development of renewable energy. It includes an extension of the wind production tax credit, which is critical to the continued deployment of windmills to generate electricity in New York and across the country. In addition, I am extremely pleased that the Senate adopted an amendment that I cosponsored to put a renewable portfolio standard into place. Under the amendment offered by Senator BINGAMAN, electricity producers will need to increase gradually the percentage generated from renewable sources to 10 percent by the year 2020. This is an important step forward, and I think it is critical that we retain this provision in conference.

In addition, the bill includes provisions to help us continue to develop clean coal technology. Coal is by no means new, but it is incredibly abundant here in the United States, and needs to continue to be a cornerstone of our future energy policy. Continued investment in clean coal technology not only offers the promise of new, clean coal plants here in the United States; it also means the development of technology that we can export. To accomplish these goals, the bill includes a Clean Coal Power Initiative that will provide $200 million annually for clean coal research into coal-based gasification and combustion technologies.

During Senate debate on the Energy bill, an amendment that establishes a renewable fuels standard was added to the bill. I strongly believe that ethanol has a role to play in helping to reduce our dependence on foreign oil, and the renewable fuels amendment contains elements that I support. For example, the renewables fuels standard provides incentives for the development of cellulosic ethanol, something that has the potential to be produced economically in New York. In fact, there is an exciting project underway to convert an old Miller Brewery in upstate New York to produce ethanol. This project, which is slated to begin production in the next year, will start with corn as a feedstock, but ultimately plans to use local hardwoods as feedstock. After extracting sugars from the wood, the chips would then be available as a raw material to pulp and paper mills in the area. The renewable fuels amendment can help to move this technology and this project along.

In spite of these and other positive aspects of the renewable fuels amendment, I could not support it as a whole because I believe it will lead to higher gasoline prices for New York consumers. In addition, I am concerned that unless measures are adopted to address the increased evaporative emissions caused by blending ethanol in gasoline, the amendment will make it more difficult for New York to reduce smog to meet the new federal health standards.

In addition to provisions to promote new energy sources, the bill includes excellent conservation and energy efficiency measures, which are the fastest and most lasting way to reduce our energy consumption. For example, the bill sets new efficiency standards for appliances and projects such as commercial refrigerators, freezers, and refrigerator-freezers, battery chargers, distribution transformers and commercial clothes washers. According to the American Council for an Energy Efficient Economy, these efficiency provisions, along with the others in the bill, will save 1.1 trillion cubic feet of natural gas and reduce peak electric demand by 50,000 megawatts by the year 2020. This reduction in peak demand means that we will eliminate the need to build 170 300 megawatt power plants. We need to retain these strong measures in conference.

While the bill does not go as far as I would like in terms of reducing our dependence on foreign oil, it does contain a provision that would reduce U.S. oil consumption by 1 million barrels of oil per day by 2015. It is critical that we retain this provision in conference.

As we approach the second anniversary of the August 2003 blackout, it is unbelievable to me that Congress has not yet adopted the top recommendation of the blackout task force—passing mandatory, enforceable reliability standards. I am pleased that this Energy bill contains these standards, but if the legislation stalls, then I will push for a stand-alone bill to put these standards in place, as I have in the past.

The Energy bill also includes legislation that I recently introduced as cosponsored with Senator VOINOVICH. The legislation would create a grant program at the U.S. Environmental Protection Agency to promote the reduction of diesel emissions. The bill authorizes $1 billion over five years to help in the retrofitting and replacement of existing diesel engines. This program will help to reduce harmful fine particulate emissions in a cost-effective way. In fact, EPA estimates that diesel retrofits yield $13 of health for every $1 spent on them.

Finally, I am pleased that the Senate is now on record in this legislation as supporting a mandatory program to start reducing the greenhouse gas emissions that are contributing to climate change. I think this represents a step forward for the Senate, and I hope that the Senate will follow this sense of the Senate amendment with the passage of legislation soon to put such a program in place.

This is by no means a perfect bill. I have mentioned some of the things that I think are lacking. But on balance, I think this bill represents a major step forward. I am pleased to back it.

However, as we pass this bill out of the Senate, I have to say that I am extremely wary of conference. I was dismayed that the Energy bill voted out by the House this year was even worse than what came out of the House last year. Again, it contains a liability waiver for the gasoline additive MTBE. MTBE has contaminated groundwater in New York and across the country. According to two new studies, commissioned by the American Water Works Association, AWWA, and the Association of Metropolitan Water Agencies, AMWA, the clean-up costs are likely to be in the range of $25–$33.2 billion and could be as high as $85 billion or more. If this provision is retained in conference, I will have no choice but to again oppose the Energy bill when it comes back from conference. In addition, I think it is critical that the many of the key features of the Senate bill—including the renewable portfolio standard and the strong energy efficiency provisions—be retained in conference.

Mr. CORZINE. Mr. President, I rise to express my opposition to the Senate Energy bill. I first want to commend and thank my colleagues, the Senators from New Mexico, for their hard work in getting this bill to the floor and ensuring fair debate on these important issues. They have worked tirelessly and in a bipartisan fashion to craft this bill and deserve our gratitude.

This Nation needs an energy policy that steers us toward energy independence, innovation and conservation. Unfortunately, however, I believe the bill in the Senate does not embody a sound overall energy policy, and requires a no vote.

The American people deserve an energy policy that truly reflects our national priorities and promotes energy independence. An effective energy policy must: reduce U.S. dependence on foreign oil; address climate change in a meaningful way; promote energy efficiency through fuel efficiency; expand our use of renewable energy sources; and protect the United States Outer Continental Shelf from offshore drilling.

Unfortunately, the bill we voted on today inadequately addresses these priorities.

We need an aggressive strategy to wean this country off of its reliance on foreign sources of energy. But this bill does nothing to reduce this Nation's dependence on foreign oil, or provide any relief for the soaring prices at the gas pump. The bill includes an oil savings goal of only one million barrels per day by 2015, and does not even provide a mechanism for enforcement. This is unacceptable. It would take savings of three to five million barrels per day to truly reduce our energy dependence. I supported the amendment offered by Senator CANTWELL to reduce imports of foreign oil by 40 percent over the next 20 years. Sadly, the majority of the Senate did not, and that amendment was not included in this bill.

In addition, the bill includes an 8-billion gallon ethanol mandate that will actually increase gas prices for many Americans. The cost of living in New Jersey is already one of the highest in the Nation, and the ethanol mandate will essentially add a new gas tax for New Jersey's residents. Furthermore, although the bill includes a higher renewable fuel standard level, this will not necessarily lead to more energy security, as its proponents claim. Increasing these levels would not significantly reduce U.S. oil imports because each gallon of gasoline blended with ethanol to make gasohol has less energy in it than regular gasoline, requiring increased petroleum product imports to make up that energy loss. Producing ethanol also requires a significant amount of fossil fuel. Finally, a larger renewable fuel standard could force the expanded use of ethanol in areas, such as New Jersey, and hinder—rather than help—state efforts to attain federal air quality standards.

Instead of establishing a national ethanol mandate, we should reduce the Nation's consumption of oil. A simple and cost effective way of doing this, would be to raise CAFE standards. In fact, improving the fuel economy of passenger vehicles not only reduces our dependence on foreign oil, but cuts global warming emissions and saves consumers thousands of dollars annually at the gas pump. Americans currently consume a little over 20 million barrels of oil per day. Senator DURBIN offered an amendment that would raise fuel economy standards from 27.5 to 40 miles per gallon by 2017 for all passenger vehicles and include SUVs in

the passenger vehicle category. The amendment would also increase the standards for pickup trucks and other nonpassenger vehicles from 21 miles per gallon to 27.5 miles per gallon. Raising these standards would save over 95 billion gallons of oil by 2016.

The Energy Information Administration projects that if we do nothing to raise CAFE standards, by 2020 Americans will be consuming 12 million barrels of oil per day for fuel use alone. If the Durbin amendment were passed, however, we would be saving 3 million barrels of oil per day or a reduction of 25 percent in gasoline consumption by the year 2020. Furthermore, if we had implemented the Durbin amendment in 2001, Americans would be saving $5 billion per year at the pump. This is an aggressive strategy that I feel is not only necessary, but long overdue.

The Senate had an opportunity to make important choices with this bill, and if you do a cost-benefit analysis, it is clear the Senate has made many wrong choices. I supported stricter CAFE standards and more aggressive oil savings, yet these amendments were not included in the bill we voted on today.

Instead, this bill does include a provision that I strongly opposed, the seismic inventory of the Outer Continental Shelf. I have been very clear about my opposition to any provision in this bill that will weaken the moratoria on drilling in the Outer Continental Shelf. As my colleagues know, I spent many hours on the Senate floor last week to ensure that no amendments were offered to weaken the moratoria. This step onto a slippery slope is only reemphasizing our dependency on oil and gas.

It is important to note that New Jersey is a State that already does its part in supporting energy production and refining for the Nation. Along with traditional power plants, we have three nuclear power plants, support siting of an LNG terminal and are looking into alternative energy sources. And New Jersey is the East Coast hub for oil refining. New Jersey is doing its part. New Jersey recognizes the variety of ways to generate energy. It can be done without offshore drilling.

Yet this bill includes a provision that would allow an inventory of all potential oil and natural gas resources in the entire Outer Continental Shelf, including areas off of the New Jersey coast. It is a slippery slope toward drilling, which would devastate New Jersey's beautiful beaches as well as its coastal tourism industry, an industry that supports over 800,000 jobs and generates $5.5 billion in revenue. And the seismic explosions are themselves dangerous to the environment and our offshore fisheries.

That is why I voted with my Florida colleagues and others to strike the inventory provision from the bill. But that amendment failed. That was the wrong choice. It makes no sense to sacrifice the economies and environmental sanctity of coastal States for what many energy analysts have said would not end the long-term trend of growing dependency on foreign oil. It is the wrong analysis, and the wrong decision and just one more example of how this Energy bill includes wrong choices.

Another problem with the bill before us is that it fails to effectively address a crucial issue that is paramount to our health, our environment, our economy and our way of life—climate change. The science is increasingly clear that greenhouse gas emissions caused by human activity are changing the earth's climate. The rest of the industrialized world understands the danger of this problem. Unless Congress acts in a meaningful way, the effects of global warming may be devastating to the worldwide economy and environment. Recognition by the Senate that global warming is indeed a problem is a first step. However, we cannot stop here. I supported an amendment to ensure real, immediate action on global warming. This amendment would require a reduction in carbon dioxide emission levels to 2000 levels by the year 2010. But, this important program is not included in this bill. This is a significant failure and misses the opportunity to address a problem that, without quick action, we will pass on to our children and grandchildren.

Finally, the underlying bill gives the Federal Government too much authority over the siting of liquefied natural gas terminals in their communities. I am very supportive of the proposed terminal in South Jersey, which is projected to provide energy to 4 to 5 million residences. Unfortunately, the State of Delaware has hampered the siting of this facility. These complications, however, do not justify ceding authority over New Jersey's choices about its energy supply to Washington. I am disappointed that the Senate failed to pass an amendment that would ensure States have authority over LNG terminal siting.

As you can see, I have many concerns about this bill. But there are some provisions that are steps in the right direction. The Senate included an amendment, which I supported, that requires a 10 percent renewable portfolio standard. I am proud that New Jersey is one of the first States to adopt its own 20 percent portfolio standard, and I am pleased that the rest of the Nation will take a step to follow with this important effort to expand renewable energy sources. In addition, this bill includes important tax incentives that promote energy efficiency. I am especially pleased that I was able to secure provisions in the energy efficiency title that encourage the Department of Housing and Urban Development and the public housing authorities it oversees to increase energy efficiency in public housing projects.

But these provisions are not enough to plug the weaknesses left in this bill. I voted this bill out of committee with the hopes that by bringing it to the Senate floor, my colleagues and I could greatly improve the bill. The committee markup was a fair and bipartisan process, and I was pleased to be a part of it. But if the goal is to create a comprehensive energy policy that will move this Nation in a direction of energy security and independence, then the bill we voted on today in the Senate will not achieve that goal. It is my hope that this bill will be improved in the conference committee, and I urge my colleagues to take these important issues into account as we move forward.

Mr. REED. Mr. President, I would like to take this opportunity to say a few words about the Energy Policy Act of 2005, H.R. 6. While I did not support the bill for several reasons, I do acknowledge that the bill is, in many respects, better than the bill the Senate rejected in 2003. I am pleased, for example, that the bill we are sending to conference does more to address the reliability of our electricity grid, contains a 10 percent renewable portfolio standard for electricity production, and does not include an unnecessary liability waiver for the MTBE industry.

We all agree that reliable, affordable energy is critical to the economic well being of our Nation. And increasingly, our Nation's energy policy is central to our national security. As I considered how to vote on the energy bill, I asked myself three questions. First, would this bill take meaningful action to reduce our dependence on foreign oil? Second, would the bill enhance homeland security? And third, is this $48 billion bill fiscally responsible and does it set the right priorities for our Nation?

As for the first question, unfortunately, I find that this bill does not do nearly enough to reduce our dependence on foreign oil.

Oil prices have recently soared to around $60 a barrel, a level that, even when adjusted for inflation, has not been seen in over 15 years. Imports of foreign oil are draining valuable economic resources out of our communities and Nation. The U.S. imports 4.5 billion barrels of oil per year. With prices up $20 a barrel over the past year, an increase that appears to be with us for the foreseeable future, we are experiencing an effective annual reduction in domestic income of $90 billion. That is $90 billion that we could better invest in energy efficiency and renewable energy, as well as police, firefighters, workforce training, and education for our children.

Over the next 10 years the world's daily energy demand will grow to nearly 100 million barrels. We will have to find an extra 50 million barrels of oil per day to meet that demand. The industry is already spending $200 billion a year to find oil, but even at that extraordinary level of investment, there are enormous difficulties in finding recoverable reserves to fill the gap between supply and demand. The United States has about 2 percent of the

world's oil reserves. We simply cannot drill our way out of this crisis.

Reducing our dependence on oil must be both a national energy and a national security priority. But that is not a high priority of this Energy bill. This bill fails to promote meaningful reductions in our oil dependence by casting aside a much-needed increase in CAFE standards for cars and by omitting Senator CANTWELL's 40 percent oil savings amendment.

According to the Rocky Mountain Institute, since 1975 the U.S. has doubled the economic activity wrung from each barrel of oil. Overall energy savings, worth about $365 billion in 2000 alone, are effectively the Nation's biggest and fastest-growing major energy source—equivalent to three times our total oil imports. CAFE standards were a primary reason for these savings. We must make even greater strides in fuel efficiency if we want to move our country towards true energy independence.

Gasoline consumption in the transportation sector represents about 44 percent of total oil consumption in the United States each year. If one includes diesel fuel, that number jumps to 57 percent. To bring about any serious reduction in our dependence on foreign oil we must increase the fuel efficiency of our cars and light trucks through an increase in CAFE standards, as well as by promoting the use of hybrids and vehicles that use alternative fuels. In model year 2002, the average fuel economy for cars and light trucks was 20.4 miles per gallon—a 22-year low. Yet, if performance and weight had stayed constant since 1981, the average fuel economy would have improved 33 percent—enough to displace the amount of oil we import from the Persian Gulf 2.5 times over. Not only will raising CAFE standards improve our energy security, it will also ensure our economic security. China is putting in place fuel efficiency rules that will be significantly more stringent than those in the United States. The Chinese standards call for new cars, vans, and sport utility vehicles to get as much as two miles a gallon of fuel more in 2005 than the average required in the U.S. and about five miles more in 2008. And they plan to export these cars to the United States. We need to improve efficiency to remain competitive.

For these reasons, I am an original cosponsor of S. 889, Senator FEINSTEIN's bill to close the SUV loophole by gradually increasing fuel efficiency standards for SUVs to 27.5 miles per gallon—the same standard that now applies to passenger cars—by 2011. The legislation would also require that the average fuel economy of new vehicles purchased by the Federal Government be increased by three miles per gallon by 2008 and six miles per gallon by 2011. In addition, the bill would increase the weight range within which vehicles are bound by CAFE standards, making it harder for automotive manufacturers to build SUVs too big to be regulated by CAFE standards. The legislation would save the United States 1 million barrels of oil a day; reduce our dependence on foreign oil imports by 10 percent; prevent about 240 million tons of carbon dioxide—the top greenhouse gas and the biggest single cause of global warming—from entering the atmosphere each year; and save SUV and light duty truck owners hundreds of dollars each year in gasoline costs. It is unfortunate that the Senate energy bill includes no provision to require increased CAFE standards so that we can make real progress in reducing our dependence on foreign oil.

Moving to my second question: would this bill enhance our homeland security? Unfortunately, it would not.

Consumption of natural gas is growing at a faster rate than for any other primary energy source and is growing in all sectors of the economy—families heat their homes with natural gas, businesses use natural gas to produce products, natural gas vehicles are becoming more common, and power producers generate cleaner energy with it. According to the Consumer Federation of America, since 2000, the toll of higher natural gas prices on consumers is an estimated $80 billion. Similar to oil, demand is growing faster than available supplies can be delivered and the tightening in supply is resulting in dramatic price volatility. One way to increase natural gas supply in the United States is through liquefied natural gas, known as LNG. Again, however, we would do well to learn from our lessons with oil. One-third of the world's proven reserves of natural gas are in the Middle East, nearly two-fifths are in Russia and its former satellites, and significant reserves exist in Nigeria and Algeria. Political stability and terrorism are very real threats to the reliability of natural gas from these countries.

On the domestic front, the siting of liquefied natural gas, LNG, import terminals is an issue that has taken on critical importance for me and for the people of Rhode Island in recent months, as the Federal Energy Regulatory Commission, FERC, is now considering proposals by KeySpan Energy and Weaver's Cove Energy to establish LNG import terminals in Providence, RI and Fall River, MA, respectively.

I recognize that natural gas is an important and growing component of New England and the Nation's energy supply, and that imported LNG offers a promising new supply source to complement our domestic natural gas supplies. In a post-September 11 world, however, we must consider the substantial safety and security risks associated with siting LNG marine terminals in urban communities and requiring LNG tankers to pass within close proximity to miles of densely populated coastline.

That is the major problem with the current siting process and with the underlying bill before us. While States do have certain environmental permitting authorities delegated to them under Federal laws like the Clean Water Act, the Clean Air Act, and the Coastal Zone Management Act, States have no clear authority over the siting of LNG terminals in the one area that everyone is most concerned about: public safety and security.

Senator FEINSTEIN and I offered an amendment that would have ensured that States have an authentic voice in the siting of LNG terminals by giving Governors the same authority to approve or disapprove onshore terminals that they now have over offshore terminals under the Deepwater Port Act. If a Governor has the right to say yes or no to an offshore LNG terminal, it only makes sense that he or she should have the same rights with respect to an LNG terminal located onshore or in State waters. The National Governors Association agreed and wrote in strong support of our amendment.

I know that some of the opponents of this amendment say this is all about NIMBY, or ''Not in My Backyard,'' as if the issue is that our constituents would just rather not have to see these storage tanks and large vessels. But it is a much more serious and complicated matter than that.

The Sandia National Laboratory released a report last December that said a terror attack on a tanker delivering LNG to a U.S. terminal could set off a fire so hot it would burn skin and damage buildings nearly a mile away. For the terminals proposed in New England, that means schools, libraries, and thousands of homes, all within the damage zone. We can argue about the odds of such an attack, but when new LNG terminals are already being developed nearby in the Canadian maritime provinces—an area with reliable pipeline access to New England—and the first U.S. offshore LNG facility recently began receiving deliveries, there is no justification for placing these terminals in the heart of our communities.

I again want to emphasize that I recognize LNG's important role in the energy infrastructure of Rhode Island and the Nation, and I look forward to working with my colleagues to ensure reliable supplies of natural gas to our homes and businesses. I am disappointed that the Feinstein-Reed amendment was defeated, but our efforts have just begun. For now, I hope the 45 votes the amendment received will send a strong message to FERC that the agency should work more closely with Governors and the State environmental and first responder agencies that have firsthand knowledge of the geography and population of our States, so that we can bring more natural gas to our communities while minimizing the risk to our citizens.

Finally, we must ask ourselves, is the $48 billion cost of this bill fiscally responsible given our growing national debt and cuts in funding for other priorities such as education, water infrastructure, and transit? For me, the answer is no.

Over 11 years, this bill would provide $18.2 billion in energy tax incentives for electricity infrastructure, fossil fuels supply, energy efficiency, renewables, and vehicle and fuel incentives. I want to commend the Finance Committee for its work on the energy efficiency and renewable energy incentives in the bill. However, I am disappointed that the bill provides nearly $6 billion in tax breaks for oil, gas, and coal, and in addition, provides tax credits for nuclear energy. These tax breaks are provided despite the fact that President Bush has repeatedly stated that we do not need tax breaks for the oil and gas industry given the high prices Americans are experiencing.

Regrettably, this Energy bill also contains the Archer Daniels Midland ethanol mandate. In 2003, the United States consumed only 2.8 billion gallons of ethanol. But starting in 2006, the Energy bill will require Americans to purchase 4 billion gallons of ethanol, then 8 billion gallons by 2012, and then increasing amounts every year after 2012 in perpetuity by a percentage equivalent to the proportion of ethanol in the entire U.S. gas supply. So in addition to the already high gas prices Americans are paying at the pump, they will now be charged a tax to unnecessarily subsidize the ethanol industry, which already benefits from an income tax credit of 51 cents per gallon of pure ethanol, as well as a 54 cents per gallon tariff on imported ethanol.

The bill also provides loan guarantees for so-called innovative technologies, including nuclear power, a provision that would cost taxpayers $600 million. The legislation sets no limits on the number of projects, or the total principal that could be guaranteed for these speculative investments. As the Congressional Budget Office, CBO, points out, if a borrower defaults on a loan, the Department of Energy could take over a facility to recoup losses, or the Department could take over a loan and make payments on the loan for the borrower. To quote the CBO, ''Such payments could result in DOE effectively providing a direct loan with as much as a 100 percent subsidy rate—essentially a grant—that could be used by the borrower to pay off its debt.'' Is this a responsible use of taxpayer dollars when we are dramatically cutting funding for education, clean water, and energy efficiency programs? In my opinion, the answer is no.

I believe the American people deserve a better Energy bill from the Senate. They deserve a bill that takes seriously the need to reduce our dependency on foreign oil. They deserve a bill that provides for both our national security and energy security. They deserve a bill that requires real reductions in the greenhouse gas emissions that cause global warming. They deserve a bill that reduces energy prices for consumers, not one that hands out unnecessary subsidies to industries. Unfortunately, if history is any indicator, this bill is going to get worse, not better, in conference with the House. I look forward to working with my colleagues to oppose the addition of MTBE liability waivers and any other onerous House provisions to the Energy bill. It is high time we gave the American people an Energy bill that deserves their full support.

Mr. McCAIN. Mr. President, I regret that the Senate has once again produced an Energy bill that does not serve either the present or future energy needs of our Nation. The provisions in this bill will not make us less dependent on foreign oil, will not enhance the reliability of the Nation's electricity grid, will not effectively promote energy efficiency and technological innovation, will not reduce the price of energy to consumers over time, and will not address our significant contribution to the serious problem of global warming.

While I commend the chairman and ranking member of the Energy Committee for the bipartisan process they have led throughout the debate, I cannot support the resulting bill. But I do want to acknowledge that compared to the last conference report on this issue, the measure before us is somewhat better in some respects and certainly more so than the recently passed House bill. For example, the Senate measure does include more emphasis on energy efficiency and renewable technology, doesn't include an MTBE waiver or hand-outs to Hooters, and a few special interests were left behind, although not enough.

However, when the price of gas reaches $3 a gallon, which some experts believe will occur within a year, and more manufacturing jobs are lost overseas due to soaring energy costs, and the next blackout occurs, and the wait lists for fuel-efficient cars grow even longer, and climatic changes increasingly affect American lives and livelihoods, the American public is surely going to judge that this Congress did not live up to the great challenge before it by passing a sound, far-reaching, national energy policy measure, despite the multiple years in the making. And, as we all know, Congress doesn't have any popularity points to squander at this time. But even more to the point is that we don't have the time to squander, now is the time we need to act to avoid disastrous economic and environmental consequences.

I am not spinning a doomsday scenario here, most of my colleagues appreciate the uncomfortable fact that these are our present energy supply realities. That is why I believe a more appropriate title for this bill would be ''The Lost Energy and Economic Opportunity Act of 2005.'' Opportunity lost because as a body we should have the vision and the political courage to craft national energy policy that addresses the serious energy problems before us with effective, identified solutions that put us on a new course—a more secure, reliable, and smarter course. Not the same tired path this bill treads, and spending an estimated $16 billion from the Federal Treasury to provide taxpayers' subsidies largely for wealthy energy producers and corporations.

With the passage of this bill, we will have lost the historic opportunity to craft a national energy policy that relies on the market realities of high priced oil and gas instead of taxpayer subsidies to drive our country in the direction of energy efficiency, security, and independence, as well as global environmental stewardship. It doesn't make fiscal or common sense to provide billions of taxpayer subsidies to encourage the production of energy by companies that are already gaining tremendous riches at today's sky high oil and gas prices. But this bill does just that—it gives tens of billions of taxpayer dollars to the oil, gas, and coal industries. And if this was not sufficient, the bill provides an unlimited number of loan guarantees for the construction and operation of fossil fuel and nuclear projects far into the future. As such, no one can accurately assess how much this bill will end up costing American taxpayers. We can say with certainty that it is many times more expensive than the $6.7 billion that the Administration wanted and even much more costly than the House bill at $8 billion. The tax incentives alone in the Senate bill are estimated to be more than $14 billion by the Joint Committee on Taxation. Remarkable generosity with scarce taxpayer funds.

My colleagues supporting this bill contend that these taxpayer subsidies are necessary to increase domestic energy supplies and provide incentives for technological innovation. I believe that these subsidies largely amount to a multi-billion-dollar maintenance of the status quo which will only perpetuate and exacerbate our current national energy and environmental problems for the foreseeable future.

Let me be clear. I understand the need to encourage the development and deployment of zero and low emission technologies. That is why Senator LIEBERMAN and I added a comprehensive technology title to the Climate Stewardship and Innovation Act which we offered as an amendment last week. But the incentives provided in our legislation are different in many respects from those in the Energy bill.

For example, we propose a cost-sharing program with industry for first-of-a-kind engineering designs of facilities using advanced coal gasification, nuclear, and solar technologies as well as large scale biofuel production. Subsequent users of the designs generated under the program would pay a ''royalty fee'' on a per facility basis which would be used to reimburse the overall costs of the program.

Following the design phase, loans or loan guarantees would be allowed for the construction phase of the first facility utilizing advanced coal gasification, nuclear, solar, and large scale

biofuel production technologies. These loans would be repaid at the end of the construction phase, and in the case of loan guarantees, the guarantees would terminate at the end of the construction phase. This is very different from the programs authorized under the base Energy bill which provides loan guarantees over the operational life of the facilities. The approach in the underlying bill leaves the taxpayers liable for a very long time, 30 years in some cases, as opposed to a construction period of maybe 5 years in our legislation. And in our bill, we envision all assistance would be funded through the revenues from the early auction of carbon allowances to industry rather than entirely from the taxpayers pockets as would be the case in the underlying bill.

Instead of our approach, the American public is going to be saddled entirely with the expense of this bill, which is running on empty—empty of new ideas—and further running up our deficit. The fuel we should be relying on to drive our national energy policy is American consumer demand. If we allowed consumer demand to drive our legislative actions, this bill would emphasize energy efficiency across all sectors of the economy and include a reasonable and progressive CAFE standard for SUVs and all other passenger vehicles. If it were up to American consumers, we wouldn't be imposing a meaningless 8 billion gallon ethanol mandate, but instead would be making it possible for people to obtain and operate their automobiles using clean and abundant biofuels that actually reduce our dependence on foreign oil and not just provide subsidies to the ethanol producers. If it were to the American public, we would not be repealing the Public Utility Holding Company Act, PUHCA, without replacing it with alternative protections for utility ratepayers, investors, and pension plans. Finally, if it were up to the American public, we would pass a bill that addresses global climate change: more than 75 percent of Americans believe that we need to reduce our greenhouse gas emissions and participate with our allies and other countries in a united effort. And in the process of reducing emissions, we would also improve the health of millions of Americans who suffer from asthma and other air quality-related conditions.

If these kind of policies were to be found in this bill not only would it satisfy the majority of the American public but it would significantly reduce our dependence on foreign oil while providing new jobs and financial benefits to the agricultural sector and a host of energy, technology, and service providers economy-wide. So why aren't we doing that in this bill? Why aren't we seizing the economic and environmental opportunities that are within our grasp, the available solutions to our current and future energy woes? There must be some good reason that we aren't giving the public what it wants but are giving special interests and rich corporations exactly what they want. I will leave that for the supporters of this bill to explain to the American public as we continue on our well-worn and convoluted energy path leading us no further than where we are right now. Only in the future, fuel prices will be higher, greenhouse gas emissions will be greater, and our economy, international relations, and environment will be in greater peril.

Ms. CANTWELL. Mr. President, I rise today to discuss the Senate energy bill that this body has passed today, on a resounding bipartisan vote of 85 to 12. For those of us on the Senate Energy and Natural Resources Committee, this day has been long in coming. Today is another milestone in the effort to craft a new energy plan for America; legislation that has been swirling around Capitol Hill in one form or another for at least the last 4 years.

I thank the chairman and ranking member of the Energy Committee for the skill and consideration they have shown in navigating a path forward for this legislation. It has taken a lot of work. But today's vote represents a concerted, bipartisan effort to find the compromises that can help move our nation forward on an energy strategy to meet the needs of a 21st century economy. The result has been a cleaner, more transparent process, and a cleaner energy plan for America.

I will not stand before this body today and suggest that this legislation is the solution to all of the challenges we are facing—and will continue to face for decades to come—when it comes to our national energy security. There are provisions contained in this lengthy and complicated bill that I do not agree with; and there are areas where this legislation does not go nearly far enough, particularly when it comes to curbing our dangerous overdependence on foreign oil imports, and tackling the emerging threat of global climate change. However, I am supporting this legislation because it represents a modest improvement on the status quo; and because I believe that this legislation is the beginning—rather than the end—of the Senate's consideration of these issues.

I have participated in this debate in the Energy Committee and on the Senate floor for the past 4 years, and I have listened intently to many of my colleagues and what they have had to say. I can tell you this: it seems to me that there is more agreement in this body today than at any other point in my memory as to the nature of the energy challenges we are facing as a nation, and the critical importance of addressing these problems if we want to ensure American competitiveness and economic security in the coming decades.

Four years ago, I do not believe many of us were discussing the impact of foreign, state-owned oil companies on our energy security. Few of us had recognized the emergence of China and India and what those countries' growing thirst for petroleum could mean to the dynamics of world energy markets and the American economy. Many Senators were skeptical about the potential market transformation that could occur with new hybrid vehicle technologies. Four years ago, there was far less consensus about the promise of new biofuel technologies using an array of different crops and materials. These technologies are capable of transforming the U.S. renewable fuels business from a boutique industry dominated by corn-growers to a real, national industry capable of displacing significant amounts of imported petroleum.

This Senate has come along way in four years—in thought, if not yet in deed. The fact the majority of Senators now recognize the need to address in a meaningful and binding way the threat of global climate change; and the fact that the majority of my colleagues now seem to recognize the perfect storm of economic and national security issues posed by our dependence on foreign oil are significant milestones. But I am disappointed that we do not yet have the same degree of unanimity on what to do about it.

That is why this legislation—and the debate about this legislation's successes and failings—is just the beginning. Our national energy security is an issue with which this country and its leaders absolutely must continue to grapple. When it comes to our Nation's oil dependence, America can and must make more progress. We must acknowledge the realities of geology and the international marketplace. Given that the U.S. sits on just 3 percent of the world's known oil reserves, we cannot drill our way to energy independence. And when any policymaker looks at the distribution of where the rest of those oil reserves lie—two-thirds of them in the Middle East—it becomes painfully obvious that the U.S. must step up and tackle this challenge head-on. Anything less jeopardizes our economic future and our national security.

I fundamentally believe that securing our Nation's energy future is among the biggest challenge faced by our generation. It is a challenge by which future generations of Americans will measure us. We did not get the job done with this particular Energy bill when it comes to America's energy security and dependence on foreign oil. Nor did we finish the job when it comes to the issue of global climate change. So this year, next year and for the foreseeable future, this Senator will stand up and ask her colleagues to pay more than lip service to these issues. The spirited and thoughtful debate that has characterized our consideration of this bill must guide us as we move forward to tackle these challenges. I believe it can be done. It must be done. And this Senator stands ready to work with her colleagues on both sides of the aisle to reach meaningful

solutions to what are some of the most difficult economic security issues of our time.

But as I said at the outset, I do believe that this legislation will move our Nation forward in a number of other important ways. A comprehensive Energy bill touches every sector of our economy. The nature of our existing energy infrastructure is complex and interdependent, yet regionally diverse. Moreover, a maze of interlocking Federal and State regulatory authorities guide the production and sale of energy supplies in this country. For all of these reasons, the task of crafting a ''comprehensive'' energy policy is a massive undertaking. But even as this legislation has failed to address certain issues to this Senator's satisfaction, we have taken a number of important steps forward.

While we have not done nearly enough to address our economy's petroleum dependence—and hence, our dependence on foreign petroleum—this bill does put in place the basics for creation of a robust, American biofuels industry that can someday displace significant portions of our energy imports. While agricultural producers across the U.S. have long touted the energy and economic security benefits of fostering a domestic biofuels production industry, this country has nevertheless lagged behind in developing the technologies that would make a national biofuels strategy a reality. For example, 90 percent of the ethanol production in the U.S. is derived from corn and is produced in just five Midwestern States. Meanwhile, other nations such as Brazil have taken the lead on producing biofuels from other crops, and in the process have diversified their economies and energy supplies, begun to minimize their dependence on foreign petroleum, and lowered prices for consumers.

The key to growing this industry for the U.S. is investing in the demonstration and commercialization of new technologies that will make it possible to produce biofuels from a more diverse array of crops, including wheat straw and other biomass readily available in places like Washington State.

The Senate Energy bill contains a number of provisions key to moving forward on a national biofuels strategy. Specifically, I was pleased to add a number of measures that will help spur biofuels production in the Pacific Northwest. Making ethanol and biodiesel from more diverse feedstocks—in more regions of the country—is essential to making biofuels a sustainable and cost-effective solution to our Nation's emerging energy needs.

The Senate Energy bill contains a provision I authored to establish an ''Advanced Biofuel Technologies Program.'' The new program provides $550 million over 5 years to demonstrate technologies for production of ethanol and biodiesel. The measure directs the Secretary of Energy to work toward developing and demonstrating no fewer than four different conversion technologies for producing cellulosic-based ethanol; and five technologies for co-producing biodiesel and value-added bioproducts. In other words, it would provide Federal support for universities, private sector researchers and entrepreneurs who are striving to invent the next generation of biofuels technology, and help demonstrate them in real-world applications. The program also directs the Secretary to prioritize the demonstration of projects that will enhance the geographical diversity of alternative fuels production, and focus on developing technology related to feedstocks that represent 10 percent or less of our Nation's existing ethanol and biodiesel production—agricultural products like wheat straw, canola and mustard that are readily available in Washington State and throughout the Pacific Northwest.

But in addition to pioneering the next generation of technologies, the Senate Energy bill would provide important market-based incentives for the very first producers of new sources of biofuel. The Senate bill is more ambitious that previous energy bills, as well as this year's House-passed version, in setting a target to produce 8 billion gallons of renewable fuel by 2012. But in addition, it contains my provision to more than double the incentives for refiners to use ethanol made from cellulosic sources such as wheat straw, and to ensure that by 2013 the U.S. is producing at least 250,000 gallons of ethanol from these new sources. These provisions are designed to help build a market for the very first producers of ethanol from nontraditional, noncorn sources—an important way to help move the technology toward broader commercialization.

The Senate Energy bill also recognizes that a national biofuels strategy is in the long-term energy security interests of the U.S., and provides Federal support for this emerging industry. First, the legislation authorizes Federal loan guarantees for the first cellulosic ethanol facilities that produce 15 million gallons of ethanol or more. Multiple sites in the Pacific Northwest are vying to be among the first in the U.S. to produce cellulosic ethanol. In addition, the bill would extend the biodiesel excise tax credit through 2010. Otherwise slated to expire in 2006, the tax credit is important to the very first refiners and distributors of biodiesel in Washington State, who are using this tax credit to lower costs to consumers at the pump. I believe all of these are valuable provisions that will contribute to our national energy security and put farmers across the country in the biofuels business.

In addition to the renewable fuels standard, this legislation will diversify our Nation's energy supplies with the inclusion of a renewable portfolio standard that would require 10 percent of our electricity to come from sources such as wind, solar and geothermal. This legislation also extends the renewable production tax credit and the renewable energy production incentive program to support the drive to diversify our sources of electricity.

I should also note that this legislation contains consensus reliability standards, to ensure mandatory rules are in place to govern operation of our electricity grid—an important provision that I have championed since I arrived in the Senate, and an effort that was initially begun by my predecessor, Senator Slade Gorton.

I was also pleased to have a role in crafting provisions to promote cutting-edge research and development in the area of ''smart grid'' technologies, which will build intelligence into our existing energy infrastructure in a way that improves both efficiency and reliability. This legislation also includes incentives for the adoption of existing technologies that can aid reliability such as ''smart meters,'' which give utilities and their customers real-time information about energy usage.

This legislation also takes an important step to ensure that we are meeting the workforce needs of the electric utility sector. The National Science Foundation and energy industry interests have noted that as the baby boom sector of our workforce retires, a lack of training capacity will lead to a growing shortage of qualified engineers and innovators. Language that I worked to add to the bill in committee will ensure that the Energy and Labor Secretaries are closely monitoring our energy workforce, including the availability of power and transmission engineers, and will authorize the Federal Government to provide grants for appropriate workforce training investments. All of these reliability-related provisions will help ensure the stability of the electricity grid, which powers every sector of the American economy.

While I am on the topic of electricity, I must mention some of what I believe are among the most notable achievements of this legislation. There are provisions of this bill that I have championed related to Enron and the market manipulation that occurred during the Western energy crisis, which I believe represent the first meaningful Congressional response to the massive public mugging that took place. Certainly, Congress enacted aggressive new accounting reforms in the wake of Enron's collapse. But we have not yet done the same when it comes to our Federal energy laws.

I spoke at the outset about how the Senate has at least turned the corner in recognizing the problems posed by climate change and foreign oil dependence. Similarly, some of my colleagues may recall that, 4 years ago, many at first didn't believe that any market manipulation had taken place in the West. But with the release of Enron's smoking gun memos outlining the manipulation schemes, additional audiotape evidence that has surfaced since

then, the guilty pleas of energy traders who executed these schemes four years later, this Senate has reevaluated its position, based on facts that are now a matter of public record.

I am optimistic about the notion that this Senate, in the foreseeable future, will get serious about addressing climate change and oil dependence because I have seen a sea change occur in the Senate on an energy issue before—in particular, on the issue of market manipulation and the need to protect our Nation's consumers against later-day Enrons. The Energy bill we passed today contained a number of important provisions to incorporate the lessons we learned from the Western energy crisis.

First, it puts in place a broad statutory ban on all forms of market manipulation in our Nation's electricity and natural gas markets. Second, it gives Federal authorities the ability to ban traders and executives implicated in energy market manipulation schemes from participating in the utility industry.

The Securities Exchange Commission has had this authority for decades and used it in some high-profile instances of individuals engaged in securities fraud. However, this authority does not currently exist in Federal energy law. Added unanimously as amendments during the Senate Energy Committee's markup of the bill, these provisions were inspired by recent court cases in which it is alleged that some of the same energy traders overheard on the now-infamous Enron audiotapes have been implicated in subsequent market manipulation schemes in other regions of the country.

Lastly, this legislation contains a provision of particular importance to my Washington State constituents. Section 1270 of this bill would prohibit a Federal bankruptcy court from forcing Washington State's Snohomish Public Utility District—PUD—and its customers to fork over another $122 million to Enron. Specifically, the provision prohibits the bankruptcy court from enforcing payments on power contracts that are unjust, unreasonable or contrary to the public interest. The provision was written to target manipulated power contracts between Enron and utilities in the West. The contracts were cancelled when the energy giant began its scandalous slide into bankruptcy. But once they were cancelled, Enron turned around and sued utilities for ''termination payments,'' seeking to collect profits on power that was never even delivered.

While the Federal Energy Regulatory Commission—FERC—has been conducting its proceedings to provide remedies for the consumers harmed by market manipulation, Enron has nevertheless continued pursuing collection of these ''termination payments'' in bankruptcy court. In fact, the court has already ruled that other Enron victims—Nevada Power Company and Sierra Pacific Power Company—should have to pay these fees, which come to more than $330 million for the two Nevada utilities. The court went so far as to enjoin FERC from proceeding with its own specific inquiry into whether Enron is owed the termination payments in those cases.

The provision included in this bill says very clearly to FERC, ''Do your job to protect consumers, and when you make a decision, that decision will stand.'' Interpreting our Nation's energy consumer protection laws is not the job of a bankruptcy judge. This responsibility lies with the Federal Energy Regulatory Commission.

I am aware that these provisions are in stark contrast to those included in the legislation passed by the House of Representatives. The House bill would ban only one type of manipulation scheme made infamous by Enron—roundtrip trading. It would do nothing to ban proven market manipulators from future employment in the energy business. And most inexplicably, it would actually give later-day Enrons a license to steal. It would lock in profits for would-be market manipulators under the guise of ''contract sanctity.'' I recognize that reconciling these issues with the House may be difficult. But when it comes to the deeds of Enron—and putting in place tough new laws to make sure such a wide-ranging fraud is never again perpetrated against our Nation's consumers—I believe the Senate will have the American people firmly on our side.

In addition to these very important provisions, I must also make a few comments on other matters of importance in this legislation's electricity title. I regret that during the course of the debate on this bill, there was not enough time to discuss more fully its treatment of the Public Utility Holding Company Act—PUHCA. It is important that this silence not be confused with disinterest. It is because of the consumer protections provisions included in the bill— some that I have mentioned already—that this issue has not caused an uproar, as it has in the past.

It was crucial to me that, in PUHCA's stead, this bill include the refinements and enhancements of FERC's merger review authority that were worked out by Senators BINGAMAN and DOMENICI. I must still state my profound uneasiness with the notion that we are repealing one of our Nation's fundamental consumer protection laws at a time when many of us are concerned about mergers and consolidation within the utility industry. And I remain concerned that we have not done enough to address the issue of cross-subsidization of unregulated affiliates by utilities that are owned by the same holding company.

I ask my colleagues to remember: Enron was a company willing to turn a profit by any means necessary; but it was presented with a market and regulatory environment that presented innumerable opportunities for abuse. We have given FERC the tools in this bill to prevent those abuses; let's hope they take this responsibility seriously.

The bill's repeal of PUHCA is predicted by some to usher in a new wave of utility mergers. Consolidation can be beneficial, but it can also foreclose competition, frustrate effective regulation and create inefficiencies. Let us hope that Federal and State regulators both take their responsibilities to protect consumers seriously.

PUHCA repeal lifts diversification and investment bans that the leading financial rating agencies have determined were critical in protecting the financial health of utilities and preventing bad business investments. Let us hope that we don't regret this decision.

Again, this bill requires steps to prevent cross-subsidization when utilities merge, but is silent on the need to prevent cross-subsidization by those utilities that don't merge. Let us hope that consumers and independent competitors do not suffer from this decision.

I sincerely hope history will prove this Senator's instincts and skepticism wrong on the topic of utility cross-subsidization and PUHCA repeal—because otherwise, it is American ratepayers and investors who will be paying the price. But as I said, it is the consumer protections in this bill today that have led me to view this as a reasonable compromise. In addition to the provisions I mentioned before, this legislation also includes improved language on market transparency, accountability standards for the Nation's Regional Transmission Organizations—RTOs—and the protection of transmission rights needed to serve consumers, particularly in the Pacific Northwest.

Let me be perfectly clear: the provisions that I have mentioned, taken together, are the minimum needed in order to meet the needs of electric consumers. They were essential in earning the support of this Senator. Last Congress, one of the key factors that led to the defeat of the Energy bill was the failure of the conference report to protect electric consumers. While I believe we can and should do more, I commend both the Senators from New Mexico for their efforts. But their efforts will be wasted if the other body does not realize that these provisions are essential for final passage of an energy bill conference report.

It is also important to note that the Senate legislation we have passed today avoids the gratuitous special interest deals in the House bill—such as giving groundwater polluting MTBE manufacturers a free ride on clean up liability. It moves forward without the rollbacks of the Clean Water Act, Clean Air Act, National Environmental Policy Act, and Safe Drinking Water Act that are included in the House legislation. The Senate has spoken out against these bad environmental policies and we stuck to those principles in this bill.

We stuck to those principles and we worked across the aisle, in good faith at every turn. I hope the other body across the Capitol has paid some attention to this process. If leaders in the House are serious about delivering energy legislation to the President's desk for signature, then they will realize that a similar effort will be required during the conference on this legislation.

Make no mistake: the Senate Energy bill is far from perfect. There are missed opportunities. There are provisions that I outright oppose, such as surveying for oil and gas areas on the Outer Continental Shelf that are protected by drilling moratoria, originally established by President George H.W. Bush. But there are many, many more provisions in this legislation that I wholeheartedly support.

This bill positions the U.S. to make many of the right investments in energy research and development. It includes important measures to diversify both our domestic sources of biofuels and electricity. And it contains many important consumer protections for our Nation's energy ratepayers. In other words, the Senate Energy bill contains many of the basics necessary for our Nation to start moving in the right direction. It is a modest step. Yet I believe we should take this step, if we are committed to moving our country—even more aggressively in the coming years—toward an energy policy that will sustain American competitiveness in a rapidly-evolving global economy.

I thank my friends and colleagues who serve on the Senate Energy Committee, for the thoughtful and substantive consideration they gave a number of key aspects of this legislation. And again, my thanks to the chairman and ranking member for their leadership in navigating what were at times turbulent waters, with certain aspects of this bill. We will be counting on those navigational skills as this legislation moves toward conference with the House of Representatives.

Mrs. HUTCHISON. Mr. President, I see that my good friend and colleague, the senior Senator from Iowa, has come to the floor. I want to thank Mr. GRASSLEY for his hard work on the Energy Policy Tax Incentives Act of 2005. I commend my good friend and Senator BAUCUS for their efforts to complete this important section of the Energy bill.

The Energy Policy Tax Incentives Act of 2005 supports the development of energy production from renewable resources and complements the Energy bill that Senators DOMENICI and BINGAMAN have worked in a bipartisan fashion to put together. I agree with my colleagues that we must continue to seek alternative sources of energy; it is in the best interest of America.

I would mention, however, that we must also continue to sustain domestic production of oil and gas. According to the National Petroleum Council's Natural Gas Study, a $10-billion-per-year investment over 20 years will be needed in order to meet future natural gas needs. We cannot overlook the importance of developing our domestic oil and gas resources. Domestic production is a critical first step toward energy independence while alternative sources are more fully developed. I ask my colleague from Iowa if he would agree with me that U.S. imports of foreign energy are at unacceptable levels, and the need to develop our domestic resources is an important step toward energy independence.

Mr. GRASSLEY. I say to my colleague from Texas that I do agree that our dependence upon foreign sources of energy is dangerously high. It is a threat to our economic stability and national security. We cannot continue to rely on foreign imports for 60 percent of our supplies. We must utilize available domestic resources, and I believe the Energy bill before the Senate is a good step forward.

Mrs. HUTCHISON. I thank the Finance Committee chairman. A central goal of the Energy bill is to enhance the production of U.S. energy sources, including oil and natural gas, and thus allow us to reduce our reliance on imported energy. To do that we need to make domestic oil and gas exploration projects cost competitive with those abroad. Allowing geological and geophysical expenditures to be amortized over 2 years will help make U.S. projects more economical by reducing the administrative cost burdens to both taxpayers and the IRS. It will especially help small operators take more risks to find new sources of oil and gas. This provision has been in every Energy bill—House and Senate—over the past several years. It has enjoyed bipartisan support because it makes sense. These expenditures are similar to research and development expenditures paid by other industries. Research and development expenses are either currently expensed or they receive a tax credit. Shorter amortization of geological and geophysical expenditures, while not as generous a tax treatment as expensing or a credit, would help to equalize the tax treatment of similar expenditures for all industries.

I would also raise the importance of similar tax treatment of delay rental payments. Congress needs to pass legislation to clarify that delay rental payments can be amortized over 2 years to enhance and preserve domestic oil and gas production. This is important for developers who cannot afford to run continuous operations on the properties they hold. The current uncertainty of how these costs are to be treated has led to costly litigation; prompt clarification will eliminate needless administrative burdens on taxpayers and the Internal Revenue Service.

Unfortunately, these two provisions were not included in the Senate Energy Policy Tax Incentives Act of 2005. They are both important provisions for a comprehensive Energy bill. I would ask my colleague if he would work with me to see that they are included in the final conference package.

Mr. GRASSLEY. I say to my colleague that I understand the importance of these provisions in a comprehensive Energy bill. I have supported these in the past and included them in our bill in the 108th Congress. I agree that sensible tax treatment that will promote the development of domestic oil and gas sources should be a part of the final bill. As we move forward to conference, we will work to include these two important provisions.

Mrs. HUTCHISON. I want to thank Senator GRASSLEY for his consideration and willingness to work with me.

Mr. MCCONNELL. Mr. President, I rise today in support of the Energy Policy Act of 2005. With its passage, America will begin to declare its independence from foreign sources of energy.

A strong energy policy is crucial to America's economic security and national security. We must become less dependent on foreign sources of energy.

In 1985, 75 percent of the crude oil used in American refineries was domestically produced. Only about 25 percent came from beyond our borders. But today, those proportions have been turned upside down: Only about 35 percent of crude oil used here is produced at home, and 65 percent is imported from foreign countries.

That precarious balance leaves our Nation's energy needs, and even our Nation's economic strength, in the hands of others. America can do better. Four years of debate is enough: I urge this Senate to pass this much-needed energy bill now.

Kentucky has not escaped the ill effects of America's energy needs. Commercial natural gas prices in Kentucky rose by 53 percent from 2000 to 2004. Gasoline prices in the Commonwealth, and throughout the entire Midwest region of the United States, have risen by 86 percent since 2002. The same gallon of gas that cost $1.13 then costs Kentuckians a whopping $2.11 today. America's lack of a strong, focused energy policy has imposed a tax on all Kentucky drivers.

This bill will provide that strong, focused energy policy. It will not make gasoline prices drop overnight. But it includes some simple, smart provisions that will provide cheaper, safer, and more plentiful energy for generations to come.

Passing the Energy Policy Act of 2005 will provide $2.9 billion in incentives for the development of clean coal technology and generation. America contains enough coal to meet our needs for the next 250 years, and Kentucky ranks third among the States in coal production. Coal provides over 50 percent of the electricity in America, and 97 percent of Kentucky's. We must take full advantage of such a cheap, abundant

resource while also making sure we protect the environment.

This bill will do that. It provides money to research technologies that will remove nearly all pollutants from coal-fired power plants. We will be able to continue using coal in an environmentally friendly way. That will benefit Kentucky, and America. The bill also includes $1.4 billion in incentives for increased domestic oil and gas production. America hasn't seen a single new oil refinery since 1976. We need to build more now, and we can do so in an environmentally sensitive way.

The bill includes $7.9 billion for the development of alternative fuels. We can unleash the American genius on creating or refining new and better sources of energy for the future, such as hydrogen, ethanol, and biodiesel. One day, automobiles can run on hydrogen instead of gasoline—and instead of exhaust fumes, they would emit pure water. Ethanol, made from corn, can be mixed with gasoline to make a cleaner, more efficient fuel. Increased production of biodiesel would further reduce our dependence on foreign sources of energy.

This bill also provides $278 million for more nuclear power facilities. Nuclear power is produced entirely here in America, and can create vast quantities of electricity. Nations such as France have long since realized the benefits of nuclear power. It is time America did the same. Nuclear power is safe and smart. It should be a major source of America's energy policy in the 21st century.

Passage of this bill will also provide money for increased energy efficiency and conservation, and a renewable fuels standard that will increase our amount of renewable fuel in the fuel supply to 8 billion gallons by 2012.

It is time America stopped outsourcing its energy production. The problems we face are simple to grasp—so simple that it is a wonder that Congress has waited this long to act. We must continue to use our primary source of energy, coal, while being sure to do so using environmentally safe technology. We must increase domestic oil and gas production, also using environmentally safe technology. We must develop cheap, safe, and clean alternative energy sources including nuclear energy. And we must increase energy efficiency and conservation.

American know-how has made us the economic envy of the world. We can lead the way in technologically advanced methods to take great care with our environment, while still meeting our energy needs, as well. This bill will accomplish these goals.

Mr. FRIST. Mr. President, the Senate will soon vote on final passage of the Energy bill. I want to applaud my fellow Senators for their hard work and cooperation. Senator PETE DOMENICI deserves special recognition. Senator DOMENICI's expertise on energy issues is unparalleled in the United States Senate, as he has demonstrated for a number of years on both the Energy Committee and the Energy and Water Subcommittee of the Appropriations Committee. His determination to produce a comprehensive national energy policy, and his hard work with his ranking member, Senator BINGAMAN, as well as the other members of his committee, is the reason why we stand here, today, on the cusp of final passage of a balanced, bipartisan energy bill. I congratulate Chairman DOMENICI and Senator BINGAMAN. I am confident that they will continue to work together in conference to deliver a strong Energy bill that will provide the clean, affordable energy we need to keep America moving forward.

Anyone who has filled a tank of gas recently, or paid an electric bill, knows that we've reached a crisis point. Energy prices are skyrocketing. Suddenly, instead of the lowest natural gas prices in the industrialized world, we have the highest. Because of high natural gas prices, manufacturing and chemical jobs are moving overseas. Farmers are taking a pay cut. Consumers are paying too much to heat and cool their homes. Communities across the country are suffering. And as many as 2.7 million manufacturing jobs have been lost because of soaring prices. All the while, we have grown dangerously reliant on foreign sources of energy. And some of those foreign sources do not have America's best interests at heart.

In the 1960s and early 1970s, the U.S. produced almost as much oil as we consumed. Imports were relatively small. But since then, U.S. oil production has been on the decline, while consumption has steadily increased. As a result, we've become more and more dependent on imported oil.

As we remember all too well, in the early 1970's, large oil exporters in the Middle East adopted an oil embargo against many Western countries. This marked the first time that oil was used as a political weapon. At the time, the U.S. imported 35 percent of our oil needs. Since then, we have become much more dependent on foreign sources of oil and natural gas. We are more vulnerable than ever to the use of energy as a political weapon.

In addition, many non-democratic countries and others maintain their hold on power through the redistribution of oil revenues. We see this happening in Venezuela. We currently import over one million barrels of oil a day from Venezuela. Meanwhile, its president, Hugo Chavez, actively opposes the United States, supports rogue states such as Cuba, and is working to destabilize Latin America. President Chavez maintains his political support with the aid of Venezuela's oil revenues. These revenues have also given him the ability to purchase arms and play a major role on the international stage.

These dynamics are equally evident for energy suppliers in the Middle East. President Bush and many of my colleagues here in the Senate have correctly argued that the spread of democracy, human rights, and the rule of law is essential for peace and stability, and for victory in the War on Terrorism. But regimes in the Middle East have been able to use their oil revenues to hang on to power and maintain non-democratic political systems. As a result, the conditions that breed hatred, violence, and terrorism often go unaddressed, and the problems of terrorism persist.

Passing the energy bill today will be a major step forward in addressing these serious national security challenges. It will also be a major step forward for our economic productivity and prosperity. The Energy bill promises to deliver exciting new technologies. Hydrogen fuel cells are one example. If just 20 percent of cars used fuel cell technology, we could cut oil imports by 1.5 million barrels every day.

The Senate Energy bill authorizes $3.7 billion over 5 years to support hydrogen and fuel-cell research, as well as the infrastructure we need to move toward this goal.

Last week, Senator HATCH and I had the opportunity to attend a hydrogen car demonstration here at the Capitol. The cars were stylish. They drove well. The technology is very promising. Hybrid cars are already gaining in popularity. Just this past week, Nissan announced that its first hybrid vehicle will be built at the Smyrna plant in Tennessee. This is one example of how technology can simultaneously promote conservation and efficiency, and boost the manufacturing sector.

In addition, the Energy bill's conservation and energy efficiency provisions far exceed those of other energy bills considered by the Congress in recent years.

According to the American Council for an Energy Efficient Economy, the Senate Energy bill will save 1.1 trillion cubic feet of natural gas by 2020, equivalent to the current annual consumption of the whole state of New York. It will reduce peak electric demand by 50,000 megawatts by 2020, the equivalent of 170 new power plants. And it will reduce U.S. oil consumption by 1 million barrels a day by the year 2015.

It encourages the use of home-grown renewable fuels such as ethanol and biodiesel, as well as wind and solar and geothermal energy. It provides incentives to facilitate the development of cutting edge technologies like coal gasification and advanced nuclear plants, which will produce clean, low-carbon energy to help address the issue of global climate change. And it will modernize and expand our Nation's electricity grid to enhance reliability and help prevent future blackouts.

The Senate energy bill will help us both conserve more energy, and produce more energy. It will also help produce more jobs. It is estimated that the energy bill will save over two million jobs and create hundreds of thousands more. The ethanol provision, for

example, is expected to generate 230,000 new jobs over the next 7 years. Incentives for wind generated energy are expected to create another 100,000 jobs in the next 2. The investment in clean coal technology will create 62,1000 jobs, and 40,000 new jobs in the solar industry will come on line. These are good jobs, well paying, and right here at home.

The energy bill is good for America, It will move our country toward a more reliable supply of clean, affordable energy. I urge my colleagues to vote for this comprehensive, forward leaning plan. Casting a vote for the Energy bill is a vote for a safer and more secure America.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, there is so much negative written in the press about all the infighting that goes on in the Senate, how we don't work together. We work together on a lot of things. We don't get much appreciation from the public for that because they see all the negative that the press conjures up. But here is an example of two Senators, both very experienced, both from the same State, who are in positions of prominence in that very important committee that brought the Energy bill here. They worked together.

They had meetings where Senator BINGAMAN met with Republicans, Senator DOMENICI met with Democrats, and they crafted this bill. It wasn't a perfect bill, but there is not anything we do around here that is perfect. We did improve it and we had the opportunity to try to improve it even more. It was a free debate. And to indicate there was enough time on the debate, the cloture vote was overwhelming.

Mr. President, I hope as we proceed through the conference process on this—and as the distinguished majority leader knows, we have set the example of how a conference should be conducted with the highway bill—we are going to move forward on this and do everything we can in conference to sustain and uphold the position of the Senate.

This is a good bill. I commend and applaud the two managers, Senator DOMENICI and Senator BINGAMAN, for doing an outstanding job and setting the example of what should be the future of all bills that come before the Senate.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Connecticut (Mr. LIEBERMAN), are absent attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—85

Akaka	Dayton	Lott
Alexander	DeMint	Lugar
Allard	DeWine	McConnell
Allen	Dole	Mikulski
Baucus	Domenici	Murkowski
Bayh	Dorgan	Murray
Bennett	Durbin	Nelson (NE)
Biden	Ensign	Obama
Bingaman	Enzi	Pryor
Bond	Feinstein	Reid
Boxer	Frist	Roberts
Brownback	Graham	Rockefeller
Bunning	Grassley	Salazar
Burns	Hagel	Santorum
Burr	Harkin	Sarbanes
Byrd	Hatch	Shelby
Cantwell	Hutchison	Smith
Carper	Inhofe	Snowe
Chafee	Inouye	Specter
Chambliss	Isakson	Stabenow
Clinton	Jeffords	Stevens
Coburn	Johnson	Talent
Cochran	Kennedy	Thomas
Coleman	Kerry	Thune
Collins	Kohl	Vitter
Conrad	Landrieu	Voinovich
Cornyn	Leahy	Warner
Craig	Levin	
Crapo	Lincoln	

NAYS—12

Corzine	Lautenberg	Reed
Feingold	Martinez	Schumer
Gregg	McCain	Sununu
Kyl	Nelson (FL)	Wyden

NOT VOTING—3

Dodd	Lieberman	Sessions

The bill (H.R. 6), as amended was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BUNNING. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. 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. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. The clerk will report the pending bill.

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.

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.

Dorgan (for Kerry) amendment No. 1029, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration.

Dorgan (for Bingaman) amendment No. 1030, to modify a provision relating to funds appropriated for Bureau of Indian Affairs postsecondary schools.

Dorgan (for Bingaman) amendment No. 1031, to set aside additional amounts for Youth Conservation Corps projects.

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.

Dorgan (for Reed) amendment No. 1036, to modify certain administrative provisions relating to the brownfield site characterization and assessment program.

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.

Salazar amendment No. 1038, to provide additional funds for the payment in lieu of taxes program, with an offset.

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.

Burns (for Bond) amendment No. 1040, to set aside funds for the University of Missouri-Columbia to establish a wetland ecology center of excellence.

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.

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.

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.

Burns (for Coburn) amendment No. 1003, to require conference report inclusion of limitations, directives, and earmarks.

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.

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.

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.

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.

Dorgan (for Byrd) amendment No. 1044, to set aside funds for the White Sulphur Springs Fish Hatchery.

Dorgan (for Conrad) amendment No. 1045, to set aside funds for a brownfields assessment of the Fortuna Radar Site.

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.

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.

Kyl amendment No. 1049, to provide certain earmarks for State and tribal assistance grant funds.

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.

Kyl (for Inhofe) amendment No. 1051, to encourage competition in assistance agreements awarded by the Environmental Protection Agency.

Byrd (for Murray) amendment No. 1052, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration.

Byrd/Cochran amendment No. 1053, to provide funds for the Memorial to Martin Luther King, Jr.

Dorgan (for Bingaman) amendment No. 1054, to set aside additional amounts for Youth Conservation Corps projects.

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.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENT NO. 1053

Mr. BYRD. Mr. President, I ask for the regular order regarding amendment No. 1053.

The PRESIDING OFFICER. That amendment is now pending before the Senate.

Mr. BYRD. I thank the Chair. Mr. President, I have no remarks at the moment. If the Senator who stands in front of me, with his hand across his heart, wishes to make some comments, I yield the floor.

Mr. BURNS. Mr. President, we are trying to work this out. The Senator's amendment is a very good amendment. I would like to visit with him a little bit about it.

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. BYRD. 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. BYRD. Mr. President, I ask for the yeas and nays on the adoption of my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. 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. BYRD. 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. BYRD. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to amendment No. 1053: WARNER, KENNEDY, MIKULSKI, LANDRIEU, JOHNSON, STABENOW, MURRAY, BINGAMAN, JEFFORDS, and in that order, please.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Also, Mr. President, I ask unanimous consent that my colleague from West Virginia, Senator ROCKEFELLER, be included and that his name occur in the order listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that Senator OBAMA be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that any other Senators on both sides of the aisle who wish to be added as cosponsors, that their names be added if they will let us know before the hour of 12 o'clock.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. BYRD. If they will let the leaders know. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, without interfering with the orderly business of the Senate, I ask unanimous consent to speak as in morning business briefly.

The PRESIDING OFFICER. Is there objection?

Mr. BURNS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

(The remarks of Mr. KENNEDY are printed in today's RECORD under ''Morning Business.'')

Mr. KENNEDY. 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. WARNER. 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. 1053

Mr. WARNER. It is my understanding of the parliamentary situation that an amendment by the distinguished Senator from West Virginia and the chairman of the Appropriations Committee, Mr. COCHRAN, is the pending matter. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I ask unanimous consent that I be made a cosponsor with them. I spoke to the sponsors earlier this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I commend these two Senators for taking the initiative to add an incremental part of the cost of the Martin Luther King Memorial, and I would like to take a minute to go back and recite the history of the Martin Luther King Jr. Memorial. During the 104th Congress, while Chairman of the Rules Committee, I joined my colleague from Maryland, Senator SARBANES, to authorize a project for construction on the national mall. Our bill, as I read from the Committee Report for S. 426 from December 19, 1995, authorized the Alpha Phi Alpha Fraternity, the oldest Black fraternity in the United States, to establish without cost to the Federal Government, a memorial in the District of Columbia and its environs to the late Dr. Martin Luther King. Similar bills were introduced in the 100th, 101st, 102d, and 103d Congresses, reported favorably by the Committee on Rules and Administration in the 100th Congress, and in the 102d Congress the bill passed the Senate. Again,

that reference, for those who want to go back and read this report, is Calendar No. 284, December 19, 1995.

I was privileged to work with Senator SARBANES on this legislation, and we did secure the authorization for this group and others to proceed with this memorial.

If I might say, Mr. President—and I say this with a great sense of humility—I have always had a deep admiration for Dr. King. It started at the time that he went to the Lincoln Memorial and addressed, indeed, the world, much less the United States, the Nation. I came down not as a participant but as a spectator, as a young man. I was drawn to the location, as were many others, and simply stood quietly on the side of the street as the marchers went by and then was able to get close enough to hear in some way some parts of the speech as it was so eloquently delivered that day.

Then in later years I was privileged to be a member of the Chapter of the Washington National Cathedral, the Chapter being the governing body of the Cathedral at that time, and the subject of his addressing the Nation from the pulpit came up. I always expressed support for that, and actually my term expired before the historic day when he was invited to take the pulpit at the Washington Cathedral and give his last sermon. He met his tragic and untimely death shortly after that.

So it is against that background that I joined with my dear and valued friend, Senator SARBANES, to introduce the original authorizing legislation. Construction was required to begin by November 2003. However, because of the difficulty in choosing a site, finalizing a design, and raising the $100 million that would be necessary, the project was still in need of funds. In 2003 I again joined my colleague from Maryland to extend the authorization so the Martin Luther King, Jr. National Memorial Project Foundation would have additional time to raise the funds necessary to erect a fitting tribute to Dr. King. We were able to pass another piece of legislation, S. 470, to extend the deadline to November of 2006.

Since that time, I am pleased to say that the Foundation has raised approximately $40 million toward the total cost of the Memorial. Today I join my dear friends Senators BYRD, COCHRAN, and SARBANES to provide an additional $10 million for the construction.

I simply add that, as noted in the December 1995 Committee Report, the first paragraph I read, about the public funding, at that time it was the hope and expectation that private funds could achieve the goals in their entirety. Although arduous and wonderful efforts have been put together by many people to raise the funding, I think it is appropriate that this increment of public funding be added. And I say that because I was—many of us—a part of the effort to establish the World War II Memorial. And there, again, it was, I think, 95 percent private funding largely through the efforts of our beloved colleagues, Bob Dole and Fred Smith, a citizen of national and international recognition and accomplishment, and together their large team of people did raise about $100 million. But at the very end there were expenses to be incurred that were not foreseen to enable a massive audience to come from all over the United States for the dedication. And at that time, as a Member of the Armed Services Committee, I was able to secure some modest amount of funds, several million dollars, to enable that ceremony to be completed. So I think precedent is established there for the use of public funds for memorials of enormous significance historically and otherwise to our Nation.

Dr. King serves as a reminder that change can be brought about most powerfully when it is done by non-violent means. Visitors will come to the Memorial from every part of this country and indeed the world, to be inspired anew by Dr. King's words and deeds, and the extraordinary story of his life. It will be of particular inspiration to the many school children who will visit for years to come.

Dr. King's dream is the fulfillment, in part, of the revolutionary words of great American patriots such as Thomas Jefferson and it is fitting that the two monuments will rest across from each other.

I have worked with my friend and colleague from Maryland, Senator SARBANES, from the beginning of the efforts in Congress to secure a site and build a memorial on the national mall. I am proud of our humble contributions to this project and look forward—with great expectation to the day that we can visit Dr. King's Memorial in its rightful place—among the giants of American history and liberty.

Mr. President, I again commend the sponsors and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to join my friend from West Virginia, the distinguished Senator who formerly served as chairman of the Senate Appropriations Committee, in offering this amendment for the consideration of the Senate.

I appreciate Senator BYRD inviting me to be an original cosponsor of this amendment and join him in this effort to see that the memorial previously authorized to be constructed on the Mall here in the Nation's Capital in honor of Dr. Martin Luther King be funded so construction can begin and this memorial be completed.

The Martin Luther King Memorial was authorized to be constructed on a 4-acre tract on the Mall to recognize and honor the influence on civil rights and justice for all—for all Americans—to which Dr. King devoted a lifetime of courageous service and leadership.

Although the legislation contemplates, as my friend from Virginia, Mr. WARNER, points out, that all of the funds for the construction of the memorial would be raised from private sources, much in the same way as the World War II Memorial was constructed—there has been $42 million of private donations made for this purpose—there is needed additional funds. It is hoped that the adoption of this amendment will show the serious commitment of the Congress in seeing that this memorial is completed at the earliest possible date. This could jump-start the final stage of fundraising and enable construction to begin. It is my hope the Senate will support this effort and approve the amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I spoke on yesterday when I offered the amendment for the Senate's consideration. I will not speak further at this time except to say that my remarks of yesterday will be found on page S7420 of the CONGRESSIONAL RECORD.

I am very pleased that my chairman of the Senate Appropriations Committee, the distinguished Senator from Mississippi—I say ''distinguished,'' the distinguished Senator, Mr. COCHRAN—I am delighted he is the chief cosponsor of the amendment. I appreciate his excellent remarks today.

I also express my deep appreciation to the distinguished gentleman—the distinguished ''gentleman''—the Senator from Virginia. And I say that with all the emphasis that word's meaning carries. He is a great Senator. He believes in the Constitution of the United States. He swore to support and defend it, and he has not forgotten his oath. He has not forgotten his oath. And he has stated it and restated it, holding his hand on the Bible and the other hand to God and all men. He has restated it several times, and he has lived up to it. I commend him.

He has been in the forefront of the effort to honor Dr. Martin Luther King with a memorial on the Mall. He has been in that forefront over a period of several years. He cosponsored, as he has pointed out, the original authorization. I am so pleased he is cosponsoring this amendment. He stood as a spectator, he said, but he later became an active participant in the history that followed on to that moment in which he was a spectator watching from the streets.

So he has become a part of history. And what I say with regard to the distinguished gentleman, the Senator from Virginia—the Virginian—I say also with equal heartfelt thanks to the distinguished Senator from Maryland, Mr. SARBANES, who has announced he will not remain with us after next year, to my great sorrow and regret. But Senator SARBANES has been a leader in the march toward justice for all men and women. I commend him, likewise. And I thank him for being a cosponsor of this amendment.

While I have the floor, Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to the amendment: Senator FEINSTEIN, Senator SCHUMER, Senator SARBANES, Senator BOXER, Senator HARKIN, and Senator CORZINE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I am very pleased to join in cosponsoring this amendment. I thank the Chairman and the ranking member of the Appropriations Committee for bringing this amendment forward. It is an enormously important contribution to the effort that is underway now to honor Dr. Martin Luther King, by placing his memorial between President Roosevelt's Memorial and the Lincoln Memorial on the National Mall.

I thank the Senators for their kind comments. My dear friend from Virginia, Senator WARNER, and I worked together on this project to help move it along. It has had overwhelming support in the Congress and in the country, but raising the money has been a difficult proposition. Let's be very clear about this—an enormous effort has gone into bringing this memorial to fruition and significant moneys have been raised.

While we are not yet there, this amendment will provide a tremendous boost to the fundraising effort. It shows clearly the support of the Congress. Senator COCHRAN and Senator BYRD, by coming forward with the amendment, at this critical time, have given this entire effort an impetus, which will bring it to a successful conclusion.

Interestingly enough, I, too, was there when Martin Luther King gave his ''I Have a Dream'' speech, that Mr. WARNER, the able Senator from Virginia, referred to earlier. It was clearly a historic occasion that helped to shape the nature of our country for the better—much for the better. Dr. King fought to establish the proposition that people should be judged by their character and not by the color of their skin. He enunciated that principle time and time again.

The other thing he did was he advocated his position in a nonviolent way. He asserted that in a democratic society, these goals could be achieved through peaceful means, through nonviolent means. He channeled the energy and the commitment that was devoted toward achieving racial equality in this country into peaceful paths. And our country has been much the better for his efforts.

So much work has gone into this Memorial—first in getting it approved and then in finding the location for it on the National Mall. But, it has been worth the effort because when schoolchildren come to the Nation's Capital in the year's to come, part of their visit to Washington will involve a trip to the Martin Luther King Memorial.

The plans that have been prepared are quite impressive. They will have an opportunity to visit that Memorial and to reflect upon the contribution which Dr. King made to our Nation: the healing he brought about, the realization of the American dream, that all of our people—all—have an opportunity to participate and to advance themselves and their families.

So I join with my colleagues. I thank them for their very kind remarks. I appreciate the Senator from Virginia reminding us of the effort that went into helping bring us to this day. I especially again thank Senators COCHRAN and BYRD for coming forward with this amendment at a very critical time, to give an impetus to the effort to do the fundraising that is necessary to build this Memorial and to have, in effect, this national treasure on the Mall.

Dr. King's statue is, of course, here in the Capitol, as we know. It is fitting now that we move beyond the Capitol and create this Memorial on the Mall in recognition of all he stood for and what he represented in terms of realizing the words and ideals embodied in the Declaration of Independence and the U.S. Constitution.

I thank my colleagues very much.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Maryland, a dear, dear friend. We have worked on so many things together, and continue to do so.

But I recall very vividly going down on the day we dedicated the site. It was a bitterly cold day. There was a small tent in which there was a heater going, and we emerged from the tent. I, for some reason, remember one line, not spoken by either of us but by several others who spoke at the occasion: The site was chosen so the sunrise cast its first rays on the memorial; and then, as the sun set, the final resting rays of the day would drape the memorial. I remember that phrase to this day.

I thank my friend for his kind remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, we have some modifications to make, and we have a list of those amendments that have been cleared on both sides.

AMENDMENT NO. 1040, AS MODIFIED

Mr. President, I send to the desk a modification for Senator BOND on amendment No. 1040 and ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 154, line 12, strike ''That'' and insert ''That from the amount provided for the biological research activity, $200,000 may be made available to the University of Missouri-Columbia to establish a wetland ecology center of excellence: *Provided further*, That''.

AMENDMENT NO. 1044, AS MODIFIED

Mr. BURNS. Mr. President, I send to the desk Senator BYRD's modification to amendment No. 1044 and ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

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 may be made available for the mussel program at the White Sulphur Springs National Fish Hatchery''.

AMENDMENT NO. 1045, AS MODIFIED

Mr. BURNS. Mr. President, I send to the desk a modification to amendment No. 1045 and ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 195, line 7, after ''costs'', insert the following: '', of which $200,000 may be made available for a brownfields assessment of the Fortuna Radar Site''.

AMENDMENTS NOS. 1022; 1040, AS MODIFIED; 1048; 1044, AS MODIFIED; 1036; 1032; 1037; AND 1045, AS MODIFIED

Mr. BURNS. Mr. President, the following amendments have been cleared by both sides, and I ask unanimous consent that they be adopted: amendment No. 1022, offered by the leadership on both sides of the aisle; amendment No. 1040, as modified, offered by Senator BOND; amendment No. 1048, offered by Senator SMITH; amendment No. 1044, as modified, offered by Senator BYRD; amendment No. 1036, offered by Senator REED; amendment No. 1032, offered by Senator DURBIN; amendment No. 1037, offered by Senator REED; and amendment No. 1045, as modified, offered by Senator CONRAD. I ask for their adoption.

The PRESIDING OFFICER. Is there objection to the consideration and adoption of the amendments en bloc?

Mr. DORGAN. Mr. President, those amendments have all been cleared by both sides. I have no objection.

The PRESIDING OFFICER. If not, without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1022; 1040, as modified; 1048; 1044, as modified; 1036; 1032; 1037; and 1045, as modified) were agreed to en bloc.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The legislative clerk proceeded 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.

Mr. BYRD. Mr. President, will the distinguished manager of the bill yield?

Mr. BURNS. I will.

Mr. BYRD. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to the Martin Luther King, Jr. amendment: Senators BROWNBACK, DEWINE, and LEVIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair and the distinguished Senator.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we are on the Interior appropriations bill, waiting for additional debate. All amendments have been offered, but we are waiting for additional debate on some amendments. I am going to seek to speak in morning business.

Mr. BURNS. Will the Senator yield?

Mr. DORGAN. Yes.

Mr. BURNS. Mr. President, I remind Senators that we are going to start calling up these amendments right after lunch. I want to warn Senators to come down and defend their amendments. If not, we are going to start taking action on them first thing after lunch. We have the order already agreed to, and we want to complete this bill by tomorrow morning, if possible. There is more impending business before the Senate. It is important that the appropriations process move forward. We will be calling up those amendments this afternoon, and those Senators defending and offering those amendments should be on the floor to defend them.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CARLOS LAZO

Mr. DORGAN. Mr. President, to follow up on an issue I raised yesterday, I have not yet received a return call from the State Department. As I indicated, Karl Rove and the chief of staff at the White House had sent word to me following my discussion with Karl Rove last Friday that Mr. Zoellick at the State Department would be handling this issue. The issue is Mr. Carlos Lazo, a marine who fought in Iraq and won the Bronze Star for bravery and courage, came back to this country. He is a fellow who fled Cuba on a raft in 1992. His wife and children remain in Cuba unable to leave. He went to fight in the National Guard, went to Iraq to fight for this country, earned a Bronze Star last November in Iraq. He came back to this country to find out that his son was quite ill in Cuba. He wanted to go visit his son and was told he can't travel to Cuba because the President's current regulations and rules say you can only visit once every 3 years.

This young man who fled Cuba, came to this country, put on America's uniform, fought for this country in Iraq, won a Bronze Star fighting for freedom, comes back to this country. He doesn't have the freedom to go to see his sick child in Cuba. That is unbelievable to me. Why? Because there is no humanitarian exemption in the travel to Cuba regulation the President proposed several years ago.

I have asked all the folks involved: Do you mean there is no flexibility at all in this regulation proposed by the President?

None at all, they said. We have people calling. Their mothers are dying in Cuba, and we won't let them go. You can only go once every 3 years.

So Mr. Zoellick did tell me he is looking into it. I haven't heard back from him. Sergeant Lazo, who is walking around with a Bronze Star awarded by this country for his heroism on the battlefield, does not apparently have the freedom to go see his sick son. I will continue to ask these questions of the administration.

Incidentally, I have offered an amendment on this legislation. I agree it is going to take a two-thirds vote, but I want to see the people in the Senate who want to vote against giving this marine the opportunity to go see his sick child. It is not just him. It is all the other people caught in the web of this bizarre travel restriction. In an attempt to slap around Fidel Castro, we have decided to restrict the freedom of the American people to travel to Cuba. What a strange thing that is. We can travel to Communist China, Vietnam, but you can't go see your sick child in Cuba. You can't take your father's ashes to distribute on the church grounds of the church he ministered at in Cuba, after your dad died and his last wishes were to have his ashes distributed on the church property in Cuba. When you do that, you get hit with a big fine. It is unbelievable.

I won't go on except to say that I continue to wait by the phone for a call back from Mr. Zoellick who apparently is handling this. My hope is they will find a way to do the right thing. My hope is the Senate will be able to vote on this in the next day, and maybe the Senate will decide what the right thing is. The right thing is for humanitarian reasons to allow this courageous soldier who fought for freedom to have the freedom to go see his sick child.

HALLIBURTON

Mr. DORGAN. Mr. President, let me describe a hearing I chaired yesterday morning. It was a hearing on the subject of Halliburton. Typically, Halliburton has put out a statement saying that it was political. They have been saying this is political for a long while. I held a hearing because the authorizing committee won't. This is the fifth hearing I have held.

The highest civilian official in the Department of Defense, working with the Corps of Engineers, testified at that hearing. She was describing the meetings during which Halliburton was awarded no-bid contracts worth billions of dollars.

She said:

> I can unequivocally state that the abuse related to contracts awarded to KBR [the subsidiary of Halliburton] represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

She insisted these things be done right. They weren't done right. These were sweetheart deals, worth billions of dollars, given to a company without competition for the bid, companies that had an inside track to get the money, get the bid, and they did.

Let me describe one more piece of testimony from an employee of this company. We have had testimony from many others who worked for this company in the country of Iraq under the contract given to Halliburton. This is from an employee of Halliburton who testified yesterday. He was involved in food service, providing food to our troops:

> Food items were being brought into the base that were outdated or expired as much as a year. We were told by the [Halliburton] food service managers to use these items anyway.

They are feeding the American troops, and they are receiving food that has an expired date on it; some as much as a year ago have expired. They said give it to the troops anyway. This food was fed to the troops. Continuing to quote:

> A lot of these were frozen foods: Chicken, beef, fish, and ice cream. For trucks that were hit by convoy fire and bombings [during delivery], we were told to go into the trucks and remove the food items and use them after removing the bullets and any shrapnel from the bad food that was hit.

I will say that again:

> We were told to go into the trucks and remove the food items and use them after removing the bullets and any shrapnel from the bad food that was hit. We were told to turn the removed bullets over to the managers for souvenirs. When I had the military check some of the food shipments, they would turn the food items away. But there wasn't any making of the record, so KBR [Halliburton] just sent the food to another base for use.

It is unbelievable. We are talking about feeding soldiers here, and this is an employee of the company that was receiving billions of dollars to feed soldiers. In fact, what caught my attention about this issue is that Halliburton was charging us to feed 42,000 soldiers a day, and it turns out they were only feeding 14,000 soldiers. They were billing the Government for 42,000 soldiers and feeding 14,000. I didn't know they were feeding soldiers food that had expired on its label, food that had come in trucks that had been attacked with bullets and shrapnel embedded in the food to be removed first and then provided to the superiors for souvenirs. This is unbelievable.

Everybody here talks about honoring America's soldiers. What kind of honor exists in providing a sole-source, no-bid contract worth billions of dollars to a company that is feeding food to our soldiers that is outdated or expired on

its label? They say do it any way, it doesn't matter, it is just soldiers. This is just one more example. Every time we hear this sort of thing, we get Halliburton putting out a statement that says this is just politics because the Vice President used to run Halliburton. We didn't talk about the Vice President yesterday. This is a company that got a sweetheart deal at the Pentagon and there are stories after stories of abuse. There was one about the guy who came to our hearing some while ago, and he held up a hand towel. He was in charge of buying supplies such as hand towels. Well, the hand towels he would have bought for the soldiers weren't what his boss wanted. He bought the ones his bosses wanted to buy; they were almost double the price. Why? They wanted the company logo on the hand towel. The taxpayers get bilked, and it increased the price of the hand towels used by soldiers.

Unbelievable. The stories we have heard are hard to believe. They ordered 50,000 pounds of nails, but they came in the wrong size. They are now dumped in the desert in Iraq. It is just a mistake. How about driving $85,000 trucks and when you get a flat tire, you leave the truck. An $85,000 new truck gets a flat tire or has a plugged fuel pump—just trash the truck, leave it beside the road and somebody torches it.

The stories are astounding every time we hear them. Mr. President, every time we hold a hearing, we have the same response. I am not interested in holding any more hearings. I have held five. The only reason we will hold hearings is the authorizing committee won't. You would think somebody would be halfway interested in this kind of fraud. Some of it is abuse or recklessness.

I will tell you one other thing. This is Mr. Rory Mayberry, former food production manager at KBR, a subsidiary of Halliburton. He happens to be in Baghdad at this minute, but he is not working for Halliburton. He is working for another contractor. Here is what Mr. Mayberry said. He said: When the Government auditors came to try to determine what they were doing, I was told all of the employees were told don't you dare talk to a Government auditor. Don't you speak to them. If you do, one of two things will happen. No. 1, you are either going to be transferred to an area where there is hostile activity, in a fire zone, or you are going to be fired. He talked to an auditor at one point, and he was sent to Fallujah during the fighting. That is the way they handled him. Then he quit.

It is unbelievable. They are telling employees you may not speak to auditors under the threat of being fired. You cannot talk or cooperate with Government auditors. Why? I suppose the reason is because this sort of nonsense is going on. They have a sole-source contract, a noncompetitive contract, with billions of dollars going out the door. There is massive waste, abuse and, yes, I believe, fraud. Now, we know there is, at this point, slightly more than $1 billion in billing to the Federal Government by Halliburton, which has a sole-source contract worth billions. We know there is $1 billion that has been formally objected to by the Pentagon. There is about $440 million above that for which there is not sufficient documentation. Yet, this Congress seems to be willing to snore through all of this.

In 1941, right on the edge of the Second World War, Harry Truman was a Democrat and here on the floor of the Senate. There was a Democrat in the White House. Maybe it was uncomfortable to have a Democratic Senator going after waste, fraud, and abuse in the military in contracting, but he did. They went after it for 6 years. I am sure Franklin Delano Roosevelt didn't like it, but the Truman committee, as it was known, held hundreds of hearings and, in 1940 dollars, saved $16 billion. Would that, could that, should that happen now? The answer is yes. Would it or could it? Probably not because no one is interested in having these hearings—no one. Is the White House interested in having hearings like this? Absolutely not. Is anybody going to respond to the question of whether expired food is being fed to soldiers? Will one person stand up downtown at the White House or at the Pentagon and demand answers now? Will there be one hearing by the authorizing committee? Will one person be angry enough to decide this should not happen any longer? I doubt it.

Month after month after month, through five hearings, nobody seems to give a damn about this. We have soldiers eating bad food, taxpayers being bilked, and nobody seems to care. Somebody should. This Congress has little reason to hold its head high when it decides to ignore these kinds of things. It is not of great interest to me to continue to hold hearings through our policy committee, but I will do it if the authorizing committees will not. I don't have the foggiest idea why somebody would want to have an authorizing committee if they weren't interested in following the trail of wrongdoing. Look, this doesn't take an ''Inspector Clouseau.'' You don't need a funny looking hat to track this down. It is all out in front of you. The whole case is laid out. Yet, nobody seems to care.

We don't honor these soldiers, such as Sergeant Lazo, by saying you can fight for freedom and earn a Bronze Star, but you don't have the liberty or the freedom to go see your sick child. We don't honor our soldiers by deciding it is OK for someone to feed them bad food or expired food. I hope perhaps all those who talk about honoring soldiers will decide that honor means a responsibility to follow up. We have had these discussions on the floor of the Senate before about uparmoring humvees and other things. Every time it is raised, it is political, we are told. Perhaps sometimes we should understand there are areas of serious policy, serious concern that ought to embrace the time of this Congress. We spend so much time on things that have so little importance.

I said yesterday that this is a Congress that has tended to treat the light too seriously and the serious too lightly and important things that really matter and really make a difference in people's lives are largely not the center of debate here in the Congress. I regret that. We can, and should, do much better.

I ask unanimous consent to have printed in the RECORD, following my presentation, the entire testimony of Rory Mayberry, former food production manager at Halliburton's KBR.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DORGAN. Mr. President, I ask unanimous consent to have printed in the RECORD, following my remarks, the formal statements presented yesterday by the highest ranking civilian official in the Corps of Engineers at the Pentagon, Bunnatine Greenhouse.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. DORGAN. She is a woman who had a wonderful career for a long time, was given high marks always, clearly someone with a sterling reputation and a great career, who ran afoul of the ''old boy's network,'' it appears to me, in the Pentagon when they decided they wanted to steer certain contracts in certain ways. She said: You are not following regulations. That is the wrong thing to do, and we are going to see waste, fraud, and abuse as a result of it. She would not go along with it all. Guess what. They decided to tell her that, despite all those glowing performance evaluations, they are changing their mind on her if she would not go along, so she was either going to be demoted or fired. She testified yesterday, when she was told by the acting general counsel of the Corps of Engineers that it would not be in her best interest to speak publicly about these things. Oh, really? I thank her for the courage and the others for their courage. I also thank Rory for the courage to speak out. I suppose it would be easier not to speak out.

I will read the last sentence of the second paragraph of the statement of Bunnatine Greenhouse:

> I can unequivocally state that the abuse related to contracts awarded to KBR [Halliburton] represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

I continue to ask the question: Is there somebody here who cares? Is there somebody who has the reins of an authorizing committee that cares enough to begin a real investigation or shall we continue to hold hearings in the Policy Committee only because nobody else will?

I yield the floor.

EXHIBIT I

TRANSCRIPT OF THE TESTIMONY OF RORY MAYBERRY, FORMER FOOD PRODUCTION MANAGER, KBR, SENATE DEMOCRATIC POLICY COMMITTEE, JUNE 27, 2005

My name is Rory Mayberry. I'm sorry that I'm not able to be there in person to testify to the Committee, but I returned to Iraq on June 14. I am working as a Medical Examiner and Medic Supervisor for a company called Emergent Services.

I wanted to testify today about my experience working with Halliburton in Iraq. I was hired by Halliburton subsidiary KBR in January 2004 as the Food Production Manager for a dining hall at Camp Anaconda, Iraq. I worked under the Halliburton's LOGCAP contract from February 2004 until April 2004.

When I was assigned to the dining facility, KBR managers informed me that there were KBR practices that were to be followed everyday. These practices led to major overcharges.

First, KBR was supposed to feed 600 Turkish and Filipino workers meals according to their custom. Although KBR charged the government for this service, it didn't prepare the meals. Instead, these workers were given leftover food in boxes and garbage bags after the troops ate. Sometimes there were no leftovers to give them.

Second, KBR charged the government for meals it never served to the troops. Until late 2003, anaconda was a transition site for army personnel. Because there could be large numbers of extra personnel passing through everyday, KBR would charge for a surge capacity of 5,000 troops per meal. However, KBR continued to charge for the extra headcount even after Anaconda was no longer a transition site.

When I questioned these practices, the managers told me that this needed to be done because KBR lost money in prior months, when the government suspended some of the dining hall payments to the company. The managers said that they were adjusting the numbers to make up for the suspended payments.

I would prepare food orders each week in order to get the food we needed at the camp in the coming week. The KBR managers would triple the order every week to bring in much more food than we needed. They did this because they were charging an extra 5,000 troops they weren't actually feeding. Most of this food went to waste though.

Third, KBR paid too much for the food itself. Initially, a company called Tamimi Catering was KBR's sub-contractor for the food. Tamimi paid local prices for the food products in the towns and cities around the base in addition to orders sent to their main office. Tamimi's pricing was fair for the condition of the country. Then, KBR switched to a new supplier, PWC. PWC's prices were almost triple what Tamimi's were.

For example, tomatoes cost about $5 a box locally, but the PWC price was $13 to $15 per box. The local price for a 15-pound box of bacon was $12, compared to PWC's price of $80 per box. PWC charged a lot for transportation because they brought the food from Philadelphia. KBR switched from Tamimi to PWC because Tamimi complained about KBR's poor treatment of its staff; they were living in tents with sand floors and no beds.

There were other problems that were not related to KBR's costs:

Food items were being brought into the base that were outdated or expired as much as a year. We were told by the KBR food service managers to use these items anyway. This food was fed to the troops. A lot of these were frozen foods: chicken, beef, fish, and ice cream. For trucks that were hit by convoy fire and bombings, we were told to go into the trucks and remove the food items and use them after removing the bullets and any shrapnel from the bad food that was hit. We were told to turn the removed bullets over to the managers for souvenirs. When I had the military check some of the food shipments, they would turn the food items away. But there wasn't any marking of the record, so KBR just sent the food to another base for use. The problem with expired food was actually worsened with the switch to PWC because it took longer for the food items to get to the base as they were shipped from the U.S. to a warehouse in Kuwait.

KBR also paid for spoiled food. When Tamimi dropped off food, there was often no place to put it in to the freezers or refrigeration. Food would stay in the refrigeration and freezer trucks until they ran out of fuel. KBR wouldn't refuel the trucks so the food would spoil. This happened quite a bit.

In addition, KBR would cater events for KBR employees, like management parties and barbecues. This happened about 3 times a week. As a result, there were shortages of certain food items, such as beef, chicken, pork, salads, dressings, and sodas for the troops.

The food service personnel were given sanitation rules from the Military Preventive Medicine information programs and rules to follow by the Armed Forces, but KBR managers informed us that the information was not to be followed, that they knew best, and to keep following their instructions. So our employees weren't following sanitation rules as set forth.

Also, the Iraqi subcontract drivers of food convoys that arrived on the base were not fed. They were given MREs, or meals ready to eat, with pork, which they couldn't because of religious reasons. As a result, the drivers would raid the trucks for food.

Government auditors would have caught and fixed many of the problems. But KBR managers told us not to speak with auditors. The managers themselves would leave the base or hide from the auditors when they were on the base and not answer the radios when we called for them. We were told to follow instructions or get off the base. The threat of being sent to a camp under fire was their way of keeping us quiet.

The employees that talked to the auditors were moved to the other bases that were under more fire then Anaconda. If they refused to move, they were fired and sent home.

I personally was sent to Fallujah for 3 weeks. The manager told me I was being sent away until the auditors were gone because I had opened my mouth to the auditors. When I returned from Fallujah, the convoy was attacked. I was put in danger because the KBR managers didn't want me to talk with U.S. government auditors.

When KBR wanted me to go to Tikrit, I headed home on rotation. I wasn't officially fired and I didn't formally quit.

I am happy to answer any questions the Committee may have for me.

Mr. Mayberry, representatives of the Senate Democratic Policy Committee have provided me with several questions that they would like me to ask you now. Can I begin asking you those questions?

Q: Are you saying that Halliburton deliberately falsified the number of meals they prepared, and then submitted false claims for reimbursement, and that they did this to make up for past amounts auditors had disallowed?

A: Yes.

Q: So, when they couldn't get reimbursed legitimately, they committed fraud by submitting these false bills?

A: Yes.

Q: How many meals were served at the dining hall each day?

A: 2,500 meals, per meal, times four. There were four meals, breakfast, lunch, dinner and a midnight meal.

Q: So, every day, Halliburton was charging for 20,000 meals it never served?

A: Correct. They were charging for 20,000 meals, and they were only serving 10,000 meals.

Q: Was it rare for expired food to be served to the troops?

A: No. It was an everyday occurrence, sometimes every meal.

Q: You've described routine overcharging and unsanitary practices by Halliburton, as well as shortages of food items for troops because of private Halliburton parties. Halliburton managers were not only aware of these practices, they ordered them, is that correct?

A: Correct.

Q: How senior were these managers?

A: The managers, the main manager was a manager of all of Iraq, assigned by KBR.

Q: So these practices may have been ordered at other dining halls in Iraq?

A: Most likely, yes.

Q: When government auditors arrived, these senior managers deliberately avoided them?

A: Yes.

Q: And these senior managers ordered you and other employees not to discuss your concerns with the auditors?

A: Yes. We were informed if we talked, we would be rotated out to other camps that were under fire.

Q: Is it fair to say that the managers used the threat of transfer to a more dangerous base to intimidate employees into keeping quiet?

A: Yes.

Q: When employees did talk to auditors, what happened?

A: All the employees that did talk to the auditors were switched out to other camps or fired because they refused to go to the other camps.

Q: Is there anything else you'd like us to know?

A: Not at this time.

Thank you for your testimony, Mr. Mayberry.

EXHIBIT 2

BUNNATINE GREENHOUSE, U.S. ARMY CORPS OF ENGINEERS, SENATE DEMOCRACTIC POLICY COMMITTEE HEARING, JUNE 27, 2005

My name is Bunnatine H. Greenhouse. I have agreed to voluntarily appear at this hearing in my personal capacity because I have exhausted all internal avenues to correct contracting abuse I observed while serving this great nation as the United States Army Corps of Engineers (''USACE'') senior procurement executive. In order to remain true to my oath of office, I must disclose to appropriate members of Congress serious and ongoing contract abuse I cannot address internally. However, coming forward is not easy. On June 24, 2005, I met with the acting General Counsel of the USACE. During the course of this meeting it was conveyed to me that my voluntary appearance would not be in my best interest. I was also specifically advised to clearly state that I do not appear as a representative of the Department of the Army or the United States Corps of Engineers.

I have been involved with government contracting for over twenty years. On June 9, 1997 I was sworn in as the Principal Assistant Responsible for Contracting (''PARC'') for the USACE. Back then, the commander of the Corps asked me to do what I could to end what could be called casual and clubby contracting practices. To curb these practices I required Commanders to strictly follow the

Federal Acquisition Regulations and began to institutionalize the contracting practices the Corps had to follow. However, as the command structure at the Corps changed, there was ever increasing pressure to return to the old ways. My determination to ensure that the Corps strictly adhere to contracting regulations was no longer viewed as an asset and I began to experience an increasingly hostile environment. The hostility peaked as the USACE was preparing contracts related to the Iraq War. At this juncture, the interference was primarily focused on contracting activity related to a single contractor, Halliburton subsidiary Kellogg Brown and Root (''KBR''). The abuse I observed called into question the independence of the USACE contracting process. I can unequivocally state that the abuse related to contracts awarded to KBR represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

The independence of the USACE contracting process was unquestionably compromised with respect to the issuance of the Restore Iraqi Oil contract, known as RIO. I observed, first hand, that essentially every aspect of the RIO contract remained under the control of the Office of the Secretary of Defense (''OSD''). This troubled me and was wrong. However, once the OSD delegated responsibility for the RIO contract to the Department of the Army, control over the contracting process by the OSD should have ceased. However, the OSD remained in control over the contracting process. In reality, the OSD ultimately controlled the award of the RIO contract to KBR and controlled the terms of the contract that was to be awarded even over my objection to specific terms that were ultimately included in the contract.

As the ramp-up to the Iraqi War escalated I was increasingly excluded from contracting activity related to the war effort. However, given my position, it was simply impossible to completely exclude me from the process. When I did gain access to some of the high level planning meetings related to the implementation of the RIO contract I sensed that the entire contracting process had gone haywire. I immediately questioned whether the Corps had the legal authority to function as the Army's delegated contracting authority. The Corps had absolutely no competencies related to oil production. Restoration of oil production was simply outside of the scope of our congressionally mandated mission. How then, I asked, could executive agency authority for the RIO contract be delegated to the USACE? I openly raised this concern with high level officials of the Department of Defense, the Department of the Army and the U.S. Army Corps of Engineers. I specifically explained that the scope of the RIO contract was outside our mission competencies such that congressional authority had to be obtained before the Corps could properly be delegated contracting authority over the RIO contract. Exactly why USACE was selected remains a mystery to me. I note that no aspect of the contracting work related to restoring the oil fields following the 1991 Persian Gulf War was undertaken by the USACE, and there was no reason why USACE should take over that function for the prosecution of the Iraq War.

I further raised a concern over which contract authorized payment for prepositioning work KBR was doing in anticipation of being awarded the RIO contract. I was generally familiar with the scope of the LOGCAP contract and was under the impression that the LOGCAP contract was being used to fund the initial preposition work being done by KBR before the Iraq War commenced. I specifically questioned whether using LOGCAP funding was legal and insisted that a new contract be prepared. My concern over this issue ended when I was apparently provided misinformation that a new contract had been issued. This is the first time I can recall being overtly misled about something as fundamental as the existence of an underlying contract authorizing work to be done.

I further raised a concern over the basis used to justify the selection of KBR as the sole source contractor for the RIO contract. I learned that a specific basis to be used for the selection of the contractor was a requirement that the contractor have knowledge of the contingency plan KBR prepared for the restoration of Iraqi oil. The inclusion of this requirement meant that the RIO contract would have to be awarded to KBR because no other contractor participated in the drafting of the contingency plan and no other contractor had knowledge of the contingency plan itself after it had been prepared by KBR. What was particularly troubling about this arrangement was that contractors who are normally selected to prepare cost estimates and courses of action, such as the work KBR did when it prepared the contingency plan, are routinely excluded from being able to participate in the follow-on contract. The reasons for prohibiting the contractor responsible for preparing costs estimates and course of action from obtaining the follow-on contract is obvious. The fact that it was a no-bid, sole source contract meant that the government was placing KBR in the position of being able to define what the reasonable costs would be to execute the RIO contract and then charging the government what it defined as being reasonable. Given the enormity of the scope of work contemplated under the RIO contract, the exclusion of the contractor responsible for pricing out the scope of work to be done under the RIO contract should have been an imperative. Instead, it formed the basis of awarding the RIO contract to KBR.

Ultimately, I was most concerned over the continuing insistence that the RIO contract be awarded to KBR without competitive bidding for an unreasonable period of time—two years plus the option to extend the contract an additional three years. I raised this concern with officials representing the Department of Defense, the Department of the Army and the Corps of Engineers. However, when the final Justification and Approval of the RIO contract was forwarded to me for signature—after the draft had been approved by representatives of the office of the Secretary of Defense—the five year, no-compete clause remained in place. I could not sign the document in good faith knowing that this extended period was unreasonable. However, we were about to prosecute a war and the only option that remained opened to me was to raise an objection to this requirement. Therefore, next to my signature I handwrote the following comment: ''I caution that extending this sole source effort beyond a one year period could convey an invalid perception that there is not strong intent for a limited competition.''

I hand-wrote this comment directly onto the original document because experience had taught me that a separate memo outlining my concerns could inexplicably be lost. I wrote my comment on the original J&A to guarantee that my concern was not overlooked. Instead, it was just ignored.

The RIO contract was subjected to public scrutiny when, on December 11, 2003, the Defense Contract Audit Agency (DCAA) issued a draft report concluding that KBR overcharged for the purchase of fuel by $61,000,000. However, the firestorm over this issue was significantly dampened a week later when the Commander of the USACE, Lt. General Flowers, took the unusual step of issuing a waiver absolving KBR of its need, under the RIO contract, to provide ''cost and pricing data.'' The Corps simply asserted that the price charged for the fuel was ''fair and reasonable,'' thereby relieving KBR of the contract requirement that cost and pricing data be provided.

However, the manner in which the waiver request was prepared and finalized demonstrates that the USACE Command knowingly violated the AFARS by intentionally failing to obtain my approval, as the PARC. The evidence suggests that the reasons why I was intentionally kept from seeing the waiver request were politically motivated and driven by the DCAA's conclusion that KBR had overcharged the government for the fuel by $61,000,000, rather than whether the granting of the waiver was in the interest of the government.

Significantly, it appears that a concerted effort was undertaken to ensure that I was kept in the dark about the waiver request. I have every reason to believe that the USACE knew I would object to the granting of the waiver if it had been presented to me for signature. So, I was specifically kept in the dark and did not learn of the existence of the waiver until I read about it in the press. Having reviewed the documentation used to justify the waiver, I can unequivocally state that I would not have approved it because the documentation relied upon to justify the fuel charges as ''fair and reasonable'' was grossly insufficient.

Eventually, a copy of the original J&A for the RIO contract was released in response to a Freedom of Information Act Request which prompted Time Magazine to attempt to find out why I felt it necessary to document my concern. Time Magazine contacted the USACE seeking permission for me to be interviewed. I later learned that this caused great consternation. According to sworn testimony given on October 15, 2004 by the Deputy Commander of the USACE, Major General Robert Griffin, the Department of the Army was figuring out how it was going to publicly respond and whether the Army would officially allow me to speak to a Time magazine reporter. According to MG Griffin, the problem was that I did not ''know the Army's story'' so the Army had to figure out who was going to respond. The difficult position the Army found itself in, according to MG Griffin, ''was because she wrote this informal note at the bottom of this document, which actually makes my case, which is, you shouldn't write on official documents because they get taken out of context, somebody reads them and there you go.'' However, my comment was far from an informal note, and it was not being taken out of context. Rather, my concern had found its way to the light of day.

As public pressure mounted, my involvement and past actions related to the RIO contract became a thorn in the side of the USACE. As a result stating my concern in writing on the original RIO J&A and as a result of expressing other significant concerns over contracting matters related to KBR, I was eventually summoned to a meeting on October 6, 2004 at which time I was issued a memorandum notifying me that I was to be removed from the Senior Executive Service and from my position as PARC. At that point I knew that my ability to resolve the issues within the USACE had terminated. I had no other alterative at that juncture but to file a formal request for investigation with the then-Acting Secretary of the Army and to appropriate members of Congress.

In closing, I would like to thank my attorney, Michael Kohn, and the National Whistleblower Center, for the support and unbelievably hard work they have put forth.

Without their effort I could not have survived the political fire storm that burns around me.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:17 p.m., and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Montana.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005—Continued

Mr. BURNS. Mr. President, we are setting the priority of amendments now and consulting. We will have that decision made in just a bit. We want to work on that. We have a lot of work to do this afternoon and on into the evening. There have been some changes as far as amendments that have been offered.

In the meantime, I ask unanimous consent that the Senator from Georgia, Mr. ISAKSON, be allowed to speak as in morning business for 10 minutes, followed by Senator MURRAY—how much time will the Senator need?

Mrs. MURRAY. Mr. President, 15 minutes.

Mr. BURNS. Fifteen minutes, and after that, Senator KERRY will be recognized, and Senator AKAKA needs about 10 minutes.

The PRESIDING OFFICER. The Chair, as a Senator from Ohio, would like to know where I fit into that schedule.

Mr. BURNS. Right after the chairman is done with his duties.

The PRESIDING OFFICER. Is that 3 o'clock?

Mr. BURNS. Yes.

Mr. DORGAN. Mr. President, if I might make a point, because of the way the order is established, it could be 5 minutes after 3, but the Senator from Ohio will be in line following the Senators who have just been described by Senator BURNS as having time. It should turn out 10 minutes, 15, 10, and 10, and it should turn out to be just about the time the Presiding Officer leaves the chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BURNS. First let me add something, if the Senator from Massachusetts will withhold?

Mr. KERRY. Mr. President, I wish to speak. It is a little longer than 10 minutes. I do not know exactly how long.

Mr. BURNS. Then the Senator will follow the Chair.

Mr. KERRY. I appreciate that. I will follow the Senator from Washington.

Mr. BURNS. And Senator VOINOVICH of Ohio, and Senator AKAKA is after Mr. ISAKSON. Mr. AKAKA, Mrs. MURRAY, Mr. VOINOVICH, and Senator KERRY—

Mr. KERRY. Mr. President, the understanding was the Senator from Washington, the Senator from Hawaii, the Senator from Massachusetts, and then the Chair. It should be around 3 o'clock, and if the Senate proceeds now, we should be able to get there.

Mr. DORGAN. Mr. President, let me see if we can clear this up without taking more substantial time. Senator ISAKSON wants to speak for 10 minutes in morning business. We decided following that Senator MURRAY would be recognized. She sought 15 minutes to speak on her amendment. Following that, Senator AKAKA was to have been recognized for 10 minutes. At that point, before Senator KERRY came in, we had indicated the Senator from Ohio would be recognized, and then Senator KERRY from Massachusetts has asked to be recognized without a time limit.

The one thing that is unclear to me is how much time the Senator from Ohio wishes. I know he wants to speak on his amendment.

The PRESIDING OFFICER. No more than 10 minutes.

Mr. DORGAN. I think we can lock all of that in understanding the Senator from Ohio could take the 10 minutes and then Senator KERRY from Massachusetts would be recognized. I think that actually works out to about 3 o'clock, in any event.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the chairman and ranking member for allowing me this time.

Mr. ISAKSON. Mr. President, I wish to take just a minute to address 48 extraordinary hours in my life this past weekend I spent with the men and women in the U.S. Armed Forces, first on Saturday in Ellijay, GA, at the funeral of 1LT Noah Harris of the U.S. Army, and then 24 hours later at Guantanamo Bay, Cuba, where I spent the day with U.S. Armed Forces in the work they are doing with the detainees in the war on terror.

I wish to do the best I can today to speak for those with whom I talked. I take responsibility for every word I say, but they are every bit a message from the people with whom I talked and who shared with me.

First, at the funeral of 1LT Noah Harris, I eulogized Noah on last Thursday and made a promise that I would make it to Ellijay, GA, on Saturday to be at his service. He was a distinguished Georgian, and like every other soldier who served and sacrificed, we mourn his death but we praise his service to our country. But this was an extraordinary funeral service.

A thousand Georgians—500 in the high school gym and 500 in the First Methodist Church—attended a 2½ hour service that passed in a microsecond, a service not by ministers but by laymen, Americans, citizens of Georgia to praise Noah Harris but also to praise our men and women in harm's way.

When the service came to a conclusion, it was his mother Lucy and his dad Rick who talked for the last 20 minutes. To honor what they said and their son to the best of my ability, I want to recount it to all of you.

Lucy stood up before that crowd of 500 and said: You know, when we got the word of Noah's death, I knew I had two choices: I could mourn and I could be sorrowful and I could grieve, and I have done all those, but I could also do the good and the godly thing, and that is to praise my son and all those other men and women who fight in Iraq on behalf of freedom and democracy.

She gave a beautiful and eloquent statement about the tribute her son's life was to that for which our men and women fight.

Then her husband stood up and asked rhetorically: What was it the American press is really writing about today? Everything you hear about what is going on in Iraq is negative and wrong, questioning our motives and our reasons for being there. Yet in this church in quiet Ellijay, GA, in northwest Georgia, thousands had come to honor a man who had sacrificed his life in harm's way for the people of Iraq and the principles of this great Nation.

Rick Harris asked the question: Have we forgotten 9/11? Have we forgotten that since that date there has not been an attack on American soil? Since we went after terror, wherever its exists, and since we committed the resources of our country, our Nation has been safer. And what we are doing is right—is not only right morally, but it is right for the future of peace and freedom and democracy.

So for Lucy and Rick Harris, on behalf of their son, I rise today in this Senate and send that message loud and clear that I got last Saturday from a thousand Georgians proud of their native son's service, sorrowful for his loss but appreciative of living in a country that has been willing to make the commitment we have made on behalf of freedom and democracy around the world and on behalf of the security of the United States of America.

And then, Mr. President, I went to Guantanamo Bay, Cuba. I went with two other Members of the Senate. I went with a specific desire in mind: the desire to go and see for myself that which I heard so many people talk about and have seen so much about on television.

I learned something very interesting. There must be two Guantanamo Bay, Cubas—the one I visited and the one all the news media talks about because they did not resemble one another. I thought when I landed at Guantanamo Bay and went to visit the detainees that I would see men incarcerated in cyclone fences with razor wire on top of it. That does not exist anymore. That was Camp X-Ray. It was closed 3 years ago. It was the original temporary place we took the enemy combatants to until we could spend the millions of dollars to build the buildings that now house them.

I saw 538 people who are intent on hurting and destroying Americans, who are incarcerated in a facility from which we are gaining intelligence that is saving lives of Americans and citizens around the world. The most hardened of those I saw are in air-conditioned facilities, not unlike what I have seen in the United States in sheriffs' jails and prisons. The food they eat is unbelievable. The medical care is first rate. The security is tight and, yes, they are controlled, but they are there because they are the enemies of our Nation and were captured in battle in the worldwide war on terror.

After seeing all those facilities and having totally dispelled that which television shows, I had lunch with two Georgia sailors. I promised them I would bring a message back to the Senate. They are on a 6-month rotation as guards guarding the enemy combatants, the terrorists who threaten America.

I asked them: If I could take back anything, what would you like me to do? They said: Please tell the American media to stop saying what they are saying about what we are doing in Guantanamo because what we are doing is right and what is being alleged is not correct. And tell them what we, the guards, the American soldiers, are subjected to.

The two gentlemen with whom I had lunch are two African-American citizens of the State of Georgia serving in the U.S. Navy. They go 12 hours on and 12 hours off, 4 consecutive days guarding enemy combatants. Every day, they have to take a shower more than once during their duty to wipe off and wash off the human waste that is thrown on them by the enemy combatants they guard. They are subjected to racial epithets that we in the United States would never accept. They continue to stay on their post and do their duty, and there is no harm to the enemy combatants. They are sitting there guarding the people who would take the lives of your loved ones and mine.

They are abused every day, and what is alleged by people in this Chamber and other places about what may or may not be happening at Guantanamo is not correct. The people subjected to abuse are the men and women in the Armed Forces of the United States who take it from those who would harm us and harm our loved ones.

They are standing guard in the front line in the war on terror. My time is about up, but I came to the floor for this time to deliver two messages. First, for Rick and Lucy Harris on behalf of their son, Noah, I hope I did an adequate job.

Second, to deliver the message by those two servicemen from Georgia, who stand on the front line of the war on terror guarding the enemy combatants from whom we are gaining the intelligence that is saving American lives; enemy combatants who are treated well, fed well, clothed well, and medically treated well; enemy combatants who would take the lives of our loved ones but because of the commitment of our President, this country, and the men and women in harm's way, are safely incarcerated, and from whom we are gaining the information necessary to win the global war on terror.

I hope tonight all Americans will watch our President on TV. I hope tonight in some small way the message I have brought back from those valued soldiers will help us to remain to stay the course against the war on terror for democracy and freedom and in support of this country, its leadership, and the liberty and freedom we all cherish and love.

I yield back my time.

The PRESIDING OFFICER. The Senator from Washington is recognized for 15 minutes.

AMENDMENT NO. 1052

Mrs. MURRAY. Mr. President, I rise today to speak to amendment No. 1052, an amendment offered by myself, Senator BYRD, and Senator FEINSTEIN regarding emergency supplemental funding for the Veterans Health Administration.

As my colleagues know, throughout the last 6 months I have been talking to this body about my deep concern that we were not going to have sufficient funding for our veterans, both our current veterans who are accessing the system, nor for our veterans who are now returning home in record numbers from Iraq and Afghanistan.

Throughout the budget process, I asked that we consider making sure we have additional funding. I was rejected in that request. Throughout the appropriations process, I have made it known time and time again that looking at what we know, we are not going to have sufficient funding for our veterans health care.

On the supplemental emergency bill, I offered an amendment to add an additional $1.98 billion for veterans services, and I outlined on this floor for all of my colleagues the exact numbers we were looking at as we went out and talked to our regional veterans administrations, as we heard the stories of shortfalls in every single place across this country, about service men and women who are waiting in line, about the high number of returning veterans from Iraq and Afghanistan who would need access to mental health care services for post-traumatic stress syndrome, and I asked that we add emergency supplemental funding because I knew, looking at the numbers, we had a shortfall.

On this floor, I was defeated on that amendment. Why? Because the Secretary of the VA, Secretary Nicholson, sent a letter to this body saying they had sufficient funds.

That was less than 3 months ago. Several weeks ago in the Veterans' Committee I asked the Secretary, when he was before us, if they had sufficient funding, and he told us they had adequate funding.

Last Thursday, to everyone's surprise, except a few of us, we were told that the VA is now over $1 billion short in funding this year. This is surprising to some, but it should be appalling to all of us.

As I told my colleagues when I was on the floor talking about the supplemental, we all know that the veterans in VA care have gone up by 88 percent. We know that medical inflation has gone up 92 percent. But the VA continued to go on a formula based on 2002 figures that did not adequately take into account our military who were going to be accessing the veterans services, nor the fact that we all know of medical inflation.

So here we are today, and it would be easy to say I told you so, but that is not going to solve the problem. So last Thursday, I called Secretary Nicholson. I said: How are you going to solve this problem? What are we going to do?

Well, he said to me that we were going to take the money out of maintenance and construction projects.

I would let every one of my colleagues know that all of them have VA facilities in their own States or in their own region that are serving our veterans today that need asbestos removal. There are new clinics that have been promised for years. There is maintenance due, long-term backlogs that have not been completed that we voted on in the 2005 appropriations bill and promised to our men and women back in our home States would be taken care of this year.

We cannot go back on that promise right now. Those veterans are waiting for that service. If we were to say, well, we have to suck it up and take the money out, that means we are just going to defer those costs until next year. If we are today basing our figures of the VA on 2002 numbers, then we know the $1.5 billion we are short this year is going to be multiplied by two or three times next year and those facilities will not be fixed.

So we have a problem. We have a big problem, and we need to address it now. I believe the best and most important way we can do that quickly is through an emergency supplemental bill passed through the House and Senate to get the VA the money they need to serve our veterans. This is an emergency.

None of our veterans who served in previous conflicts should be told that they have to wait 6 months or a year or 3 years. None of our veterans who are being served in our hospitals today should be looking at facilities that are falling down around them. None of our veterans who are coming home from Iraq and Afghanistan should be told that they do not have adequate care and we are not there for them.

I was just in Iraq 2 months ago and the first question that my soldiers from Washington State asked me is: Will my country be there for me when I get home?

The Senate has been responsible by passing a bill last year to begin to put

in place those contracts, maintenance, and important facilities projections. We cannot take that away now. Our only responsible choice remaining is to pass an emergency supplemental.

I have to say I am deeply concerned about how our VA came to this, and I am frankly quite angry. Less than 3 months ago, our VA said, no problem. Our VA, 2-plus weeks ago, said no problem, and now they tell us they are well over a billion dollars short this year. In fact, what they are saying is we can fix that; we can take $600 million from construction, as I just talked about.

We cannot let them do that.

The other $400 million they are talking about coming up out of a reserve fund. I have been on this floor before talking about this. There is not a reserve fund. I asked Dr. Jonathan Perlin. He is the VA's Acting Under Secretary for Health. I asked him on April 5th: Is there a $500 million reserve?

He said to me:

> No . . . I do not know where that might have been suggested, but there is no $500 million reserve that is sitting there for future projects.

So the White House's solution, the VA's solution, to take $600 million from construction and $500 million from this reserve account does not exist. Those are already part of our appropriations and there is no reserve account. So it is time for us to be responsible. It is time for us to face up to the fact that we have not been given accurate figures from this administration on veterans, and we need to act responsibly to pass an emergency supplemental.

I want to say that Senator CRAIG, the chair of the Committee on Veterans' Affairs, and Senator HUTCHISON, the chair of the Appropriations Subcommittee on Military Construction and Veterans Affairs, and Related Agencies, have been responsible in the last few days by addressing this crisis. We have held a hearing this morning under Senator CRAIG's direction to hear from the VA what their solution was.

As I have said, that is simply unacceptable to me. It should be unacceptable to this Senate. I want to work with anyone to solve this problem. We have an amendment that is now pending. It is amendment No. 1052 to have an emergency supplemental to deal with this crisis. I know that my colleagues on the other side feel that we must address this as well, and I hope that we can work this amendment out and get it passed on the Interior appropriations, get it passed through the House and sent to the President so that our members who are serving us, both in previous conflicts and in Iraq and Afghanistan today, can look any one of us in the eye on the Fourth of July recess, when we all go home to march in parades and carry our flags, and we can say, yes, this country is there for you.

I can think of no more important issue that this body should address before the upcoming recess than this pending crisis before us. We owe it to the troops who have served us so honorably to be there for them when they come home. We cannot say to them that your clinics will not be built, that your hospitals will not be maintained, that there is a hiring freeze and you will not be seen if you show up.

We all have talked to generals who are in Iraq, and every member of this body knows that this is a 360-degree war. We have been told that time and time again. Our members in the military who are serving us in Iraq and Afghanistan do not have a front line to go behind to get some ease from this conflict. They are in this conflict every single minute of every single day that they are there, and as a result of that many of them will be facing emotional stress and post-traumatic stress syndrome when they get home.

It would be wrong of this country to tell those members who served us so well that there are no services for them when they come home. We have a responsibility not as a Republican, not as a Democrat, but as an American to be there for them. The most responsible way to do this is through this amendment with an emergency supplemental.

I think who said it best was George Washington back in 1789:

> The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country.

I urge my colleagues to adopt this emergency supplemental funding, get it to the House, and get it to the White House so that we can address this crisis that has come before us. We can say a lot of stuff about the VA and why the numbers were wrong and why what we knew on this floor were not listened to and were not told to us honestly. We can spend time doing that, but I think the most important thing we can do is make sure this funding is there for our soldiers, and we do it through an emergency supplemental in a responsible way.

The President is going to address the Nation this evening. He is going to talk to us about the importance of staying the course in Iraq. Well, I would say to the President and to the Members of the Senate, when we send our troops to war, part of the cost of that is making sure we are there for them when they come home. I urge the President, when he addresses the Nation tonight, to tell us how this administration is going to be there for our soldiers when they return and work with us to pass this emergency supplemental as expeditiously as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 10 minutes.

MUTUAL FUND REGULATION

Mr. AKAKA. Mr. President, the Securities and Exchange Commission—SEC—has been impressively led by Chairman William Donaldson. Chairman Donaldson inherited an agency in turmoil. The previous chairman left an agency with limited effectiveness and demoralized staff. The SEC needed a vocal, imaginative, and forceful leader to restore the trust of investors.

Chairman Donaldson has accomplished much during his tenure, such as reform of the mutual fund industry, the implementation of Sarbanes-Oxley, the registration of hedge funds, while improving the integrity of exchanges. He has been the friend and protector of investors. Unfortunately, this has brought him a lot of criticism. I have been impressed by his ability to fight for what he considers to be in the best interests of investors and the public. I was deeply saddened when Chairman Donaldson announced his resignation. I am concerned about the future of the Commission after his departure.

In particular, I am worried about mutual fund reform. Mutual funds are of particular interest to me because they are investment vehicles that millions of middle-income Americans utilize that provide diversification and professional money management. Wealthier individuals can have their own investment managers and private bankers, or invest in hedge funds. Mutual funds are what average investors rely on for retirement, savings for children's college education, or other financial goals and dreams.

I was appalled by the flagrant abuses of trust among mutual fund companies that were discovered by New York Attorney General Eliot Spitzer and the SEC in 2003. Ordinary investors were being harmed due to the greed of brokers, mutual fund companies, and institutional and large investors. In November 2003, I introduced S. 1822, the Mutual Fund Transparency Act of 2003. I introduced legislation to bring about structural reform to the mutual fund industry, increase disclosures in order to provide useful and relevant information to mutual fund investors, and restore trust among investors. Several key provisions of the legislation were the requirements that mutual fund chairman and 75 percent of board members be independent. The transgressions brought to light made it clear that the boards of mutual fund companies are not providing sufficient oversight. To be more effective, the boards must be strengthened and made to be more independent. Independent directors must have a dominant presence on the board to ensure that investors' interests are the paramount priority.

I applauded the efforts of the SEC to adopt proposals that will improve the governance of mutual funds and that mirrored provisions from my legislation. Again, Chairman Donaldson and the majority of the commissioners have made great attempts to address the widespread abuse of investors by the mutual fund industry. The independence requirements are an important part of the Commission's response

that will ultimately lead to improved governance, better protect shareholders from possible abuse, and improve the transparency of fees. The SEC requirements for an independent chairman for mutual fund boards and an increase in the percentage of independent directors to 75 percent are significant steps towards ensuring that independent directors are better able to protect shareholders' interests. I believe that the Commission must go forward with the independence rule and address the concerns raised by the Federal appeals court.

Several of my colleagues have written to the Commission saying that the reissuance of the rule would be inappropriate. I respectfully disagree. It is not out of the ordinary for outgoing agency leaders to move rules forward prior to their departure. The uncertainy of the future of the independence rule for the mutual fund industry and of the outcome of the confirmation process, require that action be taken on the rule as soon as possible.

On May 16, I reintroduced a modified version of my original bill, S. 1037, to further strengthen the independence of boards, make investors more aware of the true costs of their mutual funds, and prevent several key reforms from being rolled back. Legislation is needed to ensure that the increased independence rule is applied universally among mutual funds, not just those that rely on exemptive rules.

I look forward to meeting with Representative COX to discuss mutual fund regulation, prior to consideration of his nomination by the Senate. It is my hope that Representative COX will be as aggressive in protecting investors as Chairman Donaldson has been.

I look forward to working with all of my colleagues to enact mutual fund reform legislation. I support the efforts to move the mutual fund independence requirements forward and appreciate all of the hard work of Chairman Donaldson and the SEC staff on this important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I know the order we agreed on was to recognize the Chair. I do not want to abuse that process. I will talk beyond 3, but it will not be that extensive. I ask the Chair if it meets with his approval to change the order so that I speak now and the Chair will speak when he is relieved.

The PRESIDING OFFICER. How long does the Senator from Massachusetts seek?

Mr. KERRY. I can't tell you exactly, 15 or 20 minutes, somewhere in that vicinity.

Mr. BURNS. I will take the chair.

Mr. DORGAN. Mr. President, while we are waiting, I ask unanimous consent to add Senator JEFFORDS and Senator SALAZAR as cosponsors to the Murray amendment.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

AMENDMENT NO. 1010, WITHDRAWN

Mr. VOINOVICH. Mr. President, I call up amendment No. 1010.

I ask unanimous consent the current order in terms of the amendment be waived so we can discuss this amendment at this time.

The PRESIDING OFFICER. The amendment is the pending business.

Mr. VOINOVICH. Thank you, Mr. President.

Mr. President, I rise today to discuss my amendment that will address an issue that is becoming a problem in my home State of Ohio and a number of other States nationwide—the explosive growth of Indian gambling.

I thank Senator ENZI, Senator DEWINE, Senator VITTER and Senator ALLARD for cosponsoring my amendment.

Currently, there are over 400 tribal casinos in 30 States. To build on the success of these tribal casinos, some Native American tribes are aggressively seeking to take gambling off reservations and into local communities all across the country—from States like California to New York, Oregon to Florida, and my home State of Ohio.

In this practice, commonly referred to as ''reservation shopping,'' tribes are looking to acquire new, non-contiguous land to open casinos near large communities or next to major roads with easy access.

A loophole in the law that regulates Indian gaming, the Indian Gaming Regulatory Act, allows the Department of Interior to take land into trust for a tribal casino, even at great distances from their home reservation, if it advances the economic interest of the tribe.

Originally, many reservations were located in rural areas at great distances from population centers. They were unable to sustain profitable casinos, so they moved casinos to areas near cities that were part of the reservation. Now these casinos aren't enough—the tribes are looking at lands great distances from their reservations and near population centers like Cleveland, Chicago, Miami, the Bay Area of California, to name a few.

In Ohio, the Eastern Shawnee Tribe of Oklahoma has filed a land claim in Federal court for 146 square miles throughout the State, alleging that this land was illegally taken in 19th Century treaties.

They have also reached an agreement with four separate mayors in the State to site casinos in their communities, stating that a casino complex would bring new jobs and increase the tax base. In announcing their lawsuit, the Eastern Shawnee announced they would also try to blackmail the State of Ohio—they will drop the land claim in exchange for the right to put an unlimited number of casinos in the State. The tribe's attorneys said the aim was not to seize cities and farms, but to negotiate a deal to open casinos where the tribe has been invited.

It is important to note here that the population of Ohio is more than three times the size of the population in Oklahoma, where the Eastern Shawnee already have a casino. The tribe sees dollar signs, dollar signs that they will make at the detriment of my constituents.

In response to the threat of reservation shopping nationwide, the Senate Indian Affairs Committee has held a number of hearings investigating the current issues, and Senator McCain, the Chairman of the Committee, has indicated that he will be offering legislation this Congress to address the reservation shopping created as an unintended consequence of the Indian Gaming Regulatory Act. It is my hope that his legislation will close some of the loopholes created by this law.

The amendment I have offered to the Interior Appropriations bill is simply a moratorium on taking land into trust by the Department of Interior for the purposes of gambling unless the Governor of a State specifically gives his consent. This moratorium will give Congress the time needed to pass thoughtful legislation that will protect States from the threat to States rights that the proliferation of these casinos will have.

Some of my colleagues may ask why I am opposed to the prospect of Indian casinos in Ohio. The answer is simple. This issue is really about families. Back when I was a State representative and just beginning my career in government, I was asked how I would confront the problems of Ohio if I had a magic wand.

My answer then was the same as it is now: I would use it to reconstitute and protect the family, which is the foundation of this country and the reason why most of us get up in the morning, go to work and hurry to get home at the end of the day.

In the late 1980s, when I was Mayor of Cleveland, the first attack against our families was mounted by the backers of what studies call the ''crack cocaine'' of gambling: casino gambling. Voters fought back at the polls in 1990. We defeated the effort to amend the Ohio constitution that prohibits gambling in Ohio, but it wasn't long before it surfaced in Ohio again.

In 1996, as Governor of Ohio, I was proud to lead a coalition of some 130 organizations, dozens of elected officials and thousands of individual citizens, in defeating State Issue 1, another effort to amend the Ohio constitution, the second ballot initiative that would have legalized casino gambling.

So here we are in 2005 and it's déjà vu all over again. It's a new millennium, but the same forces are back, but this time they are joined by the Shawnee tribe. They have regrouped and reappeared in different disguises.

This amendment, which just lasts one year, will guarantee that through

stealth this tribe and others can not sneak into the Department of Interior and get land taken into trust and abrogate the Ohio constitution. It also gives urgency to the work by Senator MCCAIN as he grapples to deal with the proliferation of reservation shopping around the country.

This amendment is supported by the National Governors Association. I ask unanimous consent that the letter from Ray Scheppach, Executive Director of NGA, be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. VOINOVICH. Mr. President, this amendment is opposed by Senator MCCAIN as chairman of the Senate Indian Affairs Committee. It is opposed by Senator MCCAIN, not because he is not concerned about the proliferation of Indian gaming, but rather because he believes this is within the jurisdiction of his committee and that he is already addressing the issue.

He has indicated he will give me a hearing on my amendment right after the July break. This issue of Indian gaming is a serious threat to the people of Ohio and other people throughout the country. It is an issue in terms of States rights and the States' Constitution and their ability to deal with the issue of casino gambling.

Mr. President, I respectfully withdraw my amendment.

EXHIBIT 1

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, June 27, 2005.

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR VOINOVICH: The nation's governors appreciate your efforts to ensure that states continue to play a meaningful role in the trust land acquisition process. The Governors are committed to working with Congress, the Executive Branch and Indian tribal governments to resolve the Complex issues involved in the implementation of the Indian Gaming Regulatory Act of 1988 (IGRA).

By requiring the consent of the governor before land can be placed into trust for gaming purposes, your proposed amendment would underscore the governors' role in the trust land acquisition process and in determining whether Indian gaming is consistent with existing state gaming policy.

Thank you for your continued leadership in support of a strong role for states in our federal system.

Sincerely,

RAYMOND C. SCHEPPACH,
Executive Director.

Mr. VOINOVICH. Mr. President, I would like to take this opportunity to express my continued concerns about the proliferation of off-reservation gambling by Indian tribes. I know that Senator MCCAIN is holding a number of hearings in the Indian Affairs Committee to investigate this issue. I urge him to act quickly on this issue. It is very important to my home State of Ohio.

Mr. MCCAIN, I understand the Senator from Ohio's concerns, and appreciate the Senator not calling for a vote on his amendment. I will be holding a hearing in the Indian Affairs Committee in July and would welcome Senator VOINOVICH to testify at that time.

Mr. VOINOVICH. I thank the Senator from Arizona for his leadership and accept his invitation to testify on this issue before his Committee.

The PRESIDING OFFICER. The Senator from Massachusetts. Let the Chair convey thanks to the Senator for his patience before making his presentation. It is appreciated very much.

Mr. KERRY. I thank the Chair.

Mr. President, if I may, Senator AKAKA had asked if he might make some comments on the amendment of Senator MURRAY, and so I would ask unanimous consent that I can yield to Senator AKAKA for 3 minutes and then hold the floor after that.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank the Senator from Massachusetts for yielding me the time.

I rise today in support of the amendment to rectify the funding crisis for VA health care. You heard Senator MURRAY expound on this eloquently. This morning, the committee held a hearing on the revelation that VA is more than $1 billion in the hole for this year. With the VA's announcement, we at least now have an admission that the VA hospitals and clinics are in the red, and this is the first step in turning things around.

Despite the tremendous pressure to keep quiet, VA's dedicated providers have been forthright with us about the fact that they were raiding capital accounts just to make ends meet. There seems to be some confusion about what kinds of projects will be done because of the $1-billion shortfall. We have asked for a specific list from VA and hopefully we will receive that shortly. At the very least, we are talking about deferred maintenance, and anyone who is familiar with the military knows that deferred maintenance means trouble for our troops. The same is true for a hospital or clinic. The purchase and replacement of equipment directly impacts the quality of care provided. Let there be no mistake about that. Deferring capital projects may also mean that needed clinics—and there are more than 120 clinics in the queue—will never come to fruition. My colleagues in the Senate will be familiar with this issue. Indeed, we raised the issue earlier this year on the Senate floor. Unfortunately, VA officials denied that trouble was ahead. Our amendment is a way to fix the problem. But let me say that I am open to any approach that ensures the highest quality health care for our Nation's veterans.

Mr. President, I yield the floor and thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1029, WITHDRAWN

Mr. KERRY. Mr. President, I thank the Senator from Hawaii. Before taking time to speak in morning business, I have a couple of procedural items I need to do. One, I thank the Senator from Washington, speaking as a veteran and as somebody who has introduced an amendment that I am about to ask be withdrawn. In fact, let me do that if I may, Mr. President. I call up amendment No. 1029.

The PRESIDING OFFICER. The amendment is now pending.

Mr. KERRY. Mr. President, this is an amendment I had been working on in an effort to try to add money back to the VA, and I am delighted that the appropriators, led by Senator BYRD and Senator MURRAY, have undertaken to do that now. So I would ask unanimous consent—I am now a cosponsor of their amendment—that I withdraw this amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. KERRY. I thank the Chair. Senator MURRAY could not be more correct, and I thank her on behalf of veterans all across the country who understand how this game is affecting their lives. The fact is that this funding is one of the hidden costs of the war and now no longer hidden, and veterans are beginning to feel it and VA hospitals across our Nation. She has been a tireless, tenacious advocate on behalf of veterans, and we are all very grateful to her and grateful to Senator BYRD for their leadership.

(The remarks of Senator KERRY are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1052

Mrs. MURRAY. Mr. President, I rise to speak briefly on the pending amendment No. 1052, which is the emergency supplemental funding for the veterans services which I spoke about earlier. I thank my colleagues, Senators AKAKA and KERRY, for their remarks.

Mr. President, I ask unanimous consent to add the following Senators to our amendment as cosponsors: Senators JEFFORDS, SALAZAR, BILL NELSON, DAYTON, ROCKEFELLER, and HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I will ask for the yeas and nays on the amendment at the appropriate time.

The PRESIDING OFFICER. Does the Senator ask for the regular order with respect to the amendment?

Mrs. MURRAY. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The amendment is now pending.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have cosponsored the amendment offered by my colleague from Washington. I want to make a couple comments.

It seems to me, on the question of what the priorities are around here, what are the right choices, veterans health care has to rank right up at the top.

We had a hearing at one point. We had Secretary Rumsfeld come, and the Chairman of the Joint Chiefs. We asked a lot of questions about this issue because I think everyone wants the same thing. We want to say to young men and women who wear the uniform of this country: Please support this country's efforts. Go fight for freedom. Answer your country's call.

And when they do, and put themselves in harm's way—and most of us understand what ''harm's way'' means because we have been over to Walter Reed, we have been out to Bethesda Naval Hospital. We have seen these young men and women with lost limbs, limbs that have been blown off, and all kinds of other wounds. We understand the sacrifice that is made.

We asked the Secretary about the difference between someone who is a soldier on active duty and someone who has come home to a hospital to be treated for a lost leg or a lost limb or other devastating injuries and then is moved out of the service with a discharge—what is the difference between the level of health care for an active-duty soldier at Walter Reed or Bethesda and a veteran in a veterans hospital setting? Should there be a difference? No, there should not be. These are soldiers: active duty or retired, but soldiers.

I do not think there is a debate in this Senate about whether we adequately fund veterans health care. We all know the answer to that. The answer is no, we are not adequately funding it.

So the question is, will this be a priority? Will the Congress, will the Senate think this is as important as some other issues?

Someone once asked the question hypothetically: If you were asked to write an obituary for someone you had never met and the only information with which you could write that obituary was their check register, what would it tell you about the person? You could take a look and determine, what did that person spend money on? What did that person determine to be valuable?

You could make the same case with respect to the Federal Government. Take a look at the checkbook and evaluate, what did we determine was important? What were our priorities? Where was veterans health care, because we know the esteem in which this country holds its veterans? We know that starting with the poster that says ''Uncle Sam Wants You'' pointed to the face of Americans for decades to say: Join the service, represent this country, support and fight for it, fight for freedom. We know that call. But we also know a promise was made. The promise was, you do this for your country and, when you come back, we will have a veterans health care system available for you.

Some say—not publicly—why have a veterans health care system? Why not just have those folks go to a regular hospital? Especially after major wars, you don't ask that question because if you go to the veterans hospitals or Active-Duty hospitals that are treating these veterans, you will discover there is a kind of medical challenge that you don't find often in other hospitals.

I visited a young man at Walter Reed a couple times. I had appointed him to West Point. He is a proud member of the armed services. He went to Iraq. Because of an improvised explosive device, he lost his leg. He came back, was in Walter Reed, and went through a long period when they didn't know whether he was going to make it. He had a lot of infections and serious problems. He lost his leg right up to his hipbone.

Go visit those folks at the military hospitals or the veterans hospitals and understand these are different medical challenges than you find every day at the hospitals in the inner cities or the hospitals in the suburbs. I am not saying other hospitals don't face challenges. I am saying the wounds of war are deep, challenging. Go to the orthopedic section out here and understand the difference. It is a big difference.

I have told my colleagues about a Sunday morning at Fargo, ND. I will tell the story again because it is so important. It illustrates such an important point in support of my colleague.

A man served his country, left the Indian reservation when called during the Second World War and served. His name was Edmund Young Eagle—Native American, Standing Rock Reservation. He served in Africa, Normandy, Europe, served as his country asked him to, never complained about it. At the end of the war, he came back to the Standing Rock Indian Reservation, lived, had a tough life, didn't have a family of his own, loved to play baseball but had a tough life all of his life. Toward the end of his life, he went to the Old Soldiers' Home in North Dakota, and following that, he developed lung cancer.

His sister contacted my office and said: My brother has never had very much, but he was always very proud of serving his country and never received the medals he had earned for serving in Africa and Europe and Normandy during the Second World War. Could you help get his medals?

So I did. I got the medals that this Native American had never received from his country for going all around the world and fighting for America. By that time, Edmund Young Eagle was transferred to the VA Hospital in Fargo with advanced lung cancer. In his late seventies, on a Sunday morning, I went to his room at the VA Hospital with his medals. His sister came. The doctors and nurses from the ward came and crowded into Edmund's room. We cranked up his hospital bed to a seating position, and I pinned on his pajama top the medals that Edmund Young Eagle had earned fighting for his country in Africa, Normandy, and Europe.

This man, who would die 7 days later, said to me: This is one of the proudest days of my life.

He was a very sick man but enormously proud that his country had recognized what he had done for America in the Second World War some 50 years later.

The fact is, he and so many like him, particularly now, those Tom Brokaw called the ''greatest generation'' who went off to win the Second World War, beat back the forces of nazism and Hitler, the fact is they are now at an age where they claim an increasing amount of health care in their late seventies, eighties, and nineties. There is a strain on the VA medical health care system. Added to that, the Vietnam War and the age of those veterans, the gulf war, now the war in Iraq, this is a system that is straining at the seams.

My colleague offers an amendment. She has offered it before. I have supported it previously on many occasions. It says: Let us, on an emergency basis, decide as a country that veterans health care is our priority. Let someone years from now look back at what we spent money on and have some pride in knowing that we spent money on a priority that was critically important, a priority that said to us: We will keep our word to veterans. We promised health care, if you served your country. Now we are going to deliver it.

It is not satisfactory to me and to many others in this Chamber to decide that among a whole series of priorities, providing another tax cut is more important than providing health care or keeping a promise to veterans. That is not acceptable to me.

That is why I am happy to join. I mentioned a tax cut as one example. We tried to offer an amendment to the emergency supplementals that previously went through this Congress. We just had an $81 billion supplemental, none of it paid for. We have now a $45 billion emergency supplemental passed by the House that is coming this direction. My colleague from Oklahoma made the point that we have increased spending. We sure have increased spending. No question about that. Take a look at what has increased with respect to defense spending and homeland security spending post-9/11. I have not opposed that spending. I happen to think we need to replenish Army accounts when you send troops to Iraq. I happen to think we need more security at our ports and other places. But it seems to me logical that progressives, conservatives, moderates, everything in between at some point ought to decide to get together and say: If we are

going to spend this money, we ought to pay for it. Instead of doing that, we have done emergency supplementals.

My colleague from Washington is saying, if you are going to do emergency supplementals for everything, how about doing it for the first and most important thing, and that is keeping our promise to America's veterans.

Mrs. MURRAY. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mrs. MURRAY. I wanted to ask if the Senator was aware that when our amendment was offered on the supplemental, Senators on this floor were told by the VA that they didn't need the funding. And last Thursday, the VA announced that they were indeed well over $1 billion short for this fiscal year alone for VA funding. That is why I needed to offer this amendment on this bill, and hopefully the Senate will pass it. I hope it will pass unanimously tomorrow. Is the Senator from North Dakota aware that is the situation we are now in?

Mr. DORGAN. Was there a question?

Mrs. MURRAY. I was asking if the Senator from North Dakota was aware that during the consideration of the emergency supplemental, when we offered our amendment, we were told by the administration they didn't need the funding. And then last Thursday they announced that they were, indeed, as we had warned, well over $1 billion short. That is why we are offering this amendment.

Mr. DORGAN. Let me say, that is why I support the amendment. It is a question of priorities. I know everyone has their own view of what priorities might be. One of the top priorities ought to be keeping your promise to America's veterans. I appreciate the amendment being offered.

I ask unanimous consent that Senator DURBIN be added to the Byrd-Cochran amendment No. 1053 as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I yield the floor.

AMENDMENT NO. 1002

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, it is about time we got down to business this afternoon and start taking care of some of these amendments. We would like to dispose of this bill at least by tomorrow.

I call up the Coburn amendment No. 1002 and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator ask for the regular order?

Mr. BURNS. I ask for the regular order.

Mr. COBURN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Is it not the offeror of the amendment who places in order the amendments that are called up and lays the other amendments aside?

The PRESIDING OFFICER. Any Senator can ask for the regular order.

AMENDMENT NO. 1015, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that amendment No. 1015 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1019

Mr. COBURN. Mr. President, I now ask unanimous consent to call up amendment 1019.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask to be recognized in support of the amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. Mr. President, we just heard a good observation about the increase in spending, but it is important for the American people to understand, we did ramp up homeland security. We did ramp up defense. Let me read the increases in spending that have occurred in other areas since 2001: legislative branch, 40 percent; judiciary, 40 percent; Agriculture, 25.7 percent; Defense, 55 percent; Education, 109 percent; Energy, 48 percent; Health and Human Services, 53.1 percent; Homeland Security, 153 percent; Housing and Urban Development, 38.2 percent; Justice, 22.7 percent; Labor, Health, and Human Services, 57 percent; Department of State, 74 percent; Transportation, 40 percent; Veterans Affairs, 44.5 percent; General Services Administration, 404 percent; National Science Foundation, 61 percent. The average has been almost 39 percent in the last 4 years. Outside of homeland security and defense, the increase in spending by the Congress has been almost 30 percent.

I come to the floor of the Senate to talk about the spending problems. I also want the American people to understand what is happening to us presently. This chart represents the on-budget Federal deficit. It is not the games that we play in Washington. This is the true amount of money we are going to spend that we don't have, that we are actually going to borrow money to pay for. As you can see, this year it is going to be $544 billion. That is $544 billion that we are going to ask our children and grandchildren to pay back. There is no question that we have some belt-tightening to do. There is no question that the authors of this appropriations bill have done some of that in the bill.

The amendment I wish to focus on presently is an amendment that reduces funding for land acquisition within the bill by $121.2 million, from $154 million, for a total of $32.8 million.

The reasoning behind this amendment is, there is $92 million in reserve accounts right now to buy land that had not been spent this year. The committee put forward another $154 million. Buying land to preserve our scenic heritage, natural wildlife areas, is a good goal. The problem is, do we need to do it now when we are in a time of war, when we are borrowing from our children's future to be able to accomplish that? Is now the time to spend money on it? If not, is there another need? Is there a priority on which we should be spending?

I would say that we need to have another priority. The current bill provides funding for land acquisition through four separate programs: $12.3 million for the Bureau of Land Management, $40.8 million for the Fish and Wildlife Service, $56 million for the National Park Service, and $44.9 million for the Forest Service. Within the amendment, land acquisition funding for both the Bureau of Land Management and the Forest Service is eliminated, while funding for both Fish and Wildlife Service and National Park Service is reduced by $32 million.

According to OMB and staff estimates, the estimated amount of unobligated balances for Federal land acquisition at the end of the current fiscal year will be $92 million. OMB estimates that BLM will have $28 million in unobligated balances. In contrast, the bill provides an additional $12.3 million for BLM. U.S. Fish and Wildlife Service, which is set to receive almost $41 million, will have an estimated $32 million in unobligated balances at the end of this year, according to OMB.

Of the $121.2 million savings produced, $60 million in this amendment is transferred to a special diabetes program for Indians, and $61.2 million is transferred to the Alcohol and Substance Abuse Program. Both programs are with the Indian Health Service. Why is that important? There are some important things about diabetes with Native Americans that need to be recognized.

The question is, Do we spend money on land or do we spend money to improve the people's lives that need us the most? We have a real crisis in health care in Indian Country.

The causes are many, but one controllable factor is the delivery of federally funded health care services. Quality of care is severely impacted by poor oversight, lack of competitive forces, and the serious lack of funding prioritization. My amendment addresses the latter. There are 107,000 Native Americans that suffer from diabetes.

The PRESIDING OFFICER. Under the previous order, the hour of 3:45 having arrived, the majority leader is recognized.

TRIBUTE TO SENATOR MITCH MCCONNELL, THE LONGEST SERVING KENTUCKY REPUBLICAN SENATOR

Mr. FRIST. Mr. President, I rise today to pay tribute to a leader in the Senate, a true partner in guiding the 109th Congress and my friend. Today, we mark a momentous occasion for the senior Senator from Kentucky, MITCH MCCONNELL.

With the opening of Monday's session, Senator MCCONNELL surpassed the esteemed John Sherman Cooper as the longest serving Republican Senator in

the history of his State. Sworn in on January 3, 1985, Senator MCCONNELL has now served for over 20 years. For the last 2½ of these, I have worked side by side with MITCH in our capacities as leader and whip. I could not have asked for a steadier partner in guiding this Senate to accomplishment. Leading over 4 dozen strong-willed, independent Senators is not always easy. One of the things I like to say about the leader's job is that it is something similar to being the groundskeeper at a cemetery: You have a lot of people under you, but no one ever listens.

But more than anyone, MITCH is able to impress upon his colleagues the importance of working together to move America forward. MITCH and I work side by side not only as leader and whip, but also as Senators from the great States of Kentucky and Tennessee. Committed to the Union only 4 years apart, our States share the common interests of agriculture and commerce, a common culture of southern ingenuity, and hospitality, and a border over 320 miles long.

I have worked with MITCH on regional matters important to our States since I first entered this body in 1995. He is a fierce advocate for the people of his State, and I have watched him with admiration. Kentucky and Tennessee have a history of friendly partnership, and I am proud that MITCH and I work in that same spirit in the Senate.

MITCH and I have also both had the honor of being elected by members of our conference to chair the National Republican Senatorial Committee, the organization in this body charged with maintaining and building a Republican majority. MITCH chaired it from 1997 until 2001, and then he handed it off to me, from 2001 to 2003. Mr. President, there was never a smoother transition from one NRSC chair to the next than when MITCH turned over the keys to me in early 2001. Under his leadership, Republicans maintained control of the Chamber for over 2 election cycles under very extreme circumstances. When he passed the chairmanship to me, the NRSC was debt free, something almost unheard of, and in better shape than he found it. His legislative accomplishments are just as impressive.

Through his chairmanship of the Foreign Operations Appropriations Subcommittee, MITCH has shaped America's policy on promoting freedom abroad so strongly that he has become literally a hero in oppressed lands throughout the world. He believes in using American might to support democracy and civil institutions in nations that know neither.

He is not afraid to call the tyrants by their names. In Burma, an illegitimate junta has held Nobel laureate and democracy advocate, Daw Aung San Suu Kyi, under house arrest for the last 15 years. And 2½ years ago, she succeeded in sending a letter to Senator MCCONNELL through a very, very circuitous route. Let me say that it didn't just arrive in his mailbox. She told him, in her words:

> You have been such a stalwart supporter of democracy. We have come to look upon you as a rock-like friend.

Whenever MITCH gives a friend or a cause his support, you can count on him. MITCH has led the fight every year to impose import sanctions on Burma, to force its tyrannical government to free Suu Kyi and stop jailing and harassing the country's freedom fighters. His record on freedom, protecting our national security, and promoting democracy abroad has been crystal clear and consistent since his first days in the Senate.

One of his earliest votes upon entering the Senate was in favor of sanctions against the apartheid regime then in South Africa. Through the appropriations process, he provided authority and funds to conduct democracy-building programs in Syria, Iran, and China. He has always been a staunch supporter of Israel which, along with Iraq, is one of the few models of democracy and liberty in a region plagued by tyranny and intolerance.

MITCH was the author of language that forced Russia to withdraw its troops from the Baltic states of Lithuania, Latvia, and Estonia in 1994. Throughout decades under Soviet rule, those three countries never formally surrendered, and they maintained their embassies here in Washington, DC. Thanks to MITCH MCCONNELL, the home soil of Baltic states became just as free as those embassy grounds a little sooner than otherwise.

MITCH is a solid rock when it comes to supporting freedom here at home as well as abroad. Take his fight in defense of free speech and against the changes to our system of financing political campaigns known as ''campaign finance reform,'' that was one fight he ultimately lost. But even in losing, he won the hearts of his comrades as we watched him doggedly champion what he believed in—the first amendment and the right of every American citizen to have a free, unfettered voice in our democracy.

His good friend, Phil Gramm, our former Senate colleague from Texas, said on this floor:

> I don't know whether they will ever build a monument to the Senator from Kentucky, but he is already memorialized in my heart.

Senator Gramm, you are not the only one.

MITCH made his case with passion all the way up to the highest court. And when he lost there, he very graciously was the first to reach out and congratulate his long-time opponents and began healing the divide.

Mr. President, when I look at the impressive career of Senator MCCONNELL, studded throughout with so many successes—and, yes, a very few defeats, but always refueled again and again by his relentless energy—I have sometimes wondered, where does that drive come from?

Perhaps the answer lies 60 years in the past. MITCH's dad, A.M. McConnell, was fighting overseas in World War II. While he was away, 2-year-old MITCH contracted the dreaded disease polio. In 1944, before Dr. Jonas Salk invented his vaccine, polio very likely meant paralysis, sickness or death.

MITCH's mother, Dean, took her son to Warm Springs, GA, the polio treatment center that President Roosevelt established. Learning from the therapists there, she put him through a strenuous, tough regimen of physical therapy to save the use of his left leg. She made her son exercise his leg three times a day, and it was drilled into his head that to protect his leg, he had to refrain from walking on it. That hardly sounds like an easy reality for a typical 2-year-old. But she was successful. To this day, MITCH credits his mother with teaching him determination and tenacity.

Today, the world is virtually free of polio, with only about a thousand cases diagnosed every year. Most of those are in the developing nations. Through his subcommittee chairmanship, MITCH has appropriated over $160 million in the last 6 years toward wiping out the deadly virus. Those funds go to the U.N., The World Health Organization, and other agencies that take Dr. Salk's lifesaving vaccine into the world's poorest countries and deliver it to people who need it, bringing us closer and closer to eliminating polio once and for all.

No Kentucky history book would be complete without portraits of Henry Clay and Alben Barkley. Henry Clay dominated his State and this Senate in the 19th century and Barkley in the 20th. Well, I submit that MITCH will be viewed in the same light for the 21st century. Why? Because even with all of the accomplishments he has behind him, I predict that his greatest contributions are still ahead with his wife and life partner, who is a leader in her own right, Elaine Chao, at his side.

Like Clay and Barkley, MITCH speaks with a voice of principle. He is a rocklike friend to his fellow Senators, to this institution, to his State, to his country, and to defenders of freedom the world over.

I join my fellow Senators in congratulating my friend, the majority whip, on reaching this milestone.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky, Mr. BUNNING, is recognized.

Mr. BUNNING. Mr. President, I rise to pay tribute to my colleague from Kentucky, the senior Senator, MITCH MCCONNELL.

Today is somewhat of a historic occasion for my friend, this Senate, and the Commonwealth of Kentucky.

As of yesterday, our colleague, MITCH MCCONNELL, became the longest serving Republican Senator in Kentucky history. He surpassed the service of the legendary Senator from Somerset, John Sherman Cooper.

For over 20 years now—7,481 days, to be exact—MITCH has honorably served Kentucky.

In all that time, Kentuckians have been getting solid leadership and representation here in the Senate. MITCH is an effective and devoted legislator working hard on behalf of the bluegrass State. I could not have had a better partner in my fight for Kentucky.

Some of my friends may not know what kind of role MITCH has played in Kentucky's political scene. He has helped lead the fight to build the thriving, vigorous, two-party political system that Kentucky enjoys today.

MITCH MCCONNELL helped set the growth of Louisville—home of the Kentucky Derby—in motion over 20 years ago when he served as judge-executive of Jefferson County. Many of the initiatives he launched then to expand the city's economic growth and prestige have since borne fruit many times over.

In 1984, Judge MCCONNELL made history with his election to the Senate. He was the only Republican to defeat an incumbent Democratic Senator anywhere in the country. He was the first Republican to be elected statewide in Kentucky since 1968.

For a lot of people, that would have been enough. But not for MITCH. Thanks to him, 1984 was not just one election for one man. It was the beginning of an emerging and competitive two-party system in Kentucky.

Once upon a time, most Kentucky Republican organizations could hold their meetings in phone booths. I remember those days vividly and somewhat fondly because in the early 1980s, I was just one of nine Republicans in the Kentucky State Senate.

I bet that sounds good to some of my friends on the other side of the aisle, but in all seriousness, one-party rule is not good for anyone, including the party in power. If parties do not have to compete to sell their ideas, they stop coming up with new ideas and they get lazy. The people they serve are left without a voice because the people in power have no incentive to listen. I believe that to be true no matter which party is in power.

In the eighties, Senator MCCONNELL saw us all laboring under one-party rule and decided to do something about it. He helped recruit candidates to run, and he never shied away from explaining the Republican message every where he went. And he did it all with his trademark-focused determination.

Many of my colleagues know that once MITCH sets his sights on something, no one will outwork or outthink him in pursuit of his goal.

I am a witness to this. I first ran for the Congress in 1986, and I won. At that point, and in getting to know MITCH much better, it was already clear that MITCH had goals for Kentucky's Republican Party.

After helping to lay the groundwork for many years, these goals began to pay off. In 1994, we saw two Republicans—RON LEWIS and ED WHITFIELD—win seats in the U.S. House of Representatives that had been held by Democrats for years. In 1996, Congresswoman ANNE NORTHUP won another seat in Louisville held by a Democrat. Congressman Ernie Fletcher joined them in 1998, and Congressman GEOFF DAVIS, last year, won back my old fourth district House seat. Today, Kentucky sends a largely Republican delegation to Congress, and my colleague worked hard to help make that happen.

When I decided to run for the U.S. Senate in 1998, and when I ran for reelection in 2004, MITCH was there for me. His help was phenomenal and said so much about our friendship.

MITCH also helped influence Kentucky's State government. For decades, one party had a lock on the statehouse and the Governor's mansion, but that is not true today. Republicans gained control of the Kentucky Senate in 1999, and in 2003, they captured the Governor's mansion. I know MITCH was involved in these races to help build a viable two-party system in Kentucky.

MITCH has been a great friend in the Senate. In fact, he is my best friend in this body. But he has also been a great friend to the good folks of our Commonwealth over the last 20 years.

Last year, MITCH and I worked hard in the Senate on the passage of a tobacco buyout for our Kentucky tobacco farmers. This is one of the most significant events in the agricultural history of Kentucky. That tobacco buyout literally saved the livelihood of tens of thousands of Kentucky tobacco farmers, their families, and the communities in which they live. That old quota system that dictated to the farmers how much tobacco they could sell was broken. My office and Senator MCCONNELL received thousands of letters and phone calls from Kentuckians pleading for help. We answered their pleas and, MITCH, our Senate majority whip, had a major role in pushing this ball over the goal line.

Throughout my service in the Senate, I could not have asked for a better comrade in arms than MITCH McConnell. MITCH, is a fighter. When he is on your side, you feel unstoppable. When he is not, you know you have an uphill battle to fight. But he is always fighting for what he believes in and what is right. Kentucky is lucky to have him, and so is this Senate.

MITCH, I appreciate you, and I am proud to call you my best friend in the Senate. Congratulations on your milestone. You have my vote for Kentucky's political hall of fame.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). Under the previous order, the senior Senator from Kentucky, Mr. MCCONNELL, is recognized.

Mr. MCCONNELL. Mr. President, first, I extend my thanks to the majority leader for his exceptionally generous remarks about my service here, and I also want to take this opportunity to thank him for the extraordinary leadership he has provided over the last 2½ years. It has been a great pleasure working with the Senator from Tennessee almost every day as I try to assist him in conducting a chorus on our side that is occasionally slightly off key but, generally speaking, singing the same tune.

To my good friend and colleague from Kentucky, we share the same constituency. We have similar views on how America ought to be led. It has been a distinct pleasure, I say to my friend from Kentucky, to be associated with him, to enjoy his own electoral success, which has been quite extraordinary given the rather limited number of Republicans who have been elected to the Senate from our State. I thank him for his incredible, generous remarks.

Mr. President, I stand here today with a bit of disbelief. Forty-one years ago, as a young man long on desire but short on achievement and certainly devoid of connections, I met the man I considered to be one of the greatest Senators in Kentucky's history and certainly the greatest in my adult lifetime, John Sherman Cooper. I was 22 years old, had just graduated from the University of Louisville, and was intent—absolutely intent—on getting a Senate internship as the first step up what I hoped would be the ladder to a life of accomplishment.

Senator Cooper reached out and lifted me up to that first rung. He took me on as an intern in his office, and this was at a time when many Senators did not have internship programs at all. He gave me a chance to do that. I had the pleasure of being the only intern in the office and to stay for the entire summer—June, July, and August. So he became my boss, and he also became my mentor, and he became my friend. In fact, he was the first great man I ever met.

Now I stand in the same Senate Chamber as Senator Cooper, the longest serving Republican Senator in Kentucky's history, until yesterday. I am filled with gratitude for his helping hand, gratitude for Senator Cooper, and for a country where there are no limits to one's success.

Senator Cooper served for 7,479 days. My fellow Kentuckians elected him to this body five times. But Senator Cooper had a most unusual record of service. It was not unbroken, nor was he elected to a full 6-year term until his fifth race for the Senate. In fact, to serve his nearly 21 years he stood for election seven times. He won five and he lost two. He also lost a race for Governor before World War II. But he was never afraid to put himself before the people of Kentucky and be judged. He knew who he was and he knew where he stood. To borrow a phrase, he had the courage of his convictions.

To most Kentuckians, Senator Cooper was our emissary to places of power. I viewed him with simpler eyes. He was my hero. I learned more from him than from anyone else I have encountered in all of my years in public life. He taught me how to be a Senator. And he taught everyone who knew him

the value of integrity, forthrightness, and moral character.

Senator Cooper stood fast for what he believed was right, no matter how large the opposition and no matter what the cost, even if that cost might mean his seat in this Chamber. When President Andrew Jackson said, ''One man with courage makes a majority,'' he was talking about John Sherman Cooper.

I saw that firsthand during my summer here in Washington in 1964. That was the summer of my internship in the Senator's office. It was also the summer of the Civil Rights Act of 1964, and we all remember what a dramatic struggle that bill was.

Until that point, the Senate had been, for the most part, a graveyard for civil rights bills since reconstruction, courtesy of the filibuster. But as my generation was keen to say at the time, things were a-changing.

By mid-June of 1964, the Civil Rights Act had been debated in the Senate for 57 days. One Senator filibustered against it by speaking on the floor for over 14 hours. But not John Sherman Cooper.

Senator Cooper had advanced equality for every American citizen for his entire public life. In the 1930s, as county judge of Pulaski County in south central Kentucky, he felt moved to help his African-American constituents who were hit hard by the Great Depression just as much as his White ones who were equally devastated. He was known to take money out of his own pocket to buy a meal for a starving family of any color. In the 1940s, he was one of the first Kentucky circuit court judges to seat Blacks on juries.

In 1963, he tried to pass a bill barring discrimination in public accommodations. It was filibustered, just like all the others. He was determined that the 1964 Civil Rights Act would not meet the same fate.

Senator Cooper's office was besieged with mail from thousands who opposed the bill. Some just were not ready for this measure, although I am proud to say that things have come a long way since then.

Despite the considerable opposition back home, Senator Cooper never wavered. Steadfastly and with clear vision, he worked to get the votes to break the filibuster.

I must admit, seeing him stand his ground was a bit exciting for a young man. But I wondered how he could hold fast against such forceful opposition. So perhaps crossing the line of decorum between Senator and staff that existed in those days, I asked him one day: How do you take such a tough stand and square it with the fact that a considerable number of people who have chosen you have the opposite view? His answer is one I will always remember.

He said, ''I not only represent Kentucky, I represent the Nation, and there are times you follow, and times when you lead.''

From that one simple statement, I learned first-hand what I had never learned in school. Senator Cooper followed the Jeffersonian model of representative democracy: Put succinctly, the people elect you to exercise your best judgment.

He did not think a leader was someone who wet his finger and stuck it in the air to see where popular winds blew. He believed that even if voters don't agree with every position a leader might take, they would see that leader trying to do the right thing, they would respect that, and they would support him, or disagree with him and vote him out.

Senator Cooper believed that a leader should stand up for what he thought was right, regardless of the opposition, or the cost.

I think he stuck to this principle so firmly because he learned it the hard way. As I said, his career was filled with many peaks, but also a few valleys.

In 1939, he made his first bid for statewide office with a run for Governor, but did not even win the primary. He won his first statewide race in 1946, in a special election to fill a partial term in the U.S. Senate. But when he ran to hold the seat in 1948, the same electoral wave that propelled President Truman to a surprise second term, producing that famous ''Dewey Defeats Truman'' headline, also swept Senator Cooper and many other Republicans out.

It probably did not help that Kentucky's other Senator, Alben Barkley, the majority leader and a beloved Kentucky figure, was Truman's running mate.

Senator Cooper won his seat back in 1952, again for a partial term, when Gen. Dwight David Eisenhower sat atop the ticket. But he lost the seat in 1954, when he ran against the one Kentucky politician more popular than he, Alben Barkley, now a former Vice President running to return to the Senate.

He came back in 1956 to win his old Senate seat, and this time he held it until retirement in 1973. So he had three partial terms before ever being elected to a full term.

In 1966, his last election, he set a record for the largest margin of victory for a Republican in Kentucky history, a record that held for nearly 40 years until one of his former interns broke it in 2002.

Senator Cooper's peers on both sides of the aisle respected his wisdom and gravitas. But he was defeated by Senator Everett Dirksen for Republican leader in 1959, by a vote of 20 to 14—not exactly a cliffhanger as leadership races go.

Senator Cooper knew the bitterness of loss as well as the sweetness of victory. It is a sign of the respect he commanded, from both parties, that after every loss a new door opened, often as an important diplomatic assignment on behalf of the President of the United States.

After his defeat in 1948, President Truman asked him to serve as a delegate to the newly formed United Nations, alongside Eleanor Roosevelt. After his 1954 loss, President Eisenhower appointed him Ambassador to India, a crucial post, as this newly independent country was weighing whether to align with the free world or the Soviet bloc.

After his retirement from the Senate, President Ford called him back into public service to be America's first ambassador to East Germany. With all this diplomatic experience, I think Senator Cooper brought a perspective to foreign-policy issues that the Senate may have otherwise lacked.

As Senator Cooper's intern, I also had the pleasure of meeting his charming wife, Lorraine. Their marriage was proof of the old adage that opposites attract. Where he was soft-spoken, unpretentious, and humble, she was vivacious, full of good humor, and very much a member of high society. She threw many Washington parties, and in fact even though it was not a Washington party, I think I had my first glass of champagne courtesy of Lorraine Cooper.

Lorraine was not a native Kentuckian, and few would have mistaken her for one. When Senator Cooper ran in 1956, some of his aides recommended he campaign without her. He would hear none of it. Lorraine marched through every small, rural Kentucky town in her pinwheel hat and brocade dress, carrying a silk parasol and an emerald-studded cigarette holder, and they loved her.

At a diner in Berea, in central Kentucky, a woman admonished Lorraine for smoking at the lunch counter. ''Listen,'' Lorraine replied. ''I'm supporting the state's most valuable crop.''

The first Tennessean who was majority leader of the Senate, Howard Baker, likes to tell the story about Lorraine Cooper. Right after he was chosen Republican leader, the phone rang and it was Lorraine Cooper on the phone. She said: Howard, do you have time to see me?

He said: Well, of course.

So Lorraine Cooper got an appointment, came up to the Senate, walked into his office and sat down and she looked at him. She said: Now, Howard, do you have any money?

Senator Baker said: Yes.

She said: You need new clothes.

Then she got up and walked out.

Senator Cooper was a confidante to Presidents. He and Lorraine were the first dinner guests of John F. Kennedy after the latter's election to the Presidency in 1960. I know my good friend, Senator KENNEDY of Massachusetts, has said that his brother the President thought very highly of Senator Cooper, as did he.

Senator KENNEDY once said that Senator Cooper ''always brought light to the problem, rather than heat.'' What a wonderful description of this kind, thoughtful, wise and honorable man.

Let me add to Senator KENNEDY's description that Senator Cooper showed the same compassion and courtesy to the Kentucky farmer, to the Capitol Hill intern, or to the destitute of the Third World, as to the powerful and the mighty.

I know this from personal experience. One day in August 1965, I returned to Senator Cooper's office after completing my internship one year before. I was then a law student, having finished my first year at the University of Kentucky College of Law.

I was waiting to see Senator Cooper when suddenly he appeared and motioned for me to follow him. We walked together from his office in Russell 125 to the Capitol Rotunda, where I saw more people, and more security, than I had ever seen before. Then Senator Cooper told me what was happening: President Johnson was about to sign the Voting Rights Act that Senator Cooper had worked so hard and courageously to pass in 1965.

Sure enough, the President of the United States emerged. Every good biography of President Johnson describes him as a larger-than-life man, with an imposing physical presence. Let me testify right now that they are correct. President Johnson seemed to tower a head taller than anyone else in the room. He had a huge head, massive hands, and a commanding figure that immediately filled the Rotunda.

I was overwhelmed to witness such a moment in history, and moved that my hero, at the spur of the moment, had brought me to witness it.

I stayed close to Senator Cooper for the rest of his life. When I first won election to this body, Senator Cooper was retired and living in town. He invited me to stay at his home when I came to town to be sworn in. He would regularly come to my office to visit.

Harry Truman once said, ''If you want a friend in Washington, get a dog.'' It doesn't sound like he had a very pleasant introduction to Washington. Mine could not have been more different. Senator Cooper gave me, as a new Senator, the gift of his 20-plus years of experience. We remained close, even as his health began to falter near the end of my first term.

John Sherman Cooper died in 1991 at 89 years old. Kentucky lost a leader, and the Senate lost a valued friend. Somewhere in a small town in Kentucky, a young boy or girl eager to enter public service lost a hero. I lost all three.

If not for John Sherman Cooper, I would not be here today. If not for him, all of the lives he touched—the farmer and the businessman, the indigent and the rich, the white and the black, the powerful and the least among us—would have a little less justice, and slightly narrower horizons.

I stand here 2 days past the 7,479 days that grand gentleman graced this floor. To a kid whose dreams and ambitions greatly outstripped his means of ascent, I cannot begin to describe how that feels. It's humbling, and bittersweet. He looms in my memory. But I think of him today just as I first did on that bright day in 1964, a giant among men and a role model for life.

Thank you, Senator Cooper. You gave me more than I can ever repay.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I do not know how one signs on to all of what was just stated by my friend from Kentucky. I can also compliment him in a couple of areas and say that I would not be here had it not been for him. I do not know if I should mourn or celebrate that.

Nonetheless, if anyone ever visits Kentucky and takes in the traditions of Kentucky, they will find out the former Senator was a part of that landscape and the present-day Senator is the same way. So congratulations.

Mr. MCCONNELL. I thank the Senator.

AMENDMENT NO. 1019

Mr. BURNS. I yield the floor back to the Senator from Oklahoma on his amendment where we were interrupted, amendment 1019, which is in order.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. We were in the midst of talking about whether we buy land or take care of diabetes with native Americans. That is what this amendment does. It is obvious we are not going to be able to trim the spending in this bill, but it certainly is not obvious that we cannot reprioritize.

Let me give some facts and figures on Native American diabetes compared with diabetes in every other group in this country. The national U.S. population rate for diabetes is 6.3 percent. For Native Americans between 45 and 74 years of age, it is 45 percent, 7 times the national average. The most extensively studied, the Pima Indians, an estimated 50 percent of that population suffers from type II diabetes.

Native Americans who have diabetes suffer from increased rates of kidney failure, amputations, blindness, heart disease, and stroke. End stage renal disease in Native Americans with diabetes is six times higher than any other group in this country. Diabetic retinopathy, i.e., blindness from diabetes, occurs in 24 percent of Native Americans who have diabetes. Only 2 to 4 percent of the diabetes in the Native Americans is type I; 98 percent of it is type II diabetes.

Alcohol and substance abuse is where the other half of this money goes. Nineteen percent of Native American youth age 12 to 17 are consuming alcohol at an alarming rate, headed for addiction; 12.8 percent of the young 12 to 17-year-olds engage in binge drinking. That is five or more drinks, weekly. HHS estimates that 7.6 percent of Native Americans over the age of 26 are classified as heavy alcohol users. American Indians are five times more likely to die of alcohol-related causes than other groups and they face significant increases in carcinoma of the liver and chronic diseases such as psoriasis.

Mortality rates from alcohol and substance abuse are seven times higher in Native American populations than in the general population.

This amendment does not cut funding. It simply moves money from land to people, moves money from the purposes of why we are here to care for those who cannot care for themselves. I would say in Oklahoma, it is very evident to see the underfunding for the Indian Health Service, the number of true full-blooded Native Americans who cannot receive care that was promised under treaty to get the care they need for their diabetes, for alcohol abuse, and other substance abuse.

This is a simple amendment. I understand a budget point of order is going to be raised against it because it spends money faster than the land acquisitions do. I plan on moving to waive that point of order, but I would say to my friends on the committee, and I would say to the people of America, should we be buying more land when we cannot afford it? And if we are going to spend the money anyway, should we not be spending that on something that is going to increase the quality of life and increase the health care of those who are least fortunate in our society?

I would also ask, having looked at this and then refer to the increased spending since 2001, how many Americans have received a 39-percent pay increase since 2001? That is how much Federal Government spending, discretionary spending—that is not Medicare, that is not Social Security, that is not Medicaid, but discretionary spending—has risen. It is time for us to tighten our belt. This is one way to move the priorities back to where they should be in terms of caring for real people, not land.

The other point that I would make is when we buy land it costs us twice. No. 1, it takes it off the tax rolls which decreases the amount of income coming to the States, local communities, and municipalities. But No. 2, it markedly increases costs to care for that land. With $92 million unspent from last year, we are going to spend another $40 million to $50 million to maintain that land and close the purchase.

With that, I yield to the chairman of the subcommittee and thank him for the time to allow me to present my case.

Mr. BURNS. I thank the Senator from Oklahoma. The argument is made there are very few of us here who do not look for extra funds to put into IHS, and especially in the diabetes program. We know that is important.

This year, the committee has included an additional $135 million to support Indian health services. This is the largest increase in many years targeted specifically at providing greater support for hospital and clinical services, dentistry, nursing, diabetes, and

other important health services. Funds for population growth and medical inflation have been included for the first time in probably a decade or more.

This increase comes at a time when most other agency budgets in the bill are not growing—in fact, many are declining. For example, EPA is reduced $144 million below their current year level; the Forest Service $648 million below; and the National Park Service, $52 million below. I point to these reductions both to underscore the commitment all of us share to improving health care in Indian country, but also to demonstrate that increases for any one agency come at the expense of others.

My colleague's amendment proposes to add funds to the special diabetes program. This program was initiated through the Balanced Budget Act of 1997 and reauthorized in December 2002 to provide $150 million annually for 5 years beginning in 2004. These are not appropriated dollars, it is a mandatory spending program for the prevention and treatment of diabetes within Indian communities. In addition to this program, the IRS itself spends over $100 million annually from within its appropriation to address diabetes treatment and prevention. There are also other programs funded outside this bill—the Centers for Disease Control comes to mind—that direct funds to Indian country for diabetes work. I mention these programs to highlight the fact there are significant resources being dedicated to diabetes work now with this committee's support and we are encouraged by the impact these funds are having in Indian communities.

Alcohol and substance abuse is another area where we are directing a substantial amount of funding into tackling this problem. This budget proposes a $6.3 million increase bringing the total for these efforts up to $145.3 million. Of this funding, 97 percent goes directly to tribally contracted or compacted programs. The committee has been an advocate for this program and has worked to increase funding over the years.

Funding levels for these two programs may not be in amounts that are ideal, but they are significant. Other programs of importance to our Members were proposed to take substantial reductions in the budget request, which we have struggled to restore. In the end, as I have said before, we have to strike a balance in this bill. I think the committee bill does a good job of hitting this balance and I urge Members to support the committee position.

Mr. COBURN. Will the Senator yield for a question?

Mr. BURNS. I yield for a question.

Mr. COBURN. There is no question a significant amount of money is being spent on these two programs, but when you compare it to every other group in this country, what you see is about $1 compared to $3 for everybody else in terms of diabetes. You cannot very well square that when there is six times the rate of end-stage renal disease in Native Americans. That is an important point because if you can prevent end-stage renal disease, you save $50,000 per year per person in not having them on dialysis, as well as the fact it is a miserable life being on dialysis.

So the point is that there are increases. I will recognize that. I still say how in the world can we justify buying land when we are stealing $541 billion from our grandchildren? And No. 2 is why not people instead of land? That is a legitimate question, especially in an underserved segment of our population that needs the dollars that will make a tremendous difference. I would just ask the Senator, can't we come to an agreement that a portion of this money should be moved to solve this very tragic problem that affects and afflicts Native Americans at a higher rate than any other group in this country?

Mr. BURNS. This bill has such a delicate balance that there could be—and I will raise it—a budgetary point of order. That is what we have to work with. The Senator from Oklahoma knows how to work with budgets and how we work with appropriations. It proposes to add $121 million to the Indian Health Service for a special diabetes program and an alcohol substance abuse program. The offset would be derived from an equivalent reduction in land acquisition. This transfer of funds results in a change of outlays that causes the bill to exceed its outlay allocation.

Now we might work on offsets in some other areas. As to the argument that you would make about land acquisition, we have always had land acquisition, but we have also had land sales. I wish I could stand here and report to you that we had as many sales as we have had acquisitions because I, for one, support the idea that there should be no net gain of land by the Federal Government. I come from county government. I know whenever the Government buys land, it takes it off the tax rolls. It hurts me as a county commissioner to provide all the programs that I have been asked to provide at the county level. In fact, we passed some legislation at one time when I first came here, which I was part of, of no net gain—or no net loss—whichever way you want to define it.

The way this is structured does raise a point of order, and I will raise that point. The pending amendment offered by the Senator from Oklahoma increases discretionary spending in excess of the 302(b) allocation to the Subcommittee on Interior and Related Agencies of the Committee on Appropriations. Therefore, I raise the point of order against the amendment according to section 302(f) of the Budget Act.

Mr. COBURN. Mr. President, I thank the Senator for his courtesy. I plan, in a moment, to move to waive the point of order, but before I do that I think every American ought to be asking the question this is $544 billion which we are going into the market and borrowing on budget this year, $544 billion that our kids and our grandkids are going to have to pay back at a minimum of 6 percent interest every year. So we are going to pay back about $2 trillion on this $544 billion. That is going to be about $70,000 apiece that we are going to wrangle their future with. And the question is, Should we be buying more land if we are going to put our kids in debt?

The PRESIDING OFFICER. The Parliamentarian advises that the point of order is not debatable.

Mr. COBURN. Mr. President, I move to waive the point of order.

The PRESIDING OFFICER. Does the Senator seek the yeas and nays?

Mr. COBURN. I do. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The motion to waive is debatable, and the Senator from Oklahoma is recognized.

Mr. COBURN. The question the American people have to ask themselves is, if we are going into hock and we are going to put this kind of lien on our kids, should we be taking money off tax rolls? Should we be spending more money to maintain the land? Or if, in fact, we are going to do this, should we not see an outcome that reduces our cost by reducing insulin dependence type 2, by reducing dialysis? I believe the choice is very clear, that we ought to be taking care of those who need us the most and not add land that is going to add cost. In fact we should, invest in those people where we are going to decrease the cost of the Indian Health Service. With that, I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

Mr. ROCKEFELLER. Mr. President, I had to be absent from the Senate today, and I missed votes beginning with the motion to waive the Budget Act with respect to amendment No. 1019, offered by my colleague from Oklahoma, Mr. COBURN. I had to miss the votes in order to travel to Charlotte, NC, to participate in a Base Realignment and Closing, BRAC, Commission Regional Hearing at Central Piedmont Community College. I am not absent from the Senate on days when we have votes without good reason.

This afternoon there was nowhere more important for me to be than at the BRAC Regional Hearing, which is part of the process whereby the fate of the 130th Air National Guard Wing, based in Charleston, WV, will be decided. I believe it is a crucial part of my duty as a United States Senator from West Virginia to protect the 130th. While I respect the difficult work done by members of the BRAC Commission, and understand that their preliminary recommendations were made in a good faith effort to improve the efficiency and efficacy of our armed services. However, I believe that gutting the 130th is wrong and I must make every effort to oppose it.

The 130th plays an important role in our national security, as well as the security of

the greater Washington area. It has also provided hundreds of National Guard personnel who responded to the call of duty in Bosnia, Afghanistan, and Iraq. In addition to 340 full-time Guard members, the 130th employs 201 federal technicians, and more than 80 active guards. The State of West Virginia also employs more than 50 State employees whose jobs depend on the continued presence of the 130th. At a time when enlistments and retention for both our National Guard units and regular Army are suffering, the 130th had 96 percent reenlistment, fifth in the nation. Every single job in West Virginia is sacred to me, and as these jobs also protect my home State and are a vital part of our military family and national security, I believe very strongly that they should not be cut.

With regard to the amendment by Senator COBURN, I believe he made very persuasive arguments about problems in Indian Country of diabetes and drug and alcohol addiction. When you consider that Native Americans from the ages of 45–74 have a rate of diabetes roughly seven times the rate for all Americans, and that drug and alcohol addiction is rampant, I believe most of our colleagues would feel that all that can be done to help the Indian Health Service—IHS—combat these plagues should be done.

However, we are in a time of severe fiscal constraints, and I commend the Interior Appropriations Subcommittee for successfully completing the difficult task of meeting so many priorities as best they could. The underlying bill contains about $100 million in appropriated funds for diabetes programs under the IHS, and there are more than $150 million available in mandatory spending in other programs targeted at the same problem. Similarly, the bill funds alcohol and drug abuse programs at $145.3 million. Senator COBURN would have shifted additional funding to those important causes by transferring funds to be appropriated for land acquisition. The bill contains only about $154 million for Federal land acquisition. While IHS diabetes and drug treatment programs surely could have benefited from an extra infusion of cash, it was also important to fund the land acquisition program at a reasonable level.

I will support efforts to adequately fund all programs of the Indian Health Service, and while I would have opposed the Coburn amendment, I commend him for his obvious and careful attention to this matter.

Mr. BURNS. Mr. President, I ask unanimous consent that this amendment be set aside. I believe the Senator from Oklahoma has another amendment.

AMENDMENT NO. 1053

Mr. DORGAN. Mr. President, I wonder if I might ask the Senator from Montana, my understanding is that we have a request from Senator BYRD, and I believe Senator COCHRAN, that on their behalf, the Byrd amendment, amendment No. 1053, be adopted by voice vote. My understanding is that both sides have had that request of Senator BYRD and Senator COCHRAN. I wonder if we might be able to accomplish that, I would ask the Senator from Montana.

Mr. BURNS. That is perfectly amenable to me. In fact, I would suggest the pending business be set aside and call up amendment No. 1053.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I ask unanimous consent the amendment be adopted by voice vote.

First, the unanimous consent is to vitiate the yeas and nays.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1053) was agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN. Mr. President, I am a cosponsor of the amendment offered by Senator BYRD and Senator COCHRAN to establish a Memorial to Martin Luther King, Jr. on the Washington Mall.

A memorial to Martin Luther King, Jr. in the heart of the Nation's Capital is a fitting tribute to a man whose vision and courage transformed the face of our Nation. Only a short distance from us here in the Capitol, Martin Luther King, Jr., delivered his famous ''I Have A Dream'' speech on the steps of the Lincoln Memorial. His inspirational words resonated with many Americans and helped spark the civil rights movement.

Dr. King started as a civil rights leader during the Montgomery bus boycott. Despite the bombings, arrests, and violence that Dr. King faced as a leader of this boycott, he continued to push for change. The Montgomery bus boycott successfully brought the glaring inequities facing African Americans to the fore of the American consciousness. In response to the boycott, the U.S. Supreme Court outlawed racial segregation on intrastate busses. However, as we know, Dr. King did not stop with this one legal victory.

Dr. King continued to tirelessly advocate for the principles of nonviolent protest as a means of addressing the injustices facing African Americans. Even in the face of tremendous opposition and cynicism, Dr. King persevered and helped concentrate the civil right movement's momentum for change. It is largely due to Dr. King's efforts that Congress rightly passed the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Over 4 decades later, I believe we are coming closer day by day to achieving Dr. King's dream, but still, more progress must be made. To memorialize Dr. King's dream here in our Nation's Capital would serve as a powerful reminder of the strides we have made but the steps we must still take together as a nation to weed out inequity.

I am pleased to have the opportunity to cosponsor this amendment with Senators BYRD AND COCHRAN to honor this great individual with a memorial in Washington, DC. The $10 million authorized by this amendment will help expedite the building of this memorial, which shall serve to remind future generations of Dr. King's sacrifices and his lasting legacy.

I urge my colleagues to support this amendment, and I ask unanimous consent that the full text of this proposed legislation be printed in the RECORD immediately following this statement.

AMENDMENT NO. 1003

Mr. COBURN. Mr. President, I call up amendment No. 1003. I would like to be recognized to speak on that amendment.

The PRESIDING OFFICER. The amendment is now pending, and the Senator from Oklahoma is recognized.

Mr. COBURN. I would like to call the attention of the Members to page 8 of the report language on the Department of Interior, Environment and Related Agencies Appropriations bill, 2006. No. 7 is entitled, ''Report Language.'' I think it is important that we understand what this says. It says:

> Any limitation, any directive or any earmarking contained in either the House or Senate report which is not contradicted by the other report, nor specifically denied in the conference report, shall be considered as having been approved by both Houses of Congress.

Mr. President, I do not have objection to that other than the fact that the American people, when the report comes out of conference, will have no way to measure the earmarks, the directives, and other things in that bill without that inclusion. This amendment requires that any limitation, directive, or earmarking be included in the conference report. This amendment is about sunshine so that if you get the conference report you can actually tell what is earmarked, what is directed, what is limited by the language that individual Senators have placed in the bill. I do not expect this amendment to pass. I understand that. But I think in one of the steps of us ever getting to the point where we do not leave this heritage of tremendous debt to our children, sunshine has to come in. And when we pass a bill out of conference, the conference report ought to say what is in there, just like it does when we have a conference bill on the Senate side or a conference bill on the House side.

The current report language actually abdicates our authority in looking at what the House earmarks or what the House limits as a body. We do not get a chance to look at that because it is not in the report language coming out of conference. I believe the Senate has a responsibility to vote on everything that is in that bill and have knowledge of everything that is in that bill. The only way a Senator will be able to know that is to take the House language in their report, filter through the Senate language, and figure out what is and what is not included.

This amendment requires that all provisions must be included in the conference report. It allows both the Senate and the House the opportunity to vote on all provisions, as opposed to only those which happen to pass through their respective Chambers.

I believe the American people expect us to do that. I believe this body was, in fact, intended to look at what the

House does. I believe the conference report ought to share what the House has limited, directed or earmarked for the benefit of individual Members or individual States, cities or otherwise.

So with that, I yield to the Senator from Montana and ask that he would support this amendment. It is a simple change. It is a change for open and more transparent Government. It is my belief that it is something we ought to consider.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. We all live by sunshine, I would tell the Senator from Oklahoma.

I think—I will have to ask counsel on this—whenever the House passes their bill and sends it to the Senate, and we take that bill to our committee, both the subcommittee and the full Committee on Appropriations, that House bill contains all of their earmarks. And some of those earmarks are covered up, agreed. But that bill is available for the Senators' perusal whenever it comes over here.

Now, most of these, however—recommended by the House and the Senate both—appear in the tables of the statement of the managers that accompanies that conference report. They are all there. All you have to do is kind of look for them. Some of them are not because the two bills are merged.

So in order to get the bills balanced out, merged, and back on the floor with a conference report—and you have to remember, the staff reads that whole bill, every word, before it is in its final form and comes back here for final consideration—some of those do get covered up. But in each body, all of those earmarks are a matter of public record, what goes on in their committees on the House side and the Senate side. This is to facilitate getting that report put together, the bill coming back on this floor, and getting it passed.

So what the Senator is asking for is more time between the time the House passes it, we pass it, it goes to conference, and then getting it back on the floor and full disposal of the conference report.

So it is not to hide anything. The way it is done is not meant to hide anything. And nothing is hidden. You just have to follow the trail in order to dig it out. And I realize sometimes the public would have a hard time doing that. But as a Senator, we even have to work at it at times. But, basically, that is the reason for the process: to save time, take some of the load off the staff that has to put this together.

So I would ask that the body oppose this particular amendment.

The PRESIDING OFFICER. The Senator from Oklahoma

Mr. COBURN. Mr. President, I think we are in a time when we can take the time to make sure the American public knows what is in the bills. As a matter of fact, I think it is wrong if we do not take the time. I read almost every bill. I am one of the few Senators who do. I can tell you that I will struggle through a House bill and then have to subtract out the conference bill to find out what was deleted from the House bill to be able to know what is and what is not there.

That is not sunshine for the American people. It is barely any sunshine for a Senator. I restate, the fact is, we ought to make it easy for the American people to find out where we are spending the money. A conference report that does not make it easy, does not direct where the money is directed, where the earmarks are, where the limitations are, is less than what the American people deserve.

This is a simple request. It will not add that much time. It is all printed out. In the conference, you all know what you are going to agree to and what you are not going to agree to. It is taking one computer screen: You punch ''copy,'' and it goes into the report.

So I would beg to differ with the chairman. I love him dearly. I think he is a great man. But I think the American people deserve to know what is in every report that comes out of here in terms of spending so they can make an evaluation: Are we doing the right thing mortgaging the future of our kids? Is it legitimate?

But to pass a conference report that does not give that pathway to them, for them to see and make that judgment, I think is wrong.

I think it will help us as the Senate, as we look at what the other body does, to put that in that report. I believe anything less than that says we do have something to hide. We may not have anything to hide. But not being very transparent and very clear about what the limitations, earmarks, and directives are in a bill is something less than what the American people deserve.

I ask the chairman again to reconsider his opposition to this amendment.

Mr. BURNS. Well, I will tell you, I have read those conference reports, also—even the bills that come over from the House—like you. If you have a clear paper trail, and you read everything, about 80 percent of all earmarks are contained in the conference report. There are just a few that are matched up, and we do not get to see them in the conference report.

Mr. COBURN. Will the Senator yield for a question?

Mr. BURNS. I will. I am still going to fight for the 20 percent. How is that?

Mr. COBURN. But the point is, don't the American people need to see that 20 percent? Shouldn't they be able to see that 20 percent?

Mr. BURNS. Sure. Listen, I helped pass a law with Senator LIEBERMAN on E-Government. Any citizen can go to their computer and dial it up online, and they can follow it all the way through. There are ways of doing that. I was part of that debate on E-Government. And we are going to do another E-Government bill that is going to open it up even wider, we would hope.

Mr. COBURN. Will the Senator yield for another question?

Mr. BURNS. Yes.

Mr. COBURN. Do you believe the average American can get on a computer, after this bill comes through conference, and see where all the money is spent?

Mr. BURNS. I would answer that by saying those citizens who are really, really interested in how we budget and how we spend do have the capabilities and the knowledge to access that information and to follow it.

Mr. COBURN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BURNS. 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. COBURN. 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. 1002, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that amendment No. 1002 of the Interior appropriations bill be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COBURN. 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.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

AMENDMENT NO. 1052

Ms. STABENOW. Mr. President, I appreciate having the opportunity to speak for 5 minutes prior to the vote. I know we have two important votes that will be coming up shortly. But I did want to take this opportunity to indicate that I am very proud to be cosponsoring the Murray amendment concerning the important resources that are needed for veterans health care today.

The midyear budget review of the Department of Veterans Affairs confirmed what many of us have known for some time; that the VA is facing at least a $1-billion shortfall in meeting critical health care needs for the current budget, the 2005 budget. As a result, the VA officials say they are forced to take $600 million away from funds to improve VA hospitals and other infrastructure and to borrow $400 million

from funds already committed to provide health care during the next fiscal year. The end result is that the quality of health care for our veterans will suffer. Essential services and programs are now at risk. This is not acceptable. We need to act today to do something about it.

We are creating more veterans, as brave men and women come home from Iraq and Afghanistan and around the world. Over 360,000 veterans have already returned from Iraq and Afghanistan, and over 86,000 have sought health care from the VA. The VA's patient growth for this year rose by 5.2 percent, an increase of over 3 percent from their original projections. We have men and women coming home every day, changing one hat for another. They come home with the assumption that we will keep our promise to make sure health care is there for them.

We know there are an additional 740,000 military personnel also serving in Iraq and Afghanistan. This next generation of veterans will also be eligible for VA health care, putting further demands on the system. Continued funding shortfalls and rising costs have already resulted in unprecedented waiting times for veterans seeking care. In my State of Michigan, I talk with veterans who have to wait 6 months to see a doctor. This is simply not acceptable. The VA's enrolled patient population has increased 134 percent. Funding for the VA has only increased 44 percent.

It really isn't about funding. We know this involves dollars. The real issue is whether we are going to keep our promise to our veterans who have kept their promise to each of us in fighting for our freedoms. The President's budget fails to keep this promise. I was proud, as a member of the Budget Committee, to be involved in efforts to turn that around. In the budget process this year, we did offer an amendment that would have increased the dollars for veterans health care. That was not successful at the time. Now is the time that we can make this right.

I also mention that in the President's budget this year, instead of adding the dollars needed for our brave men and women who are coming home and putting on the veterans cap, we saw a proposal to double veterans prescription drug copays from $7 to $15 per prescription and an increase of $250 in an enrollment fee for more than 2 million of our veterans. I was pleased as a member of the Budget Committee to lead the effort that took that out of the budget that came before the Senate.

Unfortunately, we are seeing proposed cuts with the budget proposed by the President, deep cuts in our VA nursing homes and private homes, State VA nursing homes. We are seeing continued efforts to roll back dollars rather than increase them.

I hope what we will do long term is move our veterans health care funding over to be mandatory funding rather than having to go through the budget process every year. We know that our veterans put their lives on the line for us without question. They are not asking will those funds we promised really be there for them. They assume we will keep our promise. Every year, we are debating whether veterans health care is fully funded. Now is the time to make this a mandatory promise that we keep based on the needs of our veterans, not a debate about the budget. We need an emergency supplemental to address this crisis.

I am proud to be a cosponsor with Senator MURRAY. I commend her for the amendment. We also need to take a hard look at this year's budget priorities and ask why we are not putting our veterans at the top of the list.

I urge support for the Murray amendment. Then we must get about the business of making sure that we are getting it right for our veterans every year, that we are fully funding their needs, the promises we have made to each veteran who is serving us today, served us yesterday, and will serve us tomorrow.

I urge adoption of the Murray amendment and yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the amendment that I am sponsoring with Senators MURRAY and BYRD, to provide the Department of Veterans Affairs with an additional $1.42 billion in emergency funding to shore up dramatic new shortfalls in the VA health care system.

Our soldiers are returning home from Iraq and the front lines of the War on Terror by the hundreds, to begin their transition back to civilian life—and they deserve our assistance and respect.

In California alone, there have been nearly 100,000 men and women deployed to Iraq and Afghanistan, all of whom will be eligible for at least two years of VA medical services when they return.

Over 1,400 Californians have been wounded during operations in Iraq and Afghanistan. Many of these recent veterans suffered injuries that will require specialty care for the rest of their lives.

Moreover, many of our combat veterans could have mental wounds we are not even aware of yet.

A report issued by the Government Accountability Office in September of last year found that:

> Mental health experts predict that because of the intensity of warfare in Iraq and Afghanistan 15 percent or more of the servicemembers returning from these conflicts will develop post-traumatic stress disorder—PTSD.''

This is in addition to the veterans currently accessing the VA health care system.

And now, we have learned that the VA's budget forecast projections did not adequately provide for soldiers returning from Operation Iraqi Freedom and Operation Enduring Freedom.

How, if we know this, can we sit by and insist that there is no problem? This budget crunch is not just on paper.

In San Diego County alone, 4,000 more veterans have been treated by the VA this year as compared to last, and we are still three months from the end of the fiscal year.

This includes over 1,700 soldiers returning from combat in Iraq and Afghanistan. At the same time, the number of backlogs for appointments is growing, leading to longer wait times for veterans.

And the Los Angeles Times reported on March 20, 2005, that over the last decade, the VA hospital in Los Angeles has reduced the capacity of in-patient psychiatric beds from 450 to 90. Meanwhile, over the same 10 years, Los Angeles has seen an increase of 28 percent in mental health patients.

The crunch is coming and we need to start preparing. This amendment starts the preparation.

But I want to be crystal clear, this amendment only addresses needs this year. Much more work will need to be done in fiscal year 2006.

It appears that the fiscal year 2006 VA budget request also made use of similar data forecasting as this year's, making it highly probable that we will see a repeat of this shortfall next year.

Secretary Nicholson testifies today before the Senate Veterans Affairs Committee and acknowledge that the fiscal year 2006 budget request is insufficient. We look forward to the Administration's budget amendment for fiscal year 06 to deal with this problem.

Clearly, we will have a lot of work to do in the fiscal year 2006 appropriations process. In the meantime, this amendment would add needed funding this year and help to alleviate the budget problems we are seeing in VA hospitals across the country.

In closing, I would only add that this is not a Democrat issue and this is not a Republican issue. This is an issue that goes to the very heart of how we treat those men and women who have fought bravely on behalf of our nation and we need to be unified in showing them our support.

I respectfully urge all of my colleagues to vote for this amendment.

Mr. KERRY. Mr. President, George Washington said more than 215 years ago that, ''The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country.''

Today, our veterans are appreciated, but we learned last week that they are not necessarily treated adequately when it comes to healthcare. The Department of Veterans Affairs, VA, disclosed it needs at least an additional $1 billion to provide healthcare to our Nation's veterans. If we don't do something about it, our veterans will be in jeopardy of having necessary healthcare delayed or even denied due to lack of funds. We must

address this situation without delay. Our troops risk their lives every day defending freedom, and sacrificing to keep us safe. If we fail to meet our responsibility to them, and provide them the healthcare they need, we fail to honor their service.

I hope my colleagues will join me in supporting Senator MURRAY's important amendment to immediately cover this shortfall by providing $1.42 billion to the VA for veterans' healthcare under an emergency designation so we can ensure today's veterans receive the benefits they have earned fighting in Iraq and Afghanistan. I hope that none of us would tolerate the injustice of soldiers who have bled for our country being denied the medical care they need.

While the VA is replacing the lost funds, they do so at a great cost. The VA is cutting corners by squeezing other accounts. Those accounts provide funds for non-recurring maintenance and equipment—funding critical tasks like repairing leaky roofs, or purchasing equipment ranging from photocopiers to defibrillators.

Our VA hospitals should be shrines of gratitude to those who have borne the battle. They should not want for anything—not new roofs, not photocopiers—and most certainly not defibrillators.

At a time when a new generation of veterans is returning from war, set to use the VA in historic numbers, I hope that we will heed the words of Commander James E. Sursely. Commander Sursely spoke for the 1.2 million members of the Disabled American Veterans organization when he called upon Congress to ". . . act quickly to stem the flow of red ink that threatens health care for today's veterans and thousands of men and women injured or disabled during the wars in Iraq and Afghanistan."

Our veterans are humble Americans who every day exude the quiet strength that comes from having served their country when it needed them. Today, they need us. I ask all my colleagues to join me in supporting the Murray amendment, and do right by our veterans without delay. Let's not waste another moment in answering this call. Let's fill this gap now. Let's meet their need. Let's not forget that a new generation of veterans is watching to see what we do today.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Montana.

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the vote in relation to the pending motion to waive with respect to the Coburn amendment No. 1019, to be followed immediately by a vote in relation to the Coburn amendment No. 1003, with no second degrees in order to the amendments prior to the votes and with 2 minutes equally divided for debate prior to the second vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1019

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 1019. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), and the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. DODD), and the Senator from Connecticut (Mr. LIEBERMAN) are absent attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 17, nays 75, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—17

Akaka	Inhofe	Reid
Brownback	Kennedy	Specter
Coburn	Kyl	Stevens
Conrad	McCain	Thune
Dorgan	Murkowski	Wyden
Enzi	Nelson (NE)	

NAYS—75

Alexander	DeWine	Lugar
Allard	Domenici	Martinez
Allen	Durbin	McConnell
Baucus	Ensign	Mikulski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Frist	Obama
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Roberts
Bunning	Harkin	Salazar
Burns	Hatch	Santorum
Cantwell	Hutchison	Sarbanes
Carper	Inouye	Schumer
Chafee	Isakson	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Cochran	Kerry	Snowe
Coleman	Kohl	Stabenow
Collins	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Corzine	Leahy	Thomas
Craig	Levin	Vitter
Crapo	Lincoln	Voinovich
Dayton	Lott	Warner

NOT VOTING—8

Burr	Dodd	Lieberman
Byrd	Dole	Rockefeller
DeMint	Graham	

The PRESIDING OFFICER. On this vote, the yeas are 17, the nays are 75. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 1003

The PRESIDING OFFICER. By agreement, the next order of business is Senator COBURN's amendment No. 1003, with 2 minutes evenly divided prior to a vote on the amendment.

The Senator from Montana.

Mr. BURNS. Mr. President, I urge the body to not support the amendment offered by my good friend from Oklahoma. Everything is listed in earmarks either in the House bill or the Senate bill. The conference report misses some of them because they overlap. I ask the body not to support this amendment and support the committee.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the point I wish to make is the American people deserve to have sunshine on everything we do. The conference report would not adequately reflect the earmarks in the House, the directives in the House, or the limitations in the House. We are going to be voting on the bill without the knowledge of what those limitations or earmarks are.

I would like to turn for a second to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, if we are going to put any kind of brake on earmarking and some of the subterfuge that exists of putting earmarks into conference reports which are then interpreted by the agencies affected as mandatory, the amendment of the Senator from Oklahoma should be adopted.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 1003. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), and the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. DODD) and the Senator from Connecticut (Mr. LIEBERMAN) are absent attending a funeral.

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 33, nays 59, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—33

Akaka	Dayton	Levin
Alexander	Ensign	Lugar
Bayh	Feingold	McCain
Biden	Feinstein	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Boxer	Inhofe	Schumer
Cantwell	Isakson	Sessions
Clinton	Kerry	Specter
Coburn	Kohl	Stabenow
Cornyn	Kyl	Sununu
Corzine	Landrieu	Wyden

NAYS—59

Allard	Bennett	Bunning
Allen	Bond	Burns
Baucus	Brownback	Carper

Chafee	Hatch	Reed
Chambliss	Hutchison	Reid
Cochran	Inouye	Roberts
Coleman	Jeffords	Salazar
Collins	Johnson	Santorum
Conrad	Kennedy	Sarbanes
Craig	Lautenberg	Shelby
Crapo	Leahy	Smith
DeWine	Lincoln	Snowe
Domenici	Lott	Stevens
Dorgan	Martinez	Talent
Durbin	McConnell	Thomas
Enzi	Mikulski	Thune
Grassley	Murkowski	Vitter
Gregg	Murray	Voinovich
Hagel	Obama	Warner
Harkin	Pryor	

NOT VOTING—8

Burr	Dodd	Lieberman
Byrd	Dole	Rockefeller
DeMint	Graham	

The amendment (No. 1003) was rejected.

Mr. BURNS. I move to reconsider the vote.

Mr. ENSIGN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1026

Mr. BURNS. Mr. President, we decided to call up amendment numbered 1026, the Sununu-Bingaman amendment regarding the Tongass National Forest.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BURNS. There is no time agreement on this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, this year marks the 100th anniversary of the founding of the U.S. Forest Service. The creation of the Forest Service in the Department of Agriculture is remembered as probably one of the most significant conservation legacies of President Theodore Roosevelt.

During President Roosevelt's tenure, there were established 5 new national parks, 51 bird reserves, 4 game reserves, 18 national monuments, and 150 national forests, including the Tongass National Forest. All told, some 230 million acres of land was set aside for the public. It is no wonder that President Roosevelt is regarded not only as the first but perhaps the greatest conservation President.

President Roosevelt shared his vision for the national forests in an address to the Society of American Foresters on March 26, 1903. Here is what he said:

> First and foremost, you can never afford to forget for one moment what is the object of our forest policy. The object is not to preserve the forests because they are beautiful, although that is good in itself. Nor because they are refuges for the wild creatures of the wilderness, though that too, is good in itself. The primary object of our forest policy . . . is the making of prosperous homes. Every other consideration comes secondary. A forest that contributes nothing to the wealth, progress or safety of the country is of no interest to the Government, and should be of little interest to the forester.

He further said:

> Your attention must be directed to the preservation of forests, not as an end in itself, but as a means of preserving and increasing the prosperity of the nation.

I find it somewhat ironic that during the centennial year when we celebrate the achievements of the Forest Service and the professional foresters who manage these forests, that this particular amendment is offered today. This is an amendment opposed by the Society of American Foresters. This society represents 16,000 professional foresters from across the Nation. It is opposed by the National Association of Home Builders. It is an amendment opposed by the very people who were identified as the core stakeholders of our national forests by the Roosevelt administration.

This amendment is opposed by organizations which, like President Roosevelt, believe in the wise use of our forests. It is opposed by the National Association of Counties. It is opposed by America's working men and women who belong to the labor unions that make up the Forest Products Industry National Labor Management Committee. We have the International Association of Machinists and Aerospace Workers, the PACE International Union, the International Brotherhood of Carpenters and Joiners, the United Mine Workers, the Southern Council of Industrial Workers, and the Association of Western Pulp and Paper Workers.

The amendment we have before the Senate now does not comport with President Roosevelt's vision for the national forests. It is an amendment that turns our national forests, which are intended to support multiple uses, into wilderness areas. It is the falling domino in the nationwide campaign to lock up our national forests, throwing people out of work and wreaking havoc on our local economies. And most offensively, to me, it is an amendment that discriminates against just one forest—the Tongass National Forest, in the State of Alaska. It is only directed to the Tongass. It covers no other national forest in the Nation. I suggest to my colleagues in the Senate that first it is the Tongass; next it will be the forests in your home States.

Even though this amendment is cloaked in the language of fiscal responsibility, it should come as no surprise that the usual suspects are working hard for its adoption—those who seek to shut down and to prohibit any timber activity on national forest lands. It is not that they are fiscal conservatives themselves. It is because they specifically oppose logging in the Tongass. These are groups such as the Wilderness Society, the Alaska Rain Forest Campaign, the National Resources Defense Council, Friends of the Earth, Sierra Club, Earthjustice, formerly known as the Sierra Club Legal Defense Fund. These are organizations that have just said no, there shall be no timber activity in the Tongass.

The Sierra Club Legal Defense Fund, now known as Earthjustice, is a group that maintains an office in Juneau for the purpose of appealing and then litigating the timber sales that are presented in the Tongass.

It is no wonder the Forest Service finds it difficult to efficiently manage the timber program in the Tongass. I am told we have about 2 years of the Forest Service planned timber offerings that are either under appeal or litigation at any one time. This is four times the rate experienced by the Forest Service nationally.

It is fair to say the professional foresters, in whom President Roosevelt placed his trust, no longer manage the timber in the Tongass. I can tell you these professional foresters are very frustrated that what we have are trial lawyers and judges who have more to say about managing our forests than they do.

The proponents of this amendment will tell you this is about making the free market system work within our national forests. As long as the litigators can tie up the timber sales, tie up the forest management in knots, this is not a free market scenario.

When Congress passed the Tongass Timber Reform Act, which caused the cancellation of long-term contracts and the closure of the pulp mills in Ketchikan and Sitka, that was not the free market. It was not the free market that eliminated thousands of timber jobs in the State of Alaska. It was about timber politics, plain and simple.

It is not the free market that generates the high costs that the proponents of this amendment complain make the timber sales unprofitable. According to the Society of American Foresters, about 75 percent of the cost associated with timber sales in the Tongass is spent on environmental review, appeals, and litigation. So the remaining 25 percent of that is spent on actual preparation and administration of the sale.

So again, you look at the numbers, and you say, it seems, looking at just the columns, the numbers are higher. But keep in mind, 75 percent of those costs are directly associated with the environmental review, appeals and litigation. So we need to be very clear about what this amendment does. If it is passed, it essentially will enact a roadless rule on the Tongass National Forest. Because the Tongass is currently 95 percent roadless, and because it has stringent environmental standards, the amount of timber that could be harvested from the Tongass would be vastly reduced.

The current 150 million board foot program—and keep in mind, this was formulated after a very extensive scientific consultation, with public participation. It was a process which took 9 years and $13 million to complete this plan. Under this program that again was formulated in this very lengthy process, it would be reduced to 30 to 40 million board feet. This would result in the direct loss of two or more of the mills and loss of about 680 potential jobs.

Now, some of you may be saying: Well, 680 jobs does not seem that significant. In the southeastern part of

the State of Alaska, where our population numbers are few and our unemployment numbers are very high, this is a huge loss. This is a devastating loss. This would truly be nothing more than the latest chapter in the campaign to shut down the Tongass and kill off the timber industry in southeast Alaska.

Now the proponents of this amendment would have us believe that if this amendment fails, then somehow or other there are going to be all these big corporations that stand to gain. But the timber industry in southeast Alaska is not made up of big corporations. It is made up of mom-and-pop businesses. These are owner-operated small businesses run by people such as Steve Seeley, out of Ketchikan; Kirk Dahlstrom, out of Klawock; Butch and Jackie DuRette. These are real people who are contributing to their local economy. These are people who could have cut and run when the timber industry turned sour, but instead they accepted the risk. They stayed around, and they tried to build their businesses. Believe me, these are people who know what the free market is. I know these people, and I am proud to tell you of the good job they do contributing to the economy of southeast Alaska.

So for the good of southeast Alaska, and for the good of sound forest management, I ask my colleagues to look at this amendment, look at it very carefully, look at who it is opposed by. It is opposed by the Nation's professional foresters. It is opposed by working men and women. It is opposed by the National Association of Counties. And it is opposed by our Nation's homebuilders. Let's look carefully at how we manage our forests and make sure we do it right.

One of the contentions you will hear is that the economics in the Tongass do not work. You will hear some numbers thrown around. I think it is important to recognize you would be operating off of a false assumption or a false premise if you were saying that the Forest Service is supposed to be a profit-making venture. As I indicated in those comments made by President Roosevelt some 100 years ago, conservation, in Roosevelt's mind, meant the wise use of forest resources for the greatest good, not necessarily locking them up under glass down in southeastern Alaska.

The question of why the Forest Service does not necessarily make a profit has been studied extensively. There is a think tank in Bozeman, MT, called the Property and Environment Research Center. They did a study in 1995 where they noted that the Forest Service is not expected by its governing law to make a profit. Its operations are governed by extensive environmental review processes that make it difficult to turn a profit.

Again, look at the numbers. Look at what the task, the mission, is in terms of multiple use, and what it is we are asking our foresters to do.

I will speak a little bit about the cost issue because there are those who will suggest this amendment is not being put forward because they are opposed to timber in the Tongass; they just think it is an unreasonable amount of money and that we are subsidizing. Well, we have a breakdown of the various regions across the country from the U.S. Forest Service that delineates the cost per acre of our respective national forests based on State. It sets forth the net acres, the gross receipts, as well as the monetary return per dollar invested.

If you look at the Tongass, we operate at about $6.05 in terms of cost per acre. As you go through this report across the country, you realize that $6.05 is actually a pretty good deal in terms of how we are operating on a cost-per-acre basis.

Running down through the States—not singling out any particular State, but in several of the California national forests, the cost per acre at Six Rivers National Forest is $27.35. The cost per acre in Plumas, CA, is $35.86; in San Bernardino National Forest, it is $189.20. As to the sponsor of the amendment, if you look at the White Mountain National Forest in the New Hampshire area, their cost per acre is $19.39.

So if we are talking about singling out one national forest in the entire national forest system, and we are saying it is too expensive in the Tongass, and we are not going to allow for any Federal dollars to go toward building roads because we think it is too expensive there, I challenge you: Take a look at what is happening with the operation of our other national forests in terms of our cost per acre and what it means.

Let's look to the monetary return per dollar invested in those national forests in California I made reference to. Their return per dollar invested is 1 percent. That is not a very good return if that is what you are going to base it on.

So again, to single out the Tongass, to single out the State of Alaska and say, ''You are the only one where we, as a Congress, are going to decide how you are going to manage your forests because we are going to tell you that there are no dollars that can go for road-building activity,'' the land management plan that we have spent 9 years and $13 million on is thrown out the window because the Federal Government is going to tell us that our costs are a little bit too high—it is wrong. It is flat out wrong, and it needs to be stopped.

I mentioned those who oppose this amendment. It is important for us to recognize who the professional managers are, the professional foresters, some 16,000 professional foresters across the Nation who oppose this amendment. Our decision, should we adopt the Sununu amendment, would override the judgment of professional foresters. It would render meaningless the Tongass land management plan. We need to think about what it is we are doing should we move forward in support of this amendment.

I want to leave my colleagues with a few facts again about singling out the Tongass for this action in this amendment.

Alaska is a State. We are not a colony. We may have come late into the statehood battle, but we are still a State, and we deserve to be treated as a State. We sought statehood so we could gain control of our resources. But sometimes that goal remains pretty illusive. All we are asking for is that we have the ability to manage our Federal lands responsibly. We can—in conjunction with those professionals, those foresters who are working hard on this plan to make it work—manage the forests to provide for the multiple uses our national forests are tasked to do.

I know people think: Oh, we throw around these Alaska statistics all the time. But I think it is significant in this debate to put this in context. Ninety-four percent of the land in the southeastern part of the State is part of the Tongass National Forest. It is controlled by the Federal Government, the U.S. Forest Service.

In the State of Alaska, we have 54 percent of the Nation's designated wilderness. In one State, our State, we have 54 percent of the entire designated wilderness.

What are we doing with the Tongass National Forest now? Forty percent of that land in the Tongass, some 6.6 million acres, is already off limits to timber development. It is in a wilderness area. It is a national monument. It is a land-use designation II area. It is absolutely, positively off limits. That is 40 percent currently in the Tongass.

Another 56 percent of the Tongass National Forest is off limits to timber under the forest plan—this forest plan that I keep talking about that took 9 years and $13 million that this amendment will essentially kick aside. Fifty-six percent of the Tongass is off limits under that plan.

That leaves 4 percent of the Tongass, or approximately 655,000 acres, out of a total of 17.8 million acres in the Tongass. That 4 percent is what we are talking about that would be available for timber development. Allowing southeast Alaska, allowing people such as Steve Seeley and his sawmill, and Kirk Dahlstrom's sawmill in Klawock, allowing this development in an economy that is already very hard pressed, is not going to spoil the beauty of this incredible national forest—these 17.8 million acres. It is not going to doom any national treasures.

We have a plan we have worked hard to complete. We ask to be allowed to continue that, and to be able to provide for the few jobs we would like to continue in the area for the benefit of those who choose to call it home.

With that, Mr. President, I see the senior Senator from Alaska is here. As

well, we are joined by our colleague from Oregon. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I rise to speak about a national forest that is not in my State, and of constituents who are not in the State of Oregon. I do so because I see happening to my Alaskan colleagues and their constituents what I have witnessed for too many years in my own State of Oregon. As a predicate, I know the difference between environmentalists who make many good points, who have much to contribute, and, frankly, what I would term the ''environmental conflict industry.'' Others have used that term. If this amendment that is offered by my friend, the Senator from New Hampshire, were really about saving money, it would be about streamlining costs associated with timber production as opposed to just an amendment that would effectively end any kind of multiple use in the Tongass National Forest.

The truth is, the Tongass is an area as big as many States in the lower 48. It is a vast resource. The truth is also that each of us, as Americans, use many pounds of wood in our lives every day. The question before this Senate is whether we want to have timber come from our country with high environmental standards or from other countries where there are few, if any, environmental standards. Many complain about the way the harvest is done in Indonesia or in Brazil. Some of us even complain that the way Canada harvests, across the border from the Tongass, is done on the basis of tremendous amounts of subsidies. They are called crown lands. The timber companies there are essentially given the raw product, provided access to the forest, and then are able to compete with American timber workers. That is to our great disadvantage.

Today I have to stand in defense of my colleagues and their State and their forest because America needs to be reminded that we have the best timberlands in the world. We can either use them or watch them, too often, go up in catastrophic wildfires. We know how to manage forests today. We know silviculture science. We know what works and what does not. Clearly, there have been abuses in the past. Clearly, things can be done better in the future. But the truth is, if we, as Americans, want timber products in our lives, that wood will grow and be harvested somewhere, if not from our country, then from where? If not up to high environmental standards, then as against what standards?

If you end the road-building component of timber sales in the Tongass National Forest, then you will end timber harvest in the Tongass National Forest because of the size of this area. You can't helicopter in and out everything that could be harvested and could be made available to American workers and American home builders and the tax base of the State of Alaska and, obviously, the Federal Government through timber receipts as well. It is expensive to build roads in forests, to maintain them. But, frankly, to do nothing is to abandon this industry.

Americans need to be reminded that timber does not come from the Home Depot. It comes from a tree that grows somewhere. But as to the environmental conflict industry that is pushing this particular amendment and, I am sure, some who want to save the taxpayer money, I want to suggest that it is the environmental conflict industry and not the timber industry that is feeding off the American taxpayer. With appeals and lawsuits, the cost of basic forest management skyrockets. The Tongass National Forest estimates that half of its timber budget is spent on paperwork that will be called into court. And to produce a 1,000-page NEPA document is now the rule rather than the exception.

The Tongass currently has 13 environmental impact statements delayed in court. Every forest plan on the Tongass has been litigated. And the environmental conflict industry will ask that their lawyer's fees be paid—by whom?—by you and by me, and by the taxpayer. In 2003, taxpayers were charged $200,000 by the Sierra Club for its lawsuit against the Tongass National Forest. It is a self-fulfilling prophecy for the environmental conflict industry to drive up costs of forest management and then grumble about those costs.

If this amendment were truly about fiscal responsibility, we would be discussing ways to produce timber from the Tongass at a lower cost instead of eliminating fiber production there altogether. Or we could be capping lawyers fees. Or we could be talking about other national forests that do not produce any revenue whatsoever, unlike the Tongass.

This amendment is not really about fiscal responsibility, it is about environmental responsibility. That ought to be our real objective.

If we buy wood products, just know that it grew on a tree somewhere. I would rather that it be managed in an American forest, such as the Tongass, providing American products for American consumers.

I felt it important that a Senator from a State who has already suffered, as they are now, and been attacked in the way that they are being attacked, ought to come down and speak for them. There are not a lot of people who stand up for timber workers anymore. These are not big companies operating in the Tongass. These are Americans in very rural places, trying to produce the products of the tree in a scientific way, according to high U.S. standards, so that we can meet the obligations of our law for multiple use as well as environmental stewardship.

I urge my colleagues to oppose this amendment and allow an environmentally sensitive industry, a timber industry that is living up to high environmental standards, to survive in a very rural and vulnerable part of our country in Alaska.

As I have said, I rise today in opposition to the Sununu amendment. I do so in defense of one of the basic functions of our National Forests—to produce timber.

This Friday signifies the 100th anniversary of the United States Forest Service. We celebrate this event because our forests are still there. Our forests are still beautiful. But certainly there's more to celebrate than that.

National Forests were originally set aside to produce two commodities: clean water and a continuous timber supply.

Ted Roosevelt said:

> The object (of our forest policy) is not to preserve the forests because they are beautiful . . . nor because they are refuges for wild creatures. . . . the primary object of our forest policy in the United States is the making of prosperous homes. Every other consideration comes as secondary.

With this in mind, I come to the Senate floor in defense of a National Forest not in my State, and on behalf of communities who are not my constituents.

But Alaskans are under the same siege that struck my constituents and National Forests in my State.

It is a siege of the ''environmental conflict industry.''

And it is this industry, not the timber industry, that is feeding off the American taxpayer.

With appeals and lawsuits, the cost of basic forest management skyrockets.

The Tongass National Forest estimates that half of its timber budget is spent on paperwork that will be called into court. And to produce a thousand-page NEPA document is now the rule, rather than the exception.

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If this amendment were truly about fiscal responsibility, we would be discussing ways to produce timber from the Tongass at a lower cost—instead of eliminating fiber production altogether.

Or we would be capping lawyers' fees.

Or we would be talking about other National Forests that do not produce any revenue whatsoever.

This amendment is not about fiscal responsibility. It is about environmental responsibility.

I would remind my colleagues that a 2 x 4 does not come from Home Depot. It comes from a tree somewhere. The choice of the ''where'' is up to us.

If not from Alaska or Oregon, how about the rainforests of Brazil or Indonesia?

If not according to our environmental laws, then by whose?

If not to feed American families, then whose?

The United States has the most productive forests and the strictest environmental laws in the world.

To export our industry and our employment is both economically and environmentally appalling.

I do not believe this is the intention of the Senator from New Hampshire.

But this amendment runs against the very grain of the National Forest System we commemorate this week.

I urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Oregon for his statement and his support. I thank my colleague from Alaska for her statement.

I come to the floor in opposition to the Sununu amendment, also. I hope Members will read it because it says:

> None of the funds made available by this Act may be used to plan, design, study, or construct new forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

This amendment is premised on inaccurate information and faulty assumptions about our Nation's timber industry, the Tongass, and the state of our national forests. Unfortunately, this type of information has become commonplace. It is the inevitable result of special interest campaigns which are designed to distort the facts and mislead the American public. For many years, I have worked to set the record straight, especially when it comes to the false claims about Alaska's stewardship of our natural resources. Unfortunately, this amendment requires that I attempt, once more, to set the record straight.

Misinformation about management of our national resources now runs rampant. I believe it lies at the heart of this amendment. It is the result of propaganda campaigns raised by extreme environmentalists and special interest groups who often get the facts wrong because they ignore our history. Our State once had a thriving timber industry. It supplied almost 2 billion board feet a year, employed over 3,000 timber workers, and generated tens of millions of dollars in revenue for the U.S. Treasury. But in the spirit of compromise and cooperation, our timber industry agreed to reduce the amount of timber it could harvest per year. In fact, one timber employee recently stated ''we cooperated ourselves right out of business.''

The Tongass National Forest was established in 1917. At 17 million acres, it is the largest national forest in the United States. It is twice the size of Maryland and more than 25 times the size of Rhode Island. As a matter of fact, if we look at the map showing the New England area, it shows how big this forest really is. The part that is covered in black is that portion of the forest that is open to timber on a proportionate basis. The other map that I have shows the forest as a whole and shows the result of the plans that have been developed. The area in blue is area that is still available for harvesting. All of the white part of that map of the Tongass is permanently closed to timber harvest.

The Tongass compromises 90 percent of the lands of southeastern Alaska. The remaining lands are State, more Federal, and private lands. The Tongass is the only forest in Alaska in which timber may be harvested now. Alaska's other forest, the Chugach National Forest, which contains 5.5 million acres, is now under a management plan which has reduced the allowable sale quantity to zero. The Chugach is completely closed to logging. No timber can be logged from that very massive forest, 5.5 million acres.

Federal timber policy regarding the Tongass has had devastating effects on the 32 communities in Southeast Alaska that depend on timber harvests for their livelihood. When Congress passed the Tongass Timber Act in 1947, an allowable sale quantity, which we call the ASQ, for the Tongass was set at 1.38 billion board feet per year. This level was slowly eroded. Under the 1959 Statehood Act, the State of Alaska was allowed to select only 400,000 acres of its 103-million-acre entitlement in Southeast Alaska.

Because there is little private land to support our local economies, Congress committed to provide support for economic development through timber sales. Congress codified that support in a series of laws beginning in 1971. In 1971, the Alaska Native Land Claims Settlement Act set the ASQ, the allowable quantity, at 950 million board feet per year. During subsequent years, the timber industry in the Tongass supported almost 3,000 jobs and harvested an average of 520 million board feet per year. However, the amount of permissible harvest was again decreased in the Alaska National Interest Lands Conservation Act of 1980, which set an ASQ of 450 million board feet per year. At that time, the Senate believed that 450 million board feet per year would maintain a robust timber industry which was a major section of southeast Alaska's regional economy.

In addition, the Senate envisioned providing Federal funds for road building and advanced harvesting technology.

As former Senator Roth stated at that time in 1980, the bill:

> . . . permit[s] the established timber industries to maintain a rate of production necessary for their economic success. It was understood by Members of the Senate during this debate that a vital timber industry was necessary for the economic survival of the residents of southeast Alaska.

As Senator Paul Tsongas of Massachusetts said:

> Our commitment was to treat Alaska fairly.

The commitment was again put to the test during the debate on the Tongass Timber Reform Act, which was called TTRA, in 1990. That plan set the ASQ at 450 million board feet on 1.9 million acres. The Act also directed the Forest Service to provide a supply of timber which meets the market demand in southeast Alaska. At that time, several Members from both sides of the aisle in the Senate adamantly agreed that this bill would be the final word on the Tongass.

As Senator Johnson of Louisiana stated:

> I believe that the designation and disposition of the public lands in the Tongass National Forest pursuant to this act represent a responsible balance between the preservation of wildlife areas and the availability of lands for more intensive use as determined appropriate by administrative planning and management. I further believe that this agreement will allow Alaskans the certainty they need and deserve by resolving the issue once and for all.

Now, that was in 1990. Senator BINGAMAN—now an original cosponsor of the Sununu amendment, as a matter of fact—said at the time:

> This is a balanced bill that will adequately protect this majestic national forest, while assuring a sustainable supply of timber for current and future needs. . . . This legislation recognizes that some areas should be protected, while others should be managed for a sustained supply of timber.

That was at the time of the 1990 act.

I remember speaking on the floor prior to passage of the bill. After years of broken promises and severe declines in the timber industry, I trusted our colleagues to do the right thing and resolve the issue of the Tongass once and for all. That is what everybody at the time said—that Act was the final legislation pertaining to the Tongass timber harvest. I called on all Members of the House and Senate to listen to the voice of Alaskans. I received a promise, commitment, and assurance of those involved, who had the power to change these laws, that they recognized this was the end, that there would be no further divisions of the Tongass.

In 1997, however, the Forest Service completed the Tongass land management plan, which currently guides management of the Tongass. The development of that involved an unprecedented level of scientific review and public involvement. It took over 10 years and cost the taxpayers of the United States $13 million.

I opposed the plan because it contained again a drastic reduction in the amount of timber allowed to be harvested. It reduced the allowable sale quantity level to 267 million board feet per year. I thought the levels were

much lower than they needed to be, and they violated the commitment previously made to me. Numerous scientists who found that the Tongass could sustain far greater development supported my conclusion.

Yet, today, that plan seems like the golden age of the Tongass timber industry. I now find myself defending a plan I initially opposed, because of continued efforts to erode the promises made to our State.

This plan addresses how to manage the Tongass—a largely undeveloped forest landscape—over time. The centerpiece is a biological conservation strategy that protects the ''biological heart,'' as they called it, of the Tongass, designed to assure the sustainability of all resources and values, while allowing development on a relatively small portion of the Tongass to support communities in southeast Alaska through timber harvesting.

Mr. President, 93 percent of all forested areas in the Tongass are set aside under the 1997 plan; 93 percent are not available for timber harvesting. Timber harvesting can actually now occur on only 676,000 acres, or 4 percent of the 17 million acre forest. The allowable sale quantity under this plan is 267 million board feet—down, as I said, from over 1 billion board feet. An ASQ of 267 million board feet per year is the bottom quantity, as far as I am concerned.

Since 1990, the volume of timber harvested from the Tongass has dropped from hundreds of board feet per year. Last year, only 46 million board feet of timber was harvested—46 million board feet of timber from a forest of 17 million acres.

To comply with the Tongass Timber Reform Act, the current plan seeks to plan, prepare, and sell about 150 million board feet per year. Delays caused by litigation have prohibited the Forest Service from accomplishing this goal on the Tongass. Fourteen projects are currently under litigation. They represent over 238 million board feet of timber that should have been harvested in years gone by.

Direct timber jobs in the Tongass have declined from over 3000 in 1990 to less than 700 today. Unemployment in parts of southeast Alaska is well over 10 percent, all because of extravagant acts of those who oppose the very Act they championed at the time it passed in 1990.

Mr. President, 150 million board feet per year could support 959 direct timber jobs, totaling over $35 million in direct wages, Each direct timber job is estimated to support another 1.7 jobs in the local economy. These jobs are an important high-wage sector of the economy and provide much needed year-round employment for southeast Alaska. The benefits of a sufficient and sustained timber supply are obvious.

The timber industry in southeast Alaska has changed dramatically over the period we have described. The large pulp mills are closed. Three medium sawmills, one small sawmill, and a handful of micromills remain, but they are primarily idle because of the level of timber that can be cut right now. These businesses are family owned and community based and depend upon a supply of timber from the Tongass for their survival.

The remaining mills are involved in efforts to increase the demand for, and the stumpage values of, the timber in southeastern Alaska.

These people are trying to build a more integrated industry to provide finished products, such as window and door trim, to local, national, and international markets.

The Tongass timber program is working to complete investments in drying and planing lumber, having it graded, to sell in the local region.

Wood resources in southeast Alaska are now known to have unique qualities. Wood density and lumber strength is high. New lumber grades for Alaska yellow cedar and hemlock have recently been issued, which surpass the strength of other species currently used in construction in the lower 48, such as Douglas fir. This is also expected to increase the value of Alaska's timber.

In other words, we are trying to do what we can through technology to increase value of our timber, even though the amount of the timber is steadily declining.

The efforts of those remaining in the Tongass industry to adapt to current conditions will be worthless if Congress adopts the Sununu amendment. As I said, the amendment prohibits the Forest Service from using funds appropriated for the ''planning, designing, studying, or construction'' of timber roads.

Planning, designing, and studying are necessary to assure that we meet the multiple use consideration of the national forests. This forest area is full of small streams that contain migratory salmon. Wildlife is there. There are recreation values. A whole series of values require the Forest Service to study the areas that can be harvested. Careful planning, designing, studying, and construction is necessary to protect those values, as well as provide a transportation route so timber can be taken to market.

This amendment will effectively enact a roadless rule in the Tongass. It would prevent access to more than 300,000 acres of unroaded timber base in the areas that are open for timber harvest. Access to the small amount that is available should not be denied because of this amendment.

Data provided by the Forest Service shows at a minimum southeast Alaska will lose two mills and about 680 more jobs. These numbers will not support the industry described if this amendment passes.

Law requires that a sufficient timber supply be provided to meet market demand. That was one of the basic considerations that came from the 1990 Act. Current market demand is about 150 million board feet per year in our own area. Under this amendment, we would harvest less than 40 million board feet per year, bringing the industry to a standstill. I ask the Senate to reject this approach that would further renege on the obligation to southeast Alaska to fulfill the commitments that were made to Alaska and to southeastern Alaska under the Tongass plan.

Some of the Senators claim the Sununu amendment is about our fiscal responsibility to ensure taxpayers are not subsidizing the Tongass timber industry. But this is not about fiscal responsibility.

National environmental groups have spent millions appealing and litigating timber sales in the Tongass National Forest, causing program costs to soar and the number of sales to collapse. Almost 75 percent of all the costs associated with timber sales in the Tongass National Forest are spent on NEPA, appeals based on that Act, and litigation. The remaining 25 percent is the actual preparation and administration of a sale, including the building of roads.

Compliance with NEPA and other Federal laws and responses to appeals and litigation currently total about $110 per thousand board feet, or $110,000 per million board feet.

Without these costs, timber sale preparation and administration for the Tongass Forest would cost about $36 per thousand board feet. The average timber sale generates about $42.5 per thousand board feet. Without frivolous appeals and lawsuits, the Tongass timber program would yield a reasonable profit margin and make money for U.S. taxpayers.

Administrative appeals and litigation increase the cost of Tongass timber sales exponentially compared with the rest of the United States. The Forest Service estimates the timber sales in the Tongass are appealed and litigated more than four times that of timber sales in the national forests in the lower 48. It is the cost of this litigation and the cost of the environmental programs that are instilled by these extreme environmentalists that drive up the cost in the Tongass. Now they say we should stop harvesting timber because of the cost. Despite extensive environmental review and public participation, the majority of the timber projects in the Tongass are appealed and/or litigated.

Taxpayers are not subsidizing the timber industry. Under the National Forest Management Act, timber sale purchasers are required to competitively bid and pay market value for the sales they purchase. Purchasers also pay for all logging, transportation, and manufacturing costs.

In addition, the Multiple Use-Sustained Yield Act mandates that national forests be managed for multiple use benefits such as fish, wildlife, recreation, and clean water.

Ecological benefits include various land management objectives such as

improving forest health and reducing the risk of catastrophic fire.

All of those costs are what the environmental groups say are part of the cost of the timber sale program. They are not. Seventy-five percent of all the costs have nothing to do with harvesting timber. They have to do with the attacks of extreme environmental groups that now bring this amendment to say you cannot use Federal money to build these roads, or even plan them, because it costs too much.

In the Tongass, timber sales also provide basic infrastructure, such as roads and docks. This infrastructure provides residents and visitors with access to hunting, fishing, recreation, and wildlife viewing. The whole spectrum of tourist activity in southeast Alaska is supported by the roads constructed. Some roads constructed by timber sales serve as the basic road system between communities and ferry terminals, which are the water highways of the island communities of southeast Alaska.

That area has no roads. Even our capital cannot be reached by road. This is an island area. It must have roads basically from the edge of the water to the area available for harvesting which, by definition, is back away from the view shed that we keep along the water's edge to assure that tourists will have the proper view of the area.

I do believe these water highways between our southeastern islands are connected, in a way, by virtue of the forest roads that are developed under these timber sale programs.

These timber sales provide benefits beyond revenues earned. Economic benefits include new jobs, additional income for individuals and businesses. Basic tax receipts of this area depend on the harvesting of timber in the Tongass.

The problem that I see now is that these communities have come to rely on timber sales not only for jobs but for their local economies. Timber sales revenues are important to local communities which receive 25 percent of the proceeds of these sales for public schools and roads, as do all areas that have national forests. By prohibiting these roads which will kill the sales, in effect, the contribution that is brought about by the laws that pertain to national forests will not be realized in Southeast Alaska because there won't be any harvest or 25 percent to support the schools that come out of the national program.

That program applies to the entire United States. The timber roads program applies to all States where there are national forests. In the year 2004, the timber harvest for all 10 forest regions was about 2 billion board feet. The gross receipts totaled $217 million and expenditures amounted to over $268 million, and that number does not take all costs into account.

The 1998 timber sale performance information reporting system found net losses in 8 of the 10 forest regions. Some States may be able to show a profit or even break even, but clearly the national timber sale program does not.

As a matter of law and policy, national forest managers are required to behave differently from private forest managers, so it does not make sense to judge their performance by private sector standards—profits.

If the Forest Service's goal was to maximize profits, contrary to the Multiple Use-Sustained Yield Act, the Forest Service would allow export of timber and sell it to the highest bidder worldwide in the global economy. But that would essentially outsource all of the value-added forest products industry of the United States, putting local mills out of business, eliminating jobs, and leaving local communities with few alternatives for revenue. Given our current economic climate, the United States cannot afford that policy.

I want to share a quote from President Roosevelt. Senator MURKOWSKI mentioned he established the Tongass National Forest. I think it is relevant today. He said:

> . . . First and foremost, you can never afford to forget for a moment what is the object of our forest policy. That is not to preserve forests because they are beautiful, though that is good in itself, not because they are refuges for the wild creatures of the wilderness, though that too is good in itself; but the primary object of our forest policy, as the land policy of the United States, is the making of prosperous homes.

This national forest concept was supposed to provide an alternative to the development of privately owned timber and be a yardstick for the management of timber resources in our country.

The construction of timber roads is important for both the economic and environmental health of our forests. They provide access to timber used for wood, paper products, and home construction. They enable citizens to access our forests for public recreation, and they enable Forest Service employees to manage those forests for the public good.

The timber road program in Alaska is managed in the same manner as the timber road program of every national forest in the United States. The only difference in our case is we provide special protections, such as culverts, to ensure safe fish passage, and we protect the terrain. We have learned from the mistakes of the past. We do not build roads the same as they do in other areas. We strive to strike a balance between conservation and economic development.

And now with this amendment, some Members of the Senate would penalize Alaska for doing the right thing. We have developed a basic approach to use our timber areas to protect other values besides timber harvests. We could seek to significantly reduce the amount of these protections required for our timber road system, and we could drastically reduce the funds required, but that would be inconsistent with proper stewardship of our national forest lands.

Because only 1 percent of Alaska's lands are privately owned, it is imperative that the Federal Government allow us to use some of our resources on Federal lands. The Federal Government manages, by the way, 235 million acres of Alaska's land.

We have a long, proud history as responsible stewards of our natural resources. Alaskans will always manage our lands in a way that ensures its vitality. Timber is a renewable resource. It can be—and will be—managed as such under the Tongass land management plan.

Much of Alaska will remain pristine wilderness. We have set aside a tremendous amount of it. But we need some certainty that we will be able to harvest small portions of the forest which are not already set aside. We need to know we will be able to sustain the timber industry today with the assurances of the past. We need assurances that our efforts will not be met by more resistance, such as the frivolous lawsuits and amendments such as this.

In order to give our communities a chance to be prosperous, Congress should allow the Tongass to be managed under the forest management plan without further unwarranted interference.

I remind the Senate, the same environmental groups that caused the Tongass to lose money through frivolous litigation and stalling tactics, as I said, are now calling for an end to the timber program under the guise of fiscal conservatism. It is disingenuous and duplicitous, and their approach is given sanction and credibility by this amendment. This amendment should be defeated.

I do hope that our colleagues will consider this: Taxpayers for Common Sense has repeatedly opposed Federal funds for the entire National Forest System. They argue that 105 of the 111 national forests spend more money in the operation of forests than they collected through timber sales. They want us to meet the cost of all multiple use values the cost of recreation, the cost of conservation, the cost of protecting wildlife—by the revenues coming in from the small amount of areas of the forest allowed to be harvested.

This group singled out several national forests as wasteful. I want to point out to the Senate that the Taxpayers for Common Sense attacked forests in California, Alaska, Montana, Oregon, Idaho, New Mexico, Arizona, Colorado, Washington, and Utah. I urge the Senators involved in this amendment to consider this. Why single out Alaska? Why is it that Alaskan roads cannot be built with Federal money? They are being built in all these other national forests deemed wasteful.

I am surprised my colleagues from New Hampshire and New Mexico would offer this amendment in view of the conditions of the forests in their own States. According to the Wilderness Society, the Forest Service's timber program in New Hampshire lost between $813,000 and $1.2 million. We are

being attacked for something that does not exist in Alaska alone.

In New Mexico, the timber program lost between $365,000 and $414,000.

The same economics are applied to the Tongass Timber Programs as in all National Forests. The difference in Alaska is that four times as many lawsuits are brought against Tongass timber sales than in the rest of the United States.

If this amendment is designed to protect the taxpayer, then restrictions on Federal funds for timber roads should apply to all forests in every State. And I think special interests will come after those other areas, if this amendment is passed.

I call this an ill-conceived amendment. I urge it not be adopted. It would add weight to the logic embraced by Taxpayers for Common Sense who have attacked, as I said, almost every forest in the United States. It will send us down a slippery slope by setting a precedent for halting road programs in national forests.

The roads designed and built by the Forest Service are in the best interests of the Nation because they protect all the values of the multiple-use concept of our national forests. This is not only important to the timber industry, but it is important to millions of Americans who rely on roads for access to national forests.

I do not want to encourage environmental groups to continue waging frivolous lawsuits in the hopes of making timber programs throughout the United States too expensive to continue. What they are doing is increasing the costs. Again, I point out, 75 percent of the costs in Alaska are involved in compliance with the National Environmental Policy Act and the appeals and litigation that ensue whenever the Forest Service offers a timber sale in the Tongass.

Adopting this amendment would unfairly and unjustly distinguish one State—our State—sending a sobering message to Alaskans: Despite Congress's statements and actions in the past, a Senator voting for this amendment will be telling Alaskans that their economic well-being is secondary to special interests, and when push comes to shove, Congress will forget about the commitments of the past, forget about the promises of the past, and move to satisfy this extreme environmental movement that is the basic cause of the problem as far as the forests are concerned.

If Congress chooses to adopt this amendment, none of our forests are safe. No forest can afford to sit idly by. These special interest groups are designing ways to destroy an important Federal program based on spurious allegations with regard the economics involved. Those economics are affected more by the environmental movement, which is challenging most timber sales in the Tongass, than by the forest actions themselves.

Above all, I ask the Senate to remember that this amendment goes back on congressional promises made to Alaska. In exchange for withdrawing over 100 million acres of land for parks, refuges, and forests, including 17 million acres in Tongass National Forest, Congress promised that it would leave intact sufficient land to maintain a robust timber industry in Alaska.

Unlike the timber industry in other States, Alaska's timber industry is reliant on the Tongass, which comprises 90 percent of Southeast Alaska. Only 676,000 acres are currently open for timber harvesting.

Since 1980, jobs in the Alaskan timber industry have shrunk from over 3,000 to less than 500 today. We have only four small family-owned timber mills left.

This amendment is not about fiscal responsibility, it is a back-door attack on the timber industry to benefit this extreme environmental movement.

As I said, 75 percent of the timber sale cost is from NEPA, the National Environmental Protection Act, compliance, appeals, and litigation. Without those, the Tongass would make a 13-percent profit.

Many of the national forests in the United States have monetary returns per dollar invested, which is less than the rate of return of the Tongass, and they are not considered at all in connection with this amendment. This amendment would set a precedent that litigation can make the cost of timber programs in all national forests too expensive to continue.

If this amendment was really about fiscal responsibility, then all national forests would be included. Most of the timber programs throughout the United States—as I said, 8 out of 10 of them—are not profitable. In fact, according to the Forest Service—and I close with this point—the Tongass is one the best managed forests in the Nation. It has one of the lowest costs per acre, including the timber program.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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 rise to speak on my amendment. I had an opportunity to present more complete remarks last night so I will try to speak briefly this evening.

I appreciate the work of both Senators from Alaska and understand that this is naturally an issue of great personal interest and commitment for them.

I wanted to address briefly a few of the general remarks that were made, especially those, for obvious reasons, that referred to me. First, I do not think I have ever been accused of being an extreme environmentalist. I certainly do not consider myself an extreme environmentalist.

In that regard, I believe one simply has to look at the basic premise of this amendment. It does not create a new wilderness designation. For my part, I have opposed President Clinton's roadless initiative. I have supported the multiuse concept in national forest land across the entire country and will continue to do so. So I just do not think it is fair or appropriate to throw around a label like that cavalierly, and I trust that it was not meant that way.

Second, I emphasize the point that from my perspective, this is about fiscal responsibility and fiscal restraint.

The suggestion was made a number of times that it was not. Frankly, I do not think that is quite appropriate because it suggests a set of motives that just are not there.

One does not have to go any further than the amendment I offered last week to the Energy bill to strike some of the more egregious taxpayer subsidies in that Energy legislation or my vote against the highway bill that broke the budget or my vote against a prescription drug bill that we knew then and we know now had costs far in excess of its prescribed $400 billion or my vote against the Energy bill in its final form today. I believe it is fair to stand on my record that the votes I have cast, the amendments I have offered of this type that have dealt with taxpayer subsidies, have all been motivated by one thing and one thing only, and that is doing what I believe is appropriate and right when we are handling taxpayer resources.

In the case of the support and the subsidies that go to private logging firms, I believe we have to draw a line somewhere. When we look at the Tongass and see $49 million in costs for a timber program that yields for the taxpayers $800,000 in revenues, something is not right. The opponents of the amendment will say: Well, only $15 million, $20 million, or $25 million is going directly for the cost of building roads. But in my book, $25 million for $800,000 in revenue is still a pretty bad deal.

There are a lot of reasons listed for the high cost of a timber program on the national forests, and I am very sympathetic to many of the concerns raised: high legal costs, an unbearable bureaucracy, regulatory costs associated with not just completing, in some cases, redundant environmental studies but then defending them in court. I am willing and I have voted in the past to support efforts to deal directly with those costs and to support efforts to allow appropriate consideration, but deliberate consideration, of those challenges. I will continue to do so.

Because there are such things as frivolous lawsuits that are in the pipeline does not justify a $15 million subsidy or a $25 million subsidy or a $35 million subsidy or a $48 million subsidy. The subsidy itself cannot and should not be used to defend or respond to bad behavior in other ways. So we need to fight those costs, the legal abuses, and burdensome environmental regulations

that are not appropriately applied, but those issues are separate from the question of whether we should use taxpayer funds to subsidize the construction of roads to support private timber firms.

Again, I come back to the basic point that this is about fiscal responsibility. When I hear that phrase, ''this is not about fiscal responsibility,'' it really has to be read as questioning my motives or, frankly, the motives of any of those who are supporting this amendment. I do not think the Senate floor is the appropriate place for that kind of a question.

The facts are pretty straightforward. In fiscal year 2004, the timber program on the Tongass cost $49 million, and $800,000 was yielded in revenues. That does not mean that profitability as applied to a private firm should be the standard for any multiuse effort or any effort to harvest timber on national forest lands because we know national forest lands are unique, and we know that the Forest Service has to be involved in doing things that many private timber firms either cannot or would not be asked to do in the private sector. So I recognize that.

The Senator from Alaska made a point that the loss in New Hampshire in the timber program was about $800,000. If so, I would hope that over time we can do better than that in my state, but there is a big difference between $800,000 and $48 million. The disparity of cost or the costs associated per million board feet taken out are similarly quite significant, the loss per million board feet in New Hampshire being approximately one-third of that in the Tongass in data that I have seen.

So profit should not be the standard, but at the same time it is hard for me to justify taxpayers paying the cost of the roads. I do not think asking private firms to pay for the cost of building the roads to access the timber they purchase is too much of a burden to bear.

Finally, with regard to the multiuse concept that was mentioned, I strongly support the development and application of forest plans that are put together locally using local stakeholders. It has been very successful in New Hampshire. I imagine it has been successful in other parts of the country. In New Hampshire, we enjoy national forest lands for recreation, hunting, fishing, economic interests, and a timber management program. But even where multiple use is concerned, we need to strike a balance, a balance between the taxpayers' interest and a balance between the long-term health of the forest itself. Where the taxpayers are concerned, a subsidy of $45 million or $48 million per year, stretching as far as the eye can see at this particular time, is unnecessary.

I ask my colleagues to support the amendment. I hope this at least can lay the foundation for looking at subsidies not just in this industry but in other areas with a little bit of a sharper eye. At a time when we have $300 billion or $400 billion deficits, I do not think there is any area of the budget that does not deserve tougher scrutiny.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the opportunity to respond to several of the remarks raised by my colleague from New Hampshire. I start off my comments by stating very clearly it was certainly not my intention, nor do I believe it was the intention of Senator STEVENS, to question motives or to imply somehow our colleague is an environmental extremist.

If, in fact, that was perceived from the remarks, that the Senator from New Hampshire falls in that category, again from my perspective that was not my intention, and I certainly would not want him to think that I have put him in that category of those who, as the Senator from Oregon indicated, are engaged in ''professional environmental conflict,'' I think was the terminology he used.

I do wish to speak very briefly to a couple of the issues. The Senator from New Hampshire indicated that he was not, through his amendment, proposing any addition of wilderness designation. He stated that was not his intent. I understand that is not the intent. However, the practical effect, if we were to withhold any Federal dollars, any opportunity for Federal revenues to come in and help with the road building in that area, that would be the practical effect in the Tongass. It would put off limits those areas to any harvesting of the timber. If we cannot build a road in there, the harvesting will not happen.

As the Senator from Oregon mentioned, we are dealing with an incredible land mass. The acreage in the Tongass is 17.8 million acres. As has been said many times this evening, the area we are talking about that would be available for development is a small fraction of that. Just 4 percent of that would be available for any form of development, but still, if one is not able to put a road in, if they are not able to access the area, the harvesting does not happen, and in effect what is being created is an off-limits area, off-limits to development, off-limits to recreational use, off-limits to pretty much anything.

I was born in the Tongass. I was born in Ketchikan. At the time that I was born, Ketchikan was a very thriving timber community. The Tongass is not a place where one just goes to take a walk. It is an old growth forest that is as tangled and deep a forest as one can possibly imagine.

So those who would say, We want to make sure we have access to the Tongass for recreational purposes, the way that one is able to access for recreational purposes is through the roads that have been built as we have harvested in certain areas. My family goes out there and we want to use the area for hunting, but we do not go off the beaten track because it cannot be accessed. The animals are not in the areas that have not been cleared, to a certain extent. So for those who will engage in the multiple use of the Tongass, these roads are significant.

The statement was made that those of us who are in opposition to this amendment are saying that this really is not about the fiscal issue. I guess I have to just stop on that one and say, okay, if we really are looking at this from a cost perspective and we are looking to minimize the extent of Federal dollars going out and to be as cost efficient as we possibly can, why are we just looking at the Tongass alone? If what we are really talking about is to get those efficiencies, to make sure we do not have unnecessary subsidies, then tell me why this is just about one national forest in 1 State out of all of the 50 States. Because we are not going to balance the budget on what is happening in the Tongass in terms of the dollars that go out there.

I wish to speak just a little bit to the dollars. My colleague has indicated that the Tongass spent $49 million on its logging program and the logging roads in 2004. The total budget to operate the Tongassis is $49 million. In fact, the timber program on the Tongass cost $22.5 million. He has also indicated that the timber revenues on the Tongass in 2004 were $800,000. In fact, the timber revenues were nearly $2 million. So it is important to make sure we are using the right numbers.

Let us just look at what that $49 million buys us. Is this all about roads? No, it is not. Now, the road maintenance is an aspect of that, but it is also for bridge and road construction unrelated to timber harvesting, other engineering projects. The work that the Forest Service does in the Tongasssupports subsistence harvest, the fish and wildlife, basically keeping the grocery store open for thousands of rural Alaskans.

Senator STEVENS mentioned the fish culverts that are inserted to allow for the fish passage. We build those so fish can get to where they need to get. It is one of those things we do to make sure we are caring for the environment and are good stewards.

We developed an invasive species strategy to help prevent the nonnative plants from coming in and taking over, as we are seeing in some parts of the lower 48.

Basically, the bottom line is these dollars that are going out are not all directed at road building. They are dollars spent on recreation, visitor service, heritage, wilderness, minerals, vegetation, watershed, subsistence, wildlife, fish habitat, fire suppression, and land acquisition. And administrative costs are included in there, as well. So when we look to the Tongass and those costs, we must put it into perspective.

I spent a few minutes in my previous remarks looking at the costs per acre on other national forests across the 50 States, what is the dollar return on

your investment if we are trying to make that connection. These are important to recognize. What is very important to recognize is the Tongass is not so way out of whack in terms of its management and its costs that it should be sending off signals and red flags. In fact, my colleague from Alaska has indicated the Tongass has been singled out and has been declared the best managed national forest in the system. That ought to count for something.

For my colleagues who are saying this is simply a fiscal issue and we need to look at it from the numbers perspective, let's look at it from the numbers perspective. Let's use the right numbers, but let's also recognize there is something terribly wrong with an amendment that pulls one national forest out of all of our national forests and says: There is too much going to you; we have to shut it off.

Folks, that is not right. It is not fair. I certainly hope my colleagues, when we have an opportunity to take this up in the Senate, vote down this amendment.

I yield the floor.

Mr. REID. Mr. President, many States, especially those in the West, are dominated by Federal lands. For those States, and many others, the Interior appropriations bill is a singularly important piece of legislation because of the funding it provides for our public land agencies.

Take Nevada, for instance. While my State contains nearly 71 million acres within its borders, 61 million of those are managed by Federal agencies. That's 86 percent of my State, or nearly 9 out of every 10 acres. And if that number doesn't get your attention, consider the fact that two out of every three acres in Nevada are controlled by one Federal agency: the Bureau of Land Management.

I offer these statistics to highlight the significance of today's debate. While the Department of Interior may not be the center of attention in some areas of our country, in the West, the agencies funded under this bill have a measurable impact on our quality of life, our access to public resources, and the protection of our greatest public assets.

Senator BURNS and Senator DORGAN have done a good job crafting this bill. We all know that this year is especially tough in terms of overall funding allocations and that some tough decisions had to be made. Considering the constraints they faced, these two senators have produced impressive legislation. I commend them for the time and effort that they and the rest of the committee have put into this bill.

Particularly, I am pleased that the committee funded a number of priority projects in Nevada. One of the key projects that this bill provides funds for is the construction and improvement of the Jarbidge Canyon Road. This road in northern Elko County washed out over 10 years ago and has been a major source of controversy ever since.

With the funding that the committee has helped provide, we will finally be able to bring resolution to the issue in a way that ensures greater access to our public lands while also protecting a threatened population of bull trout and shielding the road against future floods. This is a win-win situation for sportsmen, for the county, for the U.S. Forest Service, and for local residents.

I am also pleased that the committee saw fit to provide funding for a number of sewer and water projects that are difficult and often impossible for small and rural communities to fund on their own. Even in some of Nevada's larger population areas, the amount of Federal land in those areas still makes raising funds for these projects very difficult. So I thank the committee for their efforts to provide EPA grant funding.

I also want to recognize their efforts to increase funding for the Payment-In-Lieu-of-Taxes program. ''PILT,'' as the program is popularly known, provides millions of essential dollars to Nevada's counties each year. Without these funds, the provision of basic local government services such as law enforcement and street repairs would be severely diminished. I look forward to the day when we will fully fund this program and finally live up to the responsibilities we have to our rural counties.

I am also strongly supportive of the increased funding levels contained in this bill for the National Endowment for the Arts, the National Endowment for the Humanities, and the Historic Preservation Fund. As our distinguished friend Senator BYRD has taught us on so many occasions, life can be not only enriched but measurably improved by a fuller understanding of our history, our cultural roots, and our common heritage. These programs deserve our respect and our support.

Before I close, let me remark briefly that we have a profound responsibility this year, and every year, to make sure that our public lands and our public resources are properly managed. As the demand for healthy outdoor recreation grows, so too must our commitment to proper stewardship.

I am concerned that in all too many places, budgets for agencies such as the BLM and the Park Service have stagnated or shrunk while the overall usage of our public resources has skyrocketed. The Lake Mead National Recreation Area, for instance, now sees nearly 8 million visitors a year, a strong increase from 10 years ago. But this same park has lost 40 rangers and support staff positions since 2002. We need to solve this and similar problems before our greatest natural treasures are lost or permanently compromised.

I look forward to a healthy debate on this bill and I hope Democrats have a chance to offer their amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1052

Mr. DURBIN. Mr. President, the bill under consideration on the Senate floor is intended to provide appropriations for the Department of Interior. Unfortunately, we were forced by circumstances to shift our focus during the course of debating this bill to consideration of an emergency issue which faces our Nation that relates to funding for the Department of Veterans Affairs. This is because the President's budget did not provide enough funds to provide quality health care to veterans across America during the remainder of this fiscal year.

Last week, the Department of Veterans Affairs admitted to Congress that its budget for the current fiscal year will be at least $1 billion short of the amount needed. Part of the reason for this is reportedly that the Department based its budget needs on faulty estimates. Reportedly, the VA thought it would see a 2.3-percent increase in patient demand for services. In reality, they have experienced increases of 5.2 percent. In other words, the Bush administration miscalculated. Their estimate of veteran patient load was less than half of what actually proved to be the case.

Senator PATTY MURRAY of Washington has been our leader on this issue. Repeatedly in the Committee on the Budget and in the Senate she has said the Veterans' Administration was not asking for enough resources to take care of the veterans from other wars and the returning soldiers from Iraq and Afghanistan. She spoke at length in the Senate about the many opportunities we have had in the Senate over the last few months for the Bush administration officials to state their true budget needs. They repeatedly said they needed no more money this year. Now, belatedly, they admit they are at least $1 billion short of what they really need.

With the Murray amendment that Senator BYRD is joining and offering, the Senate has an opportunity to address this serious shortfall and to provide to America's veterans the real resources they need and deserve. One of the medical services that unquestionably, indeed, desperately needs funds is the treatment of post-traumatic stress disorder. The war in Iraq is producing a new generation of American veterans whose wounds are invisible. Already, we see recently returned veterans with depression, anxiety, substance abuse, and post traumatic-stress disorder.

As our men and women come home from battle, we must be ready to give them the help they need, the help they deserve, the help we promised. I have noted on numerous occasions the special need for additional VA capacity to treat returning veterans suffering from PTSD. Last year, the New England Journal of Medicine published data showing that roughly one in every six returning Iraqi veterans will likely suffer this debilitating mental health condition. With the number of troops having served in Iraq and Afghanistan now exceeding 1.1 million, it is absolutely clear—it has been clear for some time now—that the VA is going to see a big increase in the need for post-traumatic stress disorder treatment. Even the toughest warriors can have troubled feelings following the stress of combat. It is no sign of weakness. It is no sign of cowardice. It certainly is no sign of failure.

Frankly, they need to ask for help, and we need to give it. All our veterans need to know that services are available to them and they should not be ashamed to use them. Unfortunately, the VA's current capacity to help them is lacking. The Government Accountability Office reported last September that officials at six out of seven VA medical facilities said they may not be able to meet an increase in demand for PTSD services. Their own internal committee has made repeated recommendations about the need to expand PTSD treatment capability within the Department, but the GAO has also recorded that the Veterans' Administration has not fully implemented any of these recommendations.

Given the failure of the VA to expand PTSD treatment, as its own experts have advised, given the failure of the VA to adequately see the coming increase in patient need, given the failure of the VA to budget for its real requirements, it is time for Congress to do something, to take strong corrective action.

I have introduced legislation to fill in the gaps in the VA's treatment structure for PTSD to ensure that counselors and PTSD teams are available in every veteran center and VA hospital. But even before we make these structural changes, we can provide the funding increases to prevent long delays in service. This amendment we will consider from Senator MURRAY and Senator BYRD is an important step toward that goal.

It is a sad fact under the Bush administration's leadership that the Department of Veterans Affairs has failed to adequately budget for the health care needs of American veterans. Sad, but it is true. Where the administration has failed, Congress must step in and correct the problem. This amendment will help fill the gap.

In less than 20 minutes, President Bush will be speaking to America. He will be talking about the situation in Iraq. He will give his speech in the company of some of the best and bravest men and women who serve in our Armed Forces. He will undoubtedly say to them, on behalf of all Members, that we stand behind them. His words will be heartfelt and they will truly represent the way we feel about the men and women in uniform. But our commitment to soldiers and to veterans has to go beyond statements on television. It has to go beyond speeches. It has to go beyond some of the things that are left in the CONGRESSIONAL RECORD each day as a tribute. It has to be shown in our deeds.

We will have a chance with the Murray amendment to put the necessary funds in the Veterans' Department so that the hospitals and clinics across America can help our veterans from other wars and our soldiers coming back from Iraq and Afghanistan. The assistance which they need can help right now. The longer a soldier is troubled, the longer a soldier suffers from PTSD and the stress and anxiety and depression that comes with it, the more difficult it is for them to finally break away and to return to a normal life. Quick, professional care is necessary.

Don't look beyond the fact that many of these soldiers have spouses and children who are affected by their problems. They need help, too. Family therapy from VA should be part of this commitment.

As I traveled around Illinois a few months back and met with the soldiers coming back from Iraq and Afghanistan, I was stunned. Some of the youngest, strongest, best-looking soldiers who returned, men and women, who appeared to have no concerns at all, back at home in civilian life, were struggling with demons inside, demons that were created by things that they saw, things that they did, things that they were exposed to which many of us, thank God, will never have to see. We need to help them. We need to make sure that our commitment to them goes beyond a cheer, goes beyond a kind word, goes to the deeds that are necessary to prove our true commitment to the men and women in uniform.

This last group I spoke to was the Veterans of Foreign Wars Convention, a statewide convention in Illinois in the city of Peoria. It was a good meeting. They were mainly veterans from other wars, from the Persian Gulf, Vietnam, Korea, World War II. These were primarily men but some women who had served our country and were coming together. Time and again, they asked us to not only stand behind our troops, but also stand behind our veterans. They challenged me. They said: Senator, be the best Senator we have ever had in this State for the veterans and soldiers. I will try to show them that I can live up to the challenge.

With this amendment, the Murray amendment which I have supported before, and which now should pass, the Senate can go on record on a bipartisan basis saying we stand behind our soldiers and our veterans.

IRAQ

Let me say a word, Mr. President, about the President's speech this evening about the war in Iraq. Once again, it goes without saying that we are all committed to the men and women in uniform. The last time there was a supplemental appropriations bill on the floor that the President asked for, in the range of $81 billion, for the war in Iraq, it passed unanimously 100 to 0. I think that tells the story. Whether you agreed with the President's policy beginning this war or disagreed, we all agree that our men and women in uniform should have everything they need to execute this war.

But it is a war unlike any that we fought in recent times. It is hard to claim territory and hold it. Fallujah, just a few months ago, was the scene of great carnage, as American troops went in to root out the insurgents and terrorists. We lost a lot of our wonderful soldiers in that battle. They achieved their goal. They cleared out Fallujah. Yet, just a few days ago, we lost more soldiers in that same city; in this case, several women soldiers who lost their lives in the terrorism that has now become too commonplace. So claiming and holding territory is obviously very difficult in Iraq.

It is also difficult to identify an enemy that does not wear a uniform, does not stand in formation, and wreaks its havoc with these roadside bombs and other terrorist devices they use. It is a different type of war.

We are concerned as well about the status of the Government in Iraq. It is a government in formation. They are trying to put together a constitution.

Two of my colleagues in the Senate, Senator CARL LEVIN of Michigan and Senator SUSAN COLLINS of Maine, a Democrat and a Republican, sent a letter to the President to urge him, in his speech tonight, to make it clear to the Iraqis they have to hold fast to the timetables to form their own government and take responsibility for their own future. Those two Senators, one from each political party, said if they failed to do that, we had to make it clear to them that we would have to reassess our commitment in Iraq.

Those are strong words, bipartisan words, but I think they represent the feelings of many Americans. We have done a great thing in Iraq in removing Saddam Hussein. That was never the issue. The question, of course, was, what would happen afterward. We had a good plan to win the military side of this conflict and to win the war. We did not have a good plan to win the peace. More than 2 years after our invasion of Iraq, more than 1,734 American soldiers have given their lives, more than 13,000 have been gravely wounded. And, unfortunately, those numbers will increase.

Tonight, the President will talk to us about his plan. If this, what we have seen to date, is what the President's plan is in Iraq, we clearly need a much

different plan. We need a plan for success, a plan for victory, a plan that will bring our troops home.

There is a feeling among many of us in this Chamber and across America that we do not have that plan today. The President has to be honest with us about the costs of this war, first in human terms and most certainly in dollar terms. Some of our early allies have picked up and left—more burden on American soldiers, more burden on American taxpayers.

Finally, this Congress needs to do its job, not just to provide the resources for those soldiers in Iraq and Afghanistan but to also make certain there is oversight. Yesterday, Senator BYRON DORGAN, Senator LAUTENBERG, and a few others, held a hearing from the Democratic Policy Committee on Halliburton. Halliburton is, of course, one of the largest contractors in Iraq. Hundreds of millions of dollars worth of contracts have gone their way without competitive bid and with precious little oversight.

What Senator DORGAN and others have disclosed in the course of those hearings is nothing short of shameful. We should be holding every contractor in Iraq accountable to produce good equipment, to produce good armaments, to provide our troops with what they need to succeed and come home safely. But this Congress, dominated by the President's political party, is loathe to even raise these difficult questions. So we have to hold a hearing on Monday mornings and hope that someone will notice as whistleblowers come forward and talk about some of the scandals that are occurring with the contractors in Iraq.

Congress has dropped the ball. We have a responsibility, regardless of who is in the White House and what political party he might belong to, to accept our congressional responsibility to ask hard questions.

President Harry Truman knew that. When he was a Senator from Missouri, he was the one asking the hard questions of Franklin Roosevelt's Democratic administration during World War II: Were they doing their job? Was there profiteering? Were there people taking advantage of taxpayers and our troops? Senator Truman was right with his Truman commission. Unfortunately, in today's Congress, there is nothing coming out of the Republican side of the aisle to ask those hard questions, to make sure our troops get what they truly deserve.

So tonight we will hear from the President that our goal is still democracy in Iraq. It is a good goal. It is one I hope we can achieve. But it is a difficult goal. And we have to understand that the Iraqis have premier responsibility for their own future.

Mr. President, 140,000 or 150,000 American troops, with their lives on the line every day in Iraq, remind us that we went into this war without a plan on how it would end, without an exit strategy. I hope the President will spell that out with some detail this evening. I am not expecting him to say there will be a timetable for withdrawal. He has already said he is not in favor of that. But we need to know what his plan for success will be.

Tomorrow, when we vote on this amendment on the Interior bill on the VA funding, I urge all my colleagues to support this measure for our veterans and for our soldiers. We must appropriate the funds the VA needs to provide our veterans the health care they deserve, to treat both the lasting battle scars that can be seen and those battle scars that remain invisible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1038, WITHDRAWN

Mr. SALAZAR. Mr. President, I call for the regular order in relation to amendment No. 1038.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SALAZAR. Mr. President, I, at the outset, thank both Senator BINGAMAN and Senator THOMAS for their willingness to sponsor this amendment, which is an important amendment for counties, especially in the western part of the United States where so much of our land is held in the hands of the Federal Government.

I would like to underscore the importance of the Payment in Lieu of Taxes Program. PILT funds are Federal payments to local governments. We all understand that property taxes are the main source of revenue for local governments. Anyone who has spent any time at all in Colorado or in the West will recognize that local governments there do not have a tax base because the Federal Government owns huge tracts of land in our States. In my State alone, approximately one-third of Colorado is owned by the Federal Government.

Earlier this spring, in my first Senate trip around our great State, I held meetings with local-elected officials. Time and time again, these local-elected officials—mayors and county commissioners—informed me about the importance of full PILT funding and that it is their No. 1 priority.

Sadly, PILT has never been fully funded by this Congress. Congress regularly shortchanges local governments with Federal lands by appropriating less than the authorized levels. To that end, one of the first bills I introduced as a U.S. Senator would make full funding of PILT a mandatory priority for this Congress every year.

In 2005, more than $226 million was distributed to approximately 1,850 local governments in 49 of our 50 States whose jurisdictions contain tax-exempt Federal lands. In my State of Colorado, over $16 million was paid to local communities for over 2.3 million acres of tax-exempt Federal lands. These funds have been used to help improve local schools, water, and road systems.

President Bush's budget request cut PILT funding for 2006 by $27 million. Fortunately, Congress has responded forcefully to that request. The House of Representatives passed a bill with $242 million for PILT funding, and the good work of the Appropriations subcommittee in the Senate has gotten us to $235 million, which is the proposal in this bill.

My amendment would increase PILT funding to $242 million from the current level of $235 million in the Interior appropriations bill. That increase would be offset with $7 million from the Department of Interior's overhead funds.

Earlier this afternoon, I spoke with Interior Secretary Norton and with Senators BURNS and DORGAN about my amendment and my strong desire to see PILT funding as close to full authorization levels as possible. I appreciate the consideration that Senators BURNS and DORGAN have given to my amendment and to the importance of the issue of PILT. I know they will represent the hopes and needs of rural counties in the conference committee and will work to ensure that the conference report is at least at the House level of $242 million for PILT.

Therefore, Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. SALAZAR. I thank the Presiding Officer and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

AMENDMENTS NOS. 1049, AS MODIFIED; 1060, AS MODIFIED; 1055, AS MODIFIED; 1061; 1030, AS MODIFIED; 1020, AS MODIFIED; 1031; AND 1058, EN BLOC

Mr. BURNS. Mr. President, I call up the following amendments en bloc: amendment 1049, offered by Senator KYL, as modified; amendment numbered 1060, offered by Senator LANDRIEU, as modified; amendment 1055, offered by Mr. BINGAMAN, as modified; amendment numbered 1061, offered by Senator OBAMA; amendment numbered 1030, offered by Mr. BINGAMAN, as modified; amendment 1020, offered by Senator COBURN, as modified; amendment numbered 1031, offered by Mr. BINGAMAN; and amendment 1058, offered by Mr. BINGAMAN.

I ask unanimous consent these amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1061, 1031, and 1058) were agreed to.

The amendments, as modified, were agreed to, as follows:

AMENDMENT NO. 1049, AS MODIFIED

(Purpose: To provide certain earmarks for State and tribal assistance grant funds)

On page 195, line 9, after the semicolon, insert the following: $1,500,000 may be for the

expansion of the wastewater treatment plant in Lake Havasu City, Arizona; $1,000,000 may be for the expansion of the wastewater treatment plant in Avondale, Arizona;''.

AMENDMENT NO. 1060, AS MODIFIED

Page 147, line 25 strike ''$72,500,000'' and insert ''$74,500,000.''

Page 148, line 1 after ''2007'' insert ''of which $2,000,000 is for Historically Black Colleges and Universities.

Page 172, line 4 strike ''$10,000,000'' and insert ''$12,000,000.''

AMENDMENT NO. 1055, AS MODIFIED

(Purpose: To provide for the consideration of the effect of competitive sourcing on wildland fire management activities)

On page 250, 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 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.

AMENDMENT NO. 1030, AS MODIFIED

(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.

(2) For fiscal year 2007 and each succeeding fiscal year, the Bureau of Indian Affairs shall use the postsecondary funding formula adopted by the Office of Indian Education Programs based on the needs of the Southwest Indian Polytechnic Institute and Haskell Indian Nations University to justify the amounts submitted as part of the budget request of the Department of the Interior.

AMENDMENT NO. 1020, AS MODIFIED

(Purpose: To express the Sense of the Senate that defense spending should not be underfunded to support increases in non-defense spending)

At the appropriate place, insert the following:

SEC.____ (a) FINDINGS.—The Senate makes the following findings:

(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 should not be underfunded in order to support increased federal spending on non-defense discretionary activities.

ORDER OF PROCEDURE

Mr. BURNS. Mr. President, I ask unanimous consent that other than a series of amendments which have been cleared by both managers, all other amendments be withdrawn, with the exception of the following amendments, and, further, that the amendments be considered as follows:

Boxer amendment No. 1023, regarding pesticides; I or my designee with a first degree relating to pesticides; further that there be 120 minutes equally divided to be used concurrently on both amendments, with a vote in relation to my amendment, followed by a vote in relation to the Boxer amendment;

Dorgan amendment No. 1025, regarding Indian health, 20 minutes equally divided;

Amendment No. 1026, offered by Mr. SUNUNU, regarding the Tongass, 30 minutes equally divided;

Senator MURRAY's amendment No. 1052, regarding veterans health; Senator SANTORUM's second-degree amendment to the Murray amendment relating to veterans health; provided that there be 110 minutes equally divided between the two leaders or their designees to be used concurrently on the first and second-degree amendments;

Senator DORGAN's amendment No. 1059, regarding Cuba travel, 20 minutes equally divided; provided that the vote occur in relation to the motion to suspend the rules relative to that amendment; further, that if the motion to suspend is agreed to, the amendment be subject to further debate and amendment;

Senator KYL's amendment No. 1050, 5 minutes for Senator KYL, with the amendment then withdrawn;

Senator SARBANES' amendment No. 1046, 5 minutes saved for Senator SARBANES.

Finally, I ask unanimous consent that the votes occur in relation to the above-listed amendments, with no second degrees in order to the amendments prior to the votes unless otherwise indicated; further that following the disposition of the above amendments, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. FRIST. Mr. President, Senator DOLE is unable to vote on amendments this evening because she is in North Carolina where she testified early this afternoon before the BRAC Commission, and this evening is with the President at Ft. Bragg in Fayetteville, NC, where the President is addressing the Nation on the 1-year anniversary of the transfer of sovereignty to the Iraqi people.

Mr. CONRAD. Mr. President, last week I traveled to Grand Forks, ND, to organize and present testimony at a regional hearing of the Base Realignment and Closure, BRAC, Commission on the Grand Forks Air Force Base and Fargo's Air National Guard installation. These facilities are critically important to our national security and to my State's economy. As North Dakota's senior Senator, it was my pleasure and responsibility to host the Commission hearing. As a result, I was necessarily absent from the Senate and missed rollcall votes No. 145–153 on the Energy bill.

PRESIDENT'S ADDRESS TO AMERICA

Mr. KENNEDY. Mr. President, whatever our position on the Iraq war, we should all be concerned that the President does not have a winning strategy on Iraq. Our current strategy is not working, and Congress and the American people know it. I say this with sorrow and regret for our troops, for their families, and for our country.

Administration officials repeatedly claim that the insurgents are desperate, dead-enders, and in their last throes. The American people know they are not. Secretary Rumsfeld insists progress has been solid. With American casualties currently averaging nearly three a day, the American people know it is not. Secretary Rumsfeld insists the Army is not being stretched to the breaking point, but month after month recruiting goals go unmet and generals are sounding the alarm. Secretary Rumsfeld insists that we are not in a quagmire. The American people believe we are.

Secretary Rumsfeld says the administration is not painting a rosy picture. The American people know that they are. By last June, after the President declared mission accomplished, 852 American servicemembers had been killed in action. Today, the number has doubled to more than 1,700. By last June, 5,000 American servicemembers had been wounded in action. Today, the number has nearly tripled to over 13,000. A year ago, the United States had 34 coalition partners in Iraq. Today, we have just 25, and another 5 are scheduled to pull out by the end of the year.

The administration has been consistently wrong about Iraq. The American people know things are not going well and that we need to correct the course we are on. The administration statements do not square with reality, and the credibility gap continues to widen. It is ironic that Americans are learning

the truth not from our own administration but from an ally. The truth should come from the White House and not Downing Street.

More than anything else, what America hopes to hear from the President tonight is the unvarnished truth of what is really going on in Iraq, how he plans to put a new strategy in place and assure success. He needs to clearly articulate our goals, the benchmarks for measuring progress, and the game plan to win. When President Bush addresses the Nation tonight, all of us hope he will state a new and more realistic and more effective strategy for the United States to succeed in Iraq.

Our current strategy is not worthy of the sacrifices our men and women in uniform are making. The war has clearly made America less safe in the world. It has strengthened the support for al-Qaida and made it harder to win the real war against terrorism, the war against al-Qaida.

The President needs an effective strategy to accelerate the training of a capable Iraqi security force. The President needs an effective strategy to rescue the faltering reconstruction effort, create new jobs, new hope for the Iraqi people, and neutralize the temptation to join the insurgents. The President needs an effective strategy to bring the international community into Iraq and to achieve the adoption on schedule of a constitution that protects all the people of Iraq. He needs an effective strategy to give our troops the equipment they need to fight the war and to ensure that veterans returning from Iraq have access to the quality health care services they so richly deserve. He needs an effective strategy to repair the damage the war has caused to our military and to our reputation in the world.

Realism is hard medicine to swallow. President Bush must face the facts and accept them. Our men and women in uniform deserve no less. Our strategy is not working, and I hope the President will outline a winning strategy this evening.

SUPREME COURT

Mr. KENNEDY. Mr. President, on another matter, we all wish the very best to Chief Justice Rehnquist. He has made the quality of the Federal courts the special mission of his leadership, and the Nation and judiciary are grateful for that leadership. Hopefully, he will continue to serve as long as he wishes and is able.

In the event of a resignation, a new Justice should be someone who is committed to the rule of law and the rights and freedoms of all Americans and can therefore win broad support in the Senate and the Nation. Like many Presidents before him, the President can easily choose such a nominee if he follows the constitutional requirement that he obtain the Senate's advice as well as its consent. I hope President Bush chooses the path of consultation and consensus and not the path of confrontation and conflict.

The Constitution requires the Senate to be an independent check on the President, especially in protecting the independence and fairness of our judges. The Founders very deliberately made the appointment of Federal judges a shared responsibility of the Senate and the President. It is ridiculous for some on the other side to claim that the Founders would not have wanted such consultation to occur. In fact, the Founders came within a hair's breath of assigning the entire responsibility for appointing judges to the Senate. It was a last-minute compromise at the Constitutional Convention in Philadelphia in 1787 that gave the responsibility to the President but only with the advice and consent of the Senate.

As the chairman of the Senate Judiciary Committee has clearly pointed out, the advice function is as important as the consent function in the exercise of the shared power of the President and the Senate in appointing judges and Justices. Presidents all the way back to George Washington and right up to Bill Clinton have consulted with the Senate on Supreme Court nominations, and when they have done so the result has been a better Supreme Court.

The wise procedure was made even more explicit in the memorandum of understanding written by the 14 Senators from both parties last month when they urged the President to consult with Members of both parties in the Senate. Why are some of our Republican colleagues in the Senate so opposed to such consultation? Do they fear that if the President seeks the advice of a broad range of Senators, he may be persuaded to make a consensus nomination to the Supreme Court? Are they against consensus? Do they see the Supreme Court nominations merely as political footballs in their political games? Before any person can be appointed to the Federal court, the Senate and the President have to agree that the person will be best for the whole country, not just for a narrow ideological and radical faction.

Some Presidents have ignored the requirement to obtain the advice of the Senate, but no President can avoid the requirement to obtain the consent of the Senate. I certainly hope President Bush will not heed those who think consultation and consensus are obsolete. Whether the confirmation process goes smoothly will be determined by the President's selection.

He can pick judges with us as the Founders wanted or he can pick fights with us as some of his political advisers and Senate friends seem to want.

The President's choice is clear. He could follow the Constitution and seek the advice of the Senate before he makes a nomination. If he does that, the confirmation process is more likely to be expeditious, constructive, and a unifying force for the entire Nation. Or he can listen only to the advice of the fringe factions of his own party, people so extreme they have even called for the impeachment of six of the current nine Justices because those Justices refuse to bow to the ideological dictates of the rightwing. If he does that, the confirmation process will be divisive and corrosive and likely unsuccessful. There are hundreds if not thousands of excellent lawyers and judges who could be consensus choices for the Supreme Court, and Senators will help the President find them if he seeks our advice. If he takes our bipartisan advice, he will have no trouble obtaining our bipartisan consent.

The next person who serves on the Supreme Court will not just serve for the remainder of the Bush administration. The lives and freedoms and rights of our children and our grandchildren may well be directly affected by the decisions of that Justice in the coming decades. For their sake and the Nation's sake we cannot accept a choice based on partisan politics or ideological agendas. What the Court and the Nation need is a demonstrated commitment to the rule of law and the basic values of our Constitution. I urge President Bush to listen to a respected former Republican, Senator John Danforth:

> If he truly wants to appoint a conservative he should make sure it is a judicial conservative, someone who is going to apply the law, not his political or philosophical beliefs.

PRESIDENT BUSH'S IRAQ STATEMENT

Mr. KERRY. Mr. President, tonight, as we all know, President Bush is going to speak to the Nation about the situation in Iraq. I think that we all have a pretty good sense of much of what he is going to say. He will talk, as he should, about the extraordinary courage of our troops across the world; he will talk, as he should, about the march of democracy; and he will speak with pride about Iraqi elections and the end of tyranny. He will stress, as we all share, the importance of the war on terror. All of us in this Chamber stand in awe of the courage of our troops and all of us in this Chamber and in this country are passionate about democracy. But the fact is that honoring our troops and extolling the virtue of democracy, those words alone are not going to be enough to improve the situation and the reality of the perilous direction that we are currently headed in Iraq. What we need are not just the words extolling the virtues of things with which we all agree. What we need is a policy that is going to address the complex and in some ways self-inflicted predicament that we face today. The best way to honor troops, Mr. President, the best way to protect our troops, is to provide them with the best policy possible. The fact is that that is not what we have today. Yesterday, I attended the funeral of Christopher Piper of Marblehead, MA, special

forces, who died of wounds from an IED, and two other of his fellow soldiers died previously in that same incident. The overwhelming outpouring of emotion and patriotism—kids holding flags along the sides of the streets, people, good citizens, patriots all, coming out to say goodbye to their native son—was moving beyond words.

Christopher Piper, and all of the soldiers like him currently serving and all those who will go over there, deserve a Government leadership that makes the best decisions possible to be able to provide them the greatest security possible to accomplish the mission as rapidly and effectively as possible.

Today, I regret to say, the experience in Iraq has proven again and again to America and the world that we have no realistic comprehensive strategy to reduce the risks to our soldiers and to achieve our goals. While our military has done—and continues to do—a superb job, our civilian leadership has not, and our soldiers are paying the price every single day. It is time for a realistic plan for success.

To achieve that plan, we have to begin by tearing down the wall of arrogance. When the Vice President absurdly claims the insurgency is in its last throes, it insults the common sense and intelligence of the American people, and he diminishes our stature in the world. How can we expect the Iraqi people to take us seriously and do their part when the White House says the insurgency is fading, and yet Iraqis live in constant fear—explosions waking them up in the night, reminding them of the danger inherent in a short walk to work or to school the next morning.

I know that we should not dwell on mistakes. We need to understand, however, the consequences of the decisions we have made and our ability to effectively move forward because the only way you can move forward and have a comprehensive strategy is to understand where you have been. With allies reading the Downing Street memo and the American people increasingly aware that the rationalization for war changed midstream, it now becomes that much harder to rally the collective strength of the Nation and the world to our cause.

We have to acknowledge the past in order to overcome it because the truth is that, until this moment, the stubbornness of this administration has made a difference. It hurts our chances for success. It leads to frustrated expectations of Americans themselves. It makes it much more difficult for the Iraqi people to embrace the cause, and it makes it so much easier for sidelined nations to turn their back on a common interest and say: OK, it is their deal, let them go solve it because they don't seem to understand it.

The bottom line is that when it comes to war and the safety of American troops, there is no time for excuses. All of our troops deserve the best we can provide, and they deserve it now. This is the time for the administration to tell the truth about what is happening on the ground and be open to new ideas about how we are going to get the job done. Admitting mistakes is a necessary hurdle and a constructive tool for this administration if it wants to build the strength necessary to get it right in Iraq. Admitting mistakes paves the way for elected officials and the American people to come together and to move forward. Admitting mistakes actually lays the groundwork for the climate of cooperation that allows allies to add to our strength. Admitting mistakes eases the concerns of the Iraqi people and helps us make them understand that there will be no success unless they embrace the burden of their own future. And that includes acknowledging that Iraq today is something that it was not before the war—a breeding ground for jihadists. Today, there are 16,000 to 20,000 insurgents, and the number of jihadists among them is growing, according to our own estimates. So this is a growing challenge, and we need to take immediate steps to address it. Our officer corps reports that every time our troops kill or capture an insurgent, there are three more who just step forward to take his place. That is not a compelling strategy for success.

So I hope that tonight we hear something new from the President. I hope the President will recognize that the American people demand more than a communications strategy—they demand real leadership, with real decisions and real choices that provide a strategy for success and that get our troops home. If the President does this, he will begin to restore the confidence of the American people and the respect of the world. In showing real leadership, he will make it clear to the Iraqi people that it is time for them to take the lead.

I also hope the American people understand that there still can be a plan for success in Iraq if we move quickly, if we make the right choices, if we reach across the aisle for bipartisan effort, if we reach out to other nations. The mistakes that we have made do not change the fact that our military is the most powerful and competent in the world and that democracy is one of the world's most powerful ideas. The mistakes do not change the fact that the Iraqi people understand, through the powerful memory of generations, that they have a unique opportunity to shape their own future. If the President finally opens to these new ideas and gets this right, tells the truth about the complex challenge, and the Iraqi people get serious about doing their part and bearing the burden, we can have the success that we need and seek in Iraq.

So what can the President say tonight to get things right in Iraq and put us on the road to success? The President can start by immediately declaring that the United States does not seek permanent bases or any permanent military presence in Iraq. Erasing suspicion of indefinite occupation is critical to eroding support for the insurgency. Getting that right also means using the extraordinary leverage that we have to get the Iraqis to do their part. Our massive military presence is all that stands between the Iraqi people and complete chaos. Our special forces are protecting Iraqi leaders. With this kind of leverage, it is nothing short of shocking that the administration allowed 6 months to go by from the last election before including Sunnis in the political process. This was an obvious crucial prerequisite to success.

Yet there was no sense of urgency and minimal pressure applied. It is time for the administration to use its leverage to insist that the Iraqis do their part and establish a truly inclusive political process and meet the deadlines for finishing the Constitution and holding new elections in December. There can be no wavering from those dates.

Getting it right also means putting together a real plan for training Iraqi troops and following through on it. This should be our top priority. It is the key to getting our troops home and avoiding a humiliating withdrawal. It is time to move beyond fudging the numbers and finally put the training of Iraqi troops on a true 6-month wartime footing. That includes ensuring that the Iraqi Government has the full budget necessary to be able to deploy and continue the training.

It is also time to stop using the in-country training requirement as an excuse for refusing offers made by Egypt, Jordan, France, and Germany to do more. Why would we turn down the opportunity of other countries to help us do more? Why would we turn down the opportunity to be able to give our troops the relief they deserve?

Getting it right also means drawing up a detailed plan—a real plan, shared with the Congress of the United States—with the clear milestone of transfer of military and police responsibilities to the Iraqis after the December elections.

The administration's plan should take into account both political and security objectives, including Iraqi force structure and capacity, and it should be specifically tied to a series of specific tasks and responsibilities. This plan must have more than just dates and numbers. It must make it clear to the Iraqi Government that American patience is limited.

The Iraqi people need to understand that in America, today, when we see Army recruitments suffering, families organizing to protect their kids from recruiters, and when we see the divorce rate for military officers skyrocketing—I am told the divorce rate among officers for the last year is up some 70-plus percent; and since the year 2000, up over 300 percent—when we see this kind of damage to the long-term capacity of the American military, we need to take it seriously. I

know the Iraqi people already understand that our troops are skilled and brave. Now they need to understand we must see legitimate progress that offers a real chance of American troops beginning to come home.

At the same time, if the administration wants the Iraqis to bear the burden, they need to move beyond the hollow ''stay as long as it takes no matter what'' talk that provides an endless security blanket—a disincentive for Iraqis to stand up for Iraq—and, instead, they must talk forcefully about the transfer of responsibility.

If the administration gets this plan right, and the Iraqis succeed in adopting a new constitution and holding elections as planned, trained Iraqi security forces should be ready to take on more responsibility at the critical moment when support for the insurgency is diminishing. That is the kind of careful, strategic planning we need to set the stage for American forces to be able to be reduced in number, as the Iraqi security forces assume more of the mission. But, again, this simply will not happen unless the Iraqi forces themselves assume more of their part. We must make the Iraqi Government understand the patience of America is finite, and that real progress must be achieved. We all understand that deploying capable Iraqi security forces is imperative to success. It always has been imperative to success. Yet the numbers we have been given again and again have been false. But the administration would also have us believe Iraqi forces alone could end the insurgency. That is simply not true. I hope the President strikes a different tone tonight and commits to work simultaneously, equally, forcefully on all fronts—security, economic, and political.

The administration should know by now that overly optimistic predictions for Iraq and rebuilding Iraq have actually been a drag on our mission. Reconstruction lags behind even in the Shiite south and in the Kurdish north, where security is far less of an issue. This sends the wrong message to those whom we ask to sacrifice for freedom.

We need to speed up work in these areas in order to demonstrate that progress will be made in the rest of Iraq. If Iraqis, particularly Sunnis, who fear being left out in the cold, see electricity flowing, jobs being created, infrastructure being built, and a government of their own choosing being formed, the lure of the insurgency will diminish. The violence and risk to our troops will decrease. To get it right in Iraq, we must show all Iraqis they are fighting not only for a future of freedom but for a tangibly improved future for their lives on a day-to-day basis, and for their children.

Getting it right also means understanding the neighborhood. It means getting those with an interest in Iraq, such as the Saudis, to act now.

Iraq is surrounded by Sunni neighbors with significant resources, yet complaints fall from these neighbors about being left out and about their concerns falling on deaf ears. Many of these countries could do much more to help, and we should encourage them to do so. Even short-term improvements, such as providing electricity from their grids, or supplying diesel fuel—an offer that has been made but is yet unfulfilled by the Saudis—would go a long way.

But we have to do our part and address their legitimate concerns. If we want these nations to step up to the plate and help us to secure Iraq's borders and help, particularly because of their Sunni background, to bring Sunnis into the political process or help to rebuild Iraq's economy and infrastructure, then we have to offer a coherent, strategic security plan for their region. We have to address their fears of an Iran-dominated crescent, and their concerns about our sporadic mediation between Israel and the Palestinians. This administration needs to show it understands there has to be some give-and-take in the process.

The administration could also give a significant boost to the rebuilding effort by recognizing the great untapped potential of private sector contributions. The conference that just took place in Brussels was a donor conference. What we need is more than donors; we need investment. The administration, working with the Iraqi Government, should organize a development conference for Iraqi businessmen and their regional counterparts who wish to invest in Iraq. Regional investment would not only strengthen Iraq's economy, it would give neighboring governments a greater stake in Iraq's success and another incentive for them to be able to provide more help. And the administration might want to consider the effect on regional businessmen when they read headlines about Halliburton's extraordinary dominance of local contracts.

Much of what I have discussed today—from administration mistakes, to the steps we need to move forward—all deals with laying the groundwork for long-term success. But the reality is, the elections are 6 months off. Iraq is not going to be rebuilt overnight, and it is going to take time to get the Iraqi troops ready.

In the coming months, even with perfect planning, there will be violence, turmoil, and hardship. That is why tonight it is critical that President Bush make clear there are actions we can take in the short term to ease the burden on our troops. He needs to get this right, not only to save American lives, but to elevate the confidence of the American people. For this to happen, the President must reconsider some hastily brushed aside options.

To date, the administration has been unwilling to entertain the idea of empowered militias, instead singularly focusing on a unified Iraqi security force. But Iraq, like Afghanistan, has numerous tribal, religious, and ethnic militias, such as the Kurdish Peshmerga or the Shiite Badr Army.

The fact is, these forces are structured, and, most importantly, they are accepted by the provincial populations. They are capable of providing protection while helping with reconstruction. In the interim, while a fully capable Iraqi security force is established, these forces could meet some of the critical security needs. They could fill the gap. If they can help do the job, why not let them?

It is time for the administration to put aside its concerns and prod the Iraqi Government to give the militias legitimacy. We can do this by integrating them into a kind of national guard, a force that would provide security in their own areas where they are respected and accepted.

The administration also needs to get it right on border security. For 2 years now, Senators and others have been commenting on the absence of adequate border security. The jihadists have been able to move in at will. If we want to ease the burden on our troops in the short term, we need to put that kind of adequate border security force in place. The truth is, it has been absent since day one, which is a shame, because that is precisely where our allies could help.

As opposed to providing security in urban areas, border security is generally much less risky for troops. The administration needs to work with the Iraqi Government to reach out to the world and establish a multinational force to secure Iraq's borders. Such a force, if sanctioned by the U.N. Security Council, could attract participation by Iraq's neighbors and powerful nations with a vested interest, such as India.

The administration has narrowed our options in Iraq, but there are still better choices available to us. There is still time to get it right in Iraq, and I hope, for the sake of our troops, the President will do so tonight.

We are at a critical juncture in this conflict, both at home and abroad. The last thing we need is the administration growing even more stubborn or more defensive. Today, our Nation needs honest, open leadership, and a comprehensive strategy for success. It is time for the President to reach out and work across the aisle and across the globe to clean up this mess.

The President must seize this opportunity to move forward, as the next months are so critical to the future of Iraq and to the future of our security. If the administration fails to take the steps that are available to them, and fails to hold the Iraqis accountable, we will stumble along, our troops at greater risk, casualties rising, the patience of the American people wearing thin, and the specter of quagmire staring us in the face.

Every misstep, every measure untaken, every wise course not followed carries an unbearable cost. The American people have a right to expect

accountability. We need to decrease the risk to our troops and strengthen our chances for success. Our troops deserve better than they are getting. They deserve leadership that is equal to their sacrifice.

BONE MARROW AND CORD BLOOD THERAPY AND RESEARCH ACT OF 2005

Mr. BURR. Mr. President, I rise today to strongly support The Bone Marrow and Cord Blood Therapy and Research Act of 2005. I introduced this legislation with Senators HATCH, DODD, ENSIGN, and REED yesterday and I appreciate their interest in this important legislation.

The Bone Marrow and Cord Blood Therapy and Research Act will help provide adult stem cell transplant material for those patients who need them, and also provide adult stem cells for scientific research.

The House has passed similar legislation and we need to act in a timely matter on this bill. The legislation that we introduced yesterday also reauthorizes the National Marrow Donor Program, an important program helping to provide adult bone marrow to sick individuals. Unfortunately, thousands of Americans have died because there was not an appropriate donor of bone marrow. However, umbilical cord blood may provide an alternative to bone marrow transplantation. Ultimately, given the current limitations of bone marrow transplantation, cord blood could become a more widespread lifesaving therapy.

I am proud of the valuable work and research taking place in North Carolina. In particular, Dr. Joanne Kurtzberg of Duke University, the director of the Pediatric Blood and Marrow Transplant Program, is leading the fight on monumental diseases such as diabetes and Alzheimer's. Dr. Kurtzberg and her team are pioneers in the field, having already performed more than 600 cord blood transplants with unrelated donors more than anyone else in the world.

Cord blood transplantation has already been used to treat a number of diseases including leukemia, lymphoma, and sickle cell anemia. The legislation we introduced yesterday will establish an inventory of 150,000 new cord blood stem cell units that reflects the diversity of the people of the United States. The goal of this legislation is to create a network so that 95 percent of Americans who need a transplant will be able to receive an appropriately matched transplant. Calling transplants the ''ultimate in recycling,'' Dr. Kurtzberg believes, as I do, that cord blood has the potential to save the lives of countless patients nationwide.

The Bone Marrow and Cord Blood Therapy and Research Act establishes a network of qualified cord blood banks to collect, test, and preserve cord blood stem cells. Additionally, this legislation will help match donors and recipients. I am hopeful that this legislation will provide facilities like the Carolinas Cord Blood Bank at Duke with the ability to save thousands of lives as the number of bone marrow donors and cord blood units increases.

The Senate needs to move forward on this legislation so that the Federal Government can help provide the infrastructure allowing these therapies to be extensively used. I stand ready to work with my colleagues so that we can enact this legislation quickly.

HONORING OUR ARMED FORCES

HONORING ARMY SPECIALIST NICK IDALSKI

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Crown Point. Nick Idalski 23 years old, died on June 21 during combat operations west of Baghdad near Ramadi. With his entire life before him, Nick risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A 2001 graduate from Crown Point High School, Nick was killed in combat just 1 month before he was scheduled to return home. He had been in the Army for less than 2 years, first being sent to South Korea for a short time before his deployment to Iraq. His family recounted to a local newspaper Nick's passion for being a soldier and helping other people, saying that he died doing something he truly loved. They shared their memories of how selfless, jolly, and determined Nick was, and their pride in him when he decided to join the Army. I stand here today to express the same feelings of pride and gratitude for this young Hoosier's sacrifices and those made by his family on behalf of our country.

Nick was killed while serving his country in Operation Iraqi Freedom. He was a member of the Army's 2nd Infantry Division, and had been stationed in Ramadi since August. This brave young soldier leaves behind his mother and stepfather, Kim and Richard Greenberg; his father, Tony Idalski; his two brothers, Steve and Nathan Idalski; his stepbrother, Kevin Greenberg; two stepsisters; and his longtime girlfriend, Lisa Wheeler.

Today, I join Nick's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Nick, a memory that will burn brightly during these continuing days of conflict and grief.

Nick was known for his dedication to his family and his love of country. Today and always, Nick will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Nick's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Nick's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Nick Idalski in the official Record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Nick's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Nick.

NATIONAL HISTORY DAY PROGRAM

Mr. OBAMA. Mr. President, from June 12–16, 2005, students from the great State of Illinois were invited to Washington, DC, by the National History Day Program to present original history projects. This scholarly group of students used their critical thinking and research skills to create exhibits, documentaries, and performances on the theme, ''Communication in History: The Key to Understanding.''

Congratulations to the national qualifiers and finalists from Illinois: Audrey Auyeung, Zoe Netter, Charlotte Cook, Eric Jacobson, David Gainski, Lucy Honold, Chelsea Farmer, Brandon Jakub, Kyle Schoenfelt, Dakota Smith, Erich Grundman, Charlie Curran, Jonathan Taub, Alicia Patten, Peter Contos, Honghe Li, Sebastian Prokuski, Laura Muller-Soppart, Tomas Manghi, Elizabeth May, Aruj Chaudhry, Kyle Johnson, Kathryn Evans, Laura Guzman, Rebecca Strauss, Andriy Matyukha, Sean Gallagher, Brendon Gallagher, Dan Burasinsanga, Gian Santos, Mary Kowalkowski, Ellie Terrell, Lauren Brown, Nadine Ibrahim, Annika Kolasa, Courtney Kolbe, Marissa Suchyta, David Bailey, Joseph Tepper, Tamara Vaughn, Stephanie Ebbs, Lena Walker, Maria Carvell, Robby Krajewski, Allyson Schroeder, Elizabeth Hamman, Emily Dennis, Lisa Furby, Katie Damron, Andrea Martinelli, Cristen Sawicki, Kelsey McMahon, Amelia Wallace, Allison Nichols, Sarah Siegel, Eliseo Martinez, and Jessica Drachenberg.

Special congratulations to Marrissa Suchyta, the second place winner in the junior individual documentary category, and Aruj Chaudhry, the third place winner in the senior individual paper category.

Finally, dedicated Illinois teachers worked throughout the academic year with these students so that they could be successful in competing with over 500,000 students nationwide.

Congratulations to their teachers: Angie Carr, Balazs Dibuz, Mario Garcia, Melissa Craig, Ron Solberg, Carlton Oquendo, Betsy Brown, Patricia Grunde, Ann Patricia Duffy, Leslie Contos, David Barber, Sherri Massa, Chris Salituro, Aggie Nowak, Cathy Bednar, Peggy Hall-Heineman, Patricia Grimmer, Sandra Koehler, Janet Kelsey, Chris DeMato, Barry Bradford, Claire Finn, Therese Hawkins, Sandra Koehler, and Claire Finn.

I commend these students on their achievements and encourage them to continue their pursuit of academic excellence.

ADDITIONAL STATEMENTS

MAYOR-ELECT ANTONIO VILLARAIGOSA

• Mrs. BOXER. Mr. President, today I rise to salute a wonderful and historic event that is about to take place in my home State. On Friday, July 1, 2005, Antonio Villaraigosa will be sworn in as mayor of the great city of Los Angeles, CA.

With nearly 4 million residents, Los Angeles is a huge and dynamic city, and running it well will be a huge challenge. But Antonio Villaraigosa is ready, willing, and able to do the job.

I believe that Mayor Villaraigosa has the intelligence, talent, energy, courage, compassion, imagination, and experience needed to unite Los Angeles and move it forward to new greatness.

Antonio has shown this ability throughout his career as a labor leader, civic leader, and elected official. He has worked with Democrats and Republicans from all backgrounds and all parts of California to improve education, protect the rights of working families, expand health care coverage, and make our communities safer, better places to live.

Time and again, he has demonstrated the leadership skills that will help him make Los Angeles one of the world's great cities of the 21st century.

Antonio Villaraigosa has already made history by becoming the first Latino mayor of Los Angeles since 1872, but he has set his sights even higher. He hopes to make history by making Los Angeles work for all its residents, and I will do all I can to help him.•

TRIBUTE TO DR. PHYLLIS LEVENSTEIN

• Mrs. CLINTON. Mr. President, on May 28, New York and our Nation lost one of its finest child advocates, innovators, and clinicians. Dr. Phyllis Levenstein, longtime Wantagh, NY, resident and founder of The Parent-Child Home Program, an international early literacy, school readiness program, passed away shortly after returning to Long Island to celebrate the program's 40th anniversary.

She was born Phyllis Aronson in Boston and grew up in Detroit. After graduating from Wayne State University in 1937, she taught in Detroit before coming to New York, where she earned a master's degree in social work in 1944 and a doctorate from Columbia University in 1969. She met her husband, Sidney Levenstein while working as a social worker in Manhattan during World War II. They married in 1946 and moved to Wantagh in 1957. Sidney, an Adelphi University Professor, who died in 1974, helped Phyllis develop The Parent-Child Home Program model.

In 1965, she identified parent-child interaction as the key to the development of early language skills and working with her husband, a statistician, created a pioneering model program. The Parent-Child Home Program, which Dr. Levenstein first piloted in Freeport, NY, in 1965, is a home-visiting program for families with 2- and 3-year-olds challenged by poverty and low levels of education. The program encourages parent-child verbal interaction through talking, reading, and playing and helps families create a language-rich environment in their homes. Longitudinal research shows that children who complete the 2-year program enter school ready to learn and graduate high school at the same rate as middle-income students. The program that began serving just 5 Long Island families in 1965 will reach 5,000 disadvantaged families across the country this year.

Dr. Levenstein's genius was in seeing the critical importance of parents engaging in continual verbal interaction with their young children through talking, reading, playing, and asking questions.

Over the years, she conducted and published significant research on the program's design and outcomes. The 88-year-old clinical psychologist was working on an expanded edition of her 1988 book about parent-child verbal interaction, ''Messages from Home,'' when she passed away. A practicing clinical psychologist, Dr. Levenstein was in private practice in Wantagh for 44 years and continued to see patients up until her death. She also was affiliated with Stony Brook University and a number of Long Island mental health and child guidance centers.

Dr. Levenstein was a fellow of the American Orthopsychiatric Association and the American Psychological Association and a member of the American Educational Research Association and the Nassau County and New York State psychological associations.

Her children describe her as a person who derived true joy from helping people and say that her soft touch was well-matched by her scientific toughmindedness. Her principled humanism led as well to a lifelong impassioned advocacy of peace and social justice. Her colleagues will remember her great intelligence, intensity, and wisdom, coupled with integrity, warmth, and humility.•

McCROSSAN BOYS RANCH CELEBRATES 50 YEARS

• Mr. JOHNSON. Mr. President, it is with great honor that I rise today to congratulate the McCrossan Boys Ranch of Sioux Falls, SD, as it celebrates 50 years of outstanding service on June 29, 2005.

Established by Melinda Bell McCrossan, as the result of trust she created in honor of her late husband, the McCrossan Boys Ranch is a private, not-for-profit organization ''dedicated to providing a place for boys to grow into men.'' Since its inception, Mrs. McCrossan determined that the ranch would be ''a home where boys find a new hope for a better life.''

In 1953, money from the trust was used to purchase four hospital buildings from the Sioux Falls Air Force Base that had been used during World War II. The buildings were transported 8 miles northwest of Sioux Falls, to the current location of the McCrossan Ranch. In 1955, the McCrossan Boys Ranch came to fruition as a working horse and sheep ranch designed to help boys between the ages of 10 and 18 handle the conflict in their lives and successfully live up their own potential.

Education has always been one of the ranch's top priorities, as the organization stresses formal education, which includes academic and vocational instruction, as well as productive work and life skills. Prior to 1978, all residents on the ranch attended local public schools. However, now that the ranch operates its own on-campus approved special education program through a partnership with East Dakota Educational Cooperative, 85 percent of all residents attend the ranch's school. The other 15 percent attend local public schools, as reintegration into the public school system is the ranch's ultimate goal for all the boys.

Although residents are there for a myriad of reasons, the McCrossan Boys Ranch makes certain to provide each student with ample individual attention, in addition to the required weekly group goals sessions. Anger management, corrective thinking, victim empathy and various other issues are also addressed through these workshops.

In early 2004, McCrossan Boys Ranch received national accreditation from the American Corrections Association, with a 99.6 percent rating. This honor makes the ranch one of only three correctional facilities in all of South Dakota to hold this prestigious accreditation. In fact, only 1,500 correctional organizations throughout the Nation maintain this accreditation.

I am proud to have this opportunity to recognize the McCrossan Boys Ranch for its 50 years of outstanding service. It is an honor for me to share with my colleagues the exemplary leadership and strong commitment to education McCrossan Boys Ranch provides. I strongly commend their years of hard work and dedication, and I am very pleased that their substantial efforts are being publicly honored and celebrated.●

HONORING THE CITY OF CORSICA, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, I rise today to honor and publicly recognize the 100th anniversary of Corsica, SD. It is at this time that I would like to draw attention to and commemorate the achievements and history of this charming city on the South Dakota prairie, which stands as an enduring tribute to the fortitude and pioneer spirit of the Dakotans.

Corsica, located in northern Douglas County in southeastern South Dakota, was founded out of a need to service a new railroad built several miles from the existing towns of Harrison and Armour. On August 17, 1905, Corsica officially became a town when 25 acres of prairie where auctioned off to the highest bidders. It was suggested by several of the railroad company's employees that the town be named Corsica in honor of the island of Corsica, their native home, and the new residents agreed.

Corsica grew rapidly and within weeks included the Floete Lumber Company, a grocery store, the Hafsaas boarding house, Corsica State Bank, Farmers State Bank, a newspaper office, and several restaurants. The town was incorporated on January 24, 1905, and local elections quickly followed to select city officials.

After 2 years, Corsica's population was estimated at nearly 500 people, and the town then boasted three general stores, a furniture store, two newspapers, two hotels, two livery stables, two churches, a water system, and a public hall.

The history of Corsica is, however, marked with its share of tragedy, as well. On October 16, 1907, the first fire of which there is a record burned one of the town's most prosperous businesses to the ground. John Van Ommeren's livery barn was completely destroyed and five horses, several buggies, and other personal belongings were all lost. Additionally, 8 years later, on July 15, 1915, a tornado struck the community, resulting in severe damage. Despite the devastation, Corsica's dedicated and resilient residents committed themselves to the rebuilding effort with undaunted determination.

One of Corsica's unique landmarks is the Priscilla Club Library, established in 1912. The library began as a book club, the Priscilla Club, comprised of 12 women sharing a dozen books between themselves. It evolved into an organization of women selling their embroidery and holding suppers in order to raise funds and purchase additional volumes. This small but well intentioned club amassed an immense collection of literature and cultural artifacts requiring an entire building to accommodate it all. The library now houses more than 10,500 books and hundreds of audiovisual materials. For a community of only 625 residents, this collection is a tremendous accomplishment and treasure.

Through the years, the proud residents of Corsica have demonstrated great flexibility and perseverance in their ability to thrive on the prairie of the Dakotas. I take this opportunity to recognize the history of the small city of Corsica and congratulate its residents as they celebrate their vibrant, century-long history on July 2–4, 2005.●

HONORING COMMISSIONER PAT KLABO

● Mr. JOHNSON. Mr. President, it is with great pride that I stand today in recognition of the long career of public service had by a very special woman, Aberdeen City Commissioner Pat Klabo, who is retiring from her position on June 30 after 18 years of dedicated service in city government. A tireless advocate for the health and well-being of her community, Commissioner Klabo's presence will surely be missed by residents of South Dakota's third-largest city.

Commissioner Klabo's rise to prominence in local government was not something preordained. As in most stories of American democracy, her call to lead was motivated not by personal ambition or pedigree but by the calls of those around her to take up the mantel of leadership. Her first foray into public service began when these calls of concerned citizens were beckoning her to bid for the Aberdeen mayor's office back in 1987. After a spirited campaign, she was defeated by fellow city commissioner Tim Rich, but was then appointed to fill out the remainder of Mr. Rich's term. Ever since that appointment, Commissioner Klabo has become a veritable fixture in Aberdeen politics.

In her position as commissioner of the water and wastewater departments for the last 17 years, Commissioner Klabo has proven to be a very capable leader on a number of issues that impact the vitality of both Aberdeen and the entirety of northeastern South Dakota. She was instrumental in overseeing the improvements made to Aberdeen's water treatment plant, an act that will prove key to the city's prospects for growth in the new millennium. Commissioner Klabo also oversaw the city's expanded use and development of wells on private lands, a partnership between public service and private enterprise that has proven beneficial to all in the community.

Even with such dedication to local government, Commissioner Klabo still somehow finds the time and energy to engage in other pursuits that benefit the community. Her work as a part of the group Persons With Disabilities is a prime example of this. Forty years of service helping some of society's most vulnerable individuals speaks to the highest character of humanity. Commissioner Klabo is also a founding member of the Aberdeen Mayor's Committee for Persons with Disabilities, a body on which she has now served for more than a decade. In this position, she has ensured that people with disabilities have a voice at the table when important decisions are made at city hall.

It is my great pleasure to share a few words about Ms. Klabo's accomplishments with my colleagues and to note in the public records her contributions to my home State. It will be difficult to lose such a committed civil servant, especially one who has proven to be such an asset to her community. On the behalf of all South Dakotans, I would like to wish her the very best for her retirement.●

HONORING THE COMMUNITY OF STICKNEY, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to honor and publicly recognize the 100th anniversary of the founding of the town of Stickney, SD. On July 4, 2005, Stickney residents look back on their community's proud past and look forward to a promising future.

Located in southeastern South Dakota in Aurora County, Stickney was platted August 17, 1905. Like many towns in South Dakota, Stickney got its start with help from the railroad, specifically the Milwaukee Railroad. In fact, the town was named for the oldest railroad agent in the United States, John B. Stickney of Mazomanie, Wisconsin.

Just before Christmas, 1905, construction of the tracks was finally complete. Shortly thereafter, on January 1, 1906, ''Maude,'' the line's first train, ventured into town. Following Maude's arrival, Stickney quickly flourished. By mid-1906, the town boasted three lumber companies, two hardware stores, two livery barns, a funeral home, a general store, a post office, a hotel, a pool hall, a blacksmith shop, two banks, and four grain elevators.

On June 29, 1906, John McNeil published Stickney's first newspaper, Postal Card. Not long after its inception, McNeil sold the paper to J.S. Schuldt, who converted the printing shop into a schoolhouse. Grade school classes were held in the rear of the building, while high school classes were taught in the front. This establishment, like the paper, was also short lived, as a new school was constructed in 1907 to better accommodate the rapidly increasing number of students.

In the century since its founding, Stickney has proven its ability to thrive. Stickney's more than 300 proud residents celebrate the community's 100th anniversary on July 4, 2005, and it

is with great pleasure that I share with my colleagues the history of this great community.●

TRIBUTE TO THE FAYETTEVILLE PUBLIC LIBRARY

● Mr. PRYOR. Mr. President, it is with the greatest pleasure that I rise today to honor the Fayetteville Public Library which was recently named the 2005 ''Library of the Year'' by Thomson Gale and Library Journal. The Library of the Year Award honors the library that is most dedicated to community service through its creativity and leadership. Thompson Gale and Library Journal will present a check for $10,000 to the Fayetteville Public Library later this month during the American Library Association's annual conference in Chicago, IL.

I would like to recognize Louise Schapter, executive director of the Fayetteville Public Library, and her outstanding staff, for their commitment to providing such a quality community resource to the citizens of Northwest Arkansas. During Ms. Schapter's tenure, library usage has soared. Visits have increased from 192,179 to 576,773, checkouts have risen from 271,187 to 718,159, program attendance has grown from 14,448 to 41,658, and cardholders have leaped from 15,662 to 48,419. What a remarkable accomplishment.

I would also like to mention that the library has more than 160 regular volunteers, who deliver books to the homebound, shelve and cover books, staff the computer lab and conduct various programs. This involvement by the community is truly commendable and makes all of us in Arkansas proud.

I ask my colleagues to join me in congratulating the Fayetteville Public Library on receiving this well-deserved honor.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:35 a.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 38. An act to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System.

H.R. 358. An act 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.

H.R. 481. An act to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

H.R. 1084. An act 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.

H.R. 1412. An act to amend the Ports and Waterways Safety Act to require notification of the Coast Guard regarding obstructions to navigation, and for other purposes.

H.R. 1428. An act to authorize appropriations for the National Fish and Wildlife Foundation, and for other purposes.

H.R. 1512. An act 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.

H.R. 2346. An act 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''.

H.R. 2362. An act to reauthorize and amend the National Geologic Mapping Act of 1992.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 71. Concurrent resolution expressing the sense of Congress that there should be established a Caribbean-American Heritage Month.

H. Con. Res. 152. Concurrent resolution commemorating Mystic Seaport: the Museum of America and the Sea in recognition of its 75th year.

H. Con. Res. 155. Concurrent 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.

H. Con. Res. 188. Concurrent resolution 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.

The message further announced that pursuant to 22 U.S.C. 2761, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the British-American Interparliamentary Group: Mr. PETRI, Chairman, and Mr. BOOZMAN, Vice Chairman.

The message also announced that the House has passed the following bill, without amendment:

S. 714. An act to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

At 2:19 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. 458. An act to prevent the sale of abusive insurance and investment products to military personnel, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 38. An act to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

H.R. 458. An act to prevent the sale of abusive insurance and investment products to military personnel; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 481. An act to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000; to the Committee on Energy and Natural Resources.

H.R. 1084. An act 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; to the Committee on Energy and Natural Resources.

H.R. 1412. An act to amend the Ports and Waterways Safety Act to require notification of the Coast Guard regarding obstructions to navigation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1428. An act to authorize appropriations for the National Fish and Wildlife Foundation, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1512. An act 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; to the Committee on Energy and Natural Resources.

H.R. 2346. An act 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''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2362. An act to reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 71. Concurrent resolution expressing the sense of Congress that there should be established a Caribbean-American Heritage Month; to the Committee on the Judiciary.

H. Con. Res. 152. Concurrent resolution commemorating Mystic Seaport: the Museum of America and the Sea in recognition of its 75th year; to the Committee on the Judiciary.

H. Con. Res. 155. Concurrent 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; to the Committee on Foreign Relations.

H. Con. Res. 188. Concurrent resolution 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; to the Committee on Armed Services.

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–2792. A communication from the Secretary of Veterans Affairs, transmitting, a report relative to a recommended change to 38 U.S.C. 8110(a); to the Committee on Veterans' Affairs.

EC–2793. A communication from the Acting Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to the continuation of the waiver of certain provisions of the Trade Act with respect to Turkmenistan; to the Committee on Finance.

EC–2794. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Extension of the Expiration Date for Several Body System Listings'' (RIN0960–AG27) received on June 23, 2005; to the Committee on Finance.

EC–2795. A communication from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Tariff Treatment Related to Disassembly Operations Under the North American Free Trade Agreement'' (RIN1505–AB41) received on June 27, 2005; to the Committee on Finance.

EC–2796. A communication from the Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to the Dominican Republic-Central America-United States Free Trade Agreement, a report of the Environmental Review of the Dominican Republic-Central America-United States Free Trade Agreement, a report of the United States Employment Impact Review of the Dominican Republic-Central America-United States Free Trade Agreement, and the Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua Labor Rights Report; to the Committee on Finance.

EC–2797. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Annual Earnings Test for Retirement Beneficiaries'' (RIN0960–AF62) received on June 23, 2005; to the Committee on Finance.

EC–2798. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Update of Revenue Procedure 90–11'' (Rev. Proc. 2005–40) received on June 27, 2005; to the Committee on Finance.

EC–2799. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure: Network Upgrade Payments Made to Utilities'' (Rev. Proc. 2005–35) received on June 27, 2005; to the Committee on Finance.

EC–2800. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Termination of Tobacco Quotas and Price Support Programs'' (Rev. Proc. 2005–51) received on June 27, 2005; to the Committee on Finance.

EC–2801. A communication from the counsel for the National Tropical Botanical Garden (''Garden''), transmitting, pursuant to law, the audit report for the Garden for the period from January 1, 2004 through December 31, 2004; to the Committee on the Judiciary.

EC–2802. A communication from the Acting Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a report entitled ''Plutonium Storage at the Department of Energy's Savannah River Site''; to the Committee on Energy and Natural Resources.

EC–2803. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report for the Strategic Petroleum Reserve covering calendar year 2004; to the Committee on Energy and Natural Resources.

EC–2804. A communication from the Chairman, Southeast Compact Commission for Low-Level Radioactive Waste Management, transmitting, the Commission's 2003–2004 Annual Report including the Annual Audit; to the Committee on Energy and Natural Resources.

EC–2805. A communication from the Attorney, Office of Legislation and Regulatory Law, Office of Procurement and Assistance Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Small Business Programs'' received on June 27, 2005; to the Committee on Energy and Natural Resources.

EC–2806. A communication from the Director, Office of Human Capital Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, the designation of an Acting General Counsel, and the name of a nominee to fill the vacancy; to the Committee on Energy and Natural Resources.

EC–2807. A communication from the Director, Office of Human Capital Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Fossil Energy and the designation of an Acting Assistant Secretary, Fossil Energy; to the Committee on Energy and Natural Resources.

EC–2808. A communication from the Director, Office of Human Capital Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Director, Office of Civilian Radioactive Waste Management and the designation of an Acting Director for the position; to the Committee on Energy and Natural Resources.

EC–2809. A communication from the Director, Office of Human Capital Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary and the designation of an Acting Under Secretary; to the Committee on Energy and Natural Resources.

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. CORNYN:

S. 1318. A bill to protect States and Federal judges by clarifying that Federal judicial immunity covers all acts undertaken by judges pursuant to legal authority; to the Committee on the Judiciary.

By Mrs. LINCOLN:

S. 1319. A bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. BIDEN, Mr. SANTORUM, Mr. FEINGOLD, Mr. LUGAR, and Mr. OBAMA):

S. 1320. A bill to provide multilateral debt cancellation for Heavily Indebted Poor Countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. SANTORUM (for himself, Mr. CRAPO, Mr. SMITH, and Mr. HAGEL):

S. 1321. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. LEAHY, Mr. KENNEDY, and Mr. FEINGOLD):

S. 1322. A bill to allow for the prosecution of members of criminal street gangs, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1323. A bill to designate the facility of the United States Postal Service located on Lindbald Avenue, Girdwood, Alaska as the ''Dorothy and Connie Hibbs Post Office Building''; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST (for himself and Mr. WYDEN):

S. 1324. A bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. BINGAMAN, Mr. DODD, Mrs. CLINTON, Ms. COLLINS, Mr. ALEXANDER, Mr. LUGAR, Ms. MURKOWSKI, and Mr. STEVENS):

S. 1325. A bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS:

S. 1326. A bill to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COLEMAN (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ALLEN, Mrs. LINCOLN, Ms. LANDRIEU, Mr. REED, Mr. SALAZAR, and Ms. MIKULSKI):

S. Res. 182. A resolution supporting efforts to increase childhood cancer awareness, treatment, and research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself, Mrs. LINCOLN, and Ms. SNOWE):

S. Res. 183. A resolution recognizing the achievements and contributions of the Migratory Bird Commission on the occasion of its 72nd anniversary and the first day of sale of the 2005–2006 Migratory Bird Hunting and Conservation Stamp; considered and agreed to.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama

(Mr. SESSIONS) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 151

At the request of Mr. COLEMAN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 206

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 206, a bill to designate the Ice Age Floods National Geologic Trail, and for other purposes.

S. 330

At the request of Mr. ENSIGN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 330, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. CORZINE) 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. 340

At the request of Mr. LUGAR, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 340, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 369

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 369, a bill to establish protections against compelled disclosure of sources, and news information, by persons providing services for the news media.

S. 391

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 391, a bill to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns.

S. 457

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 457, a bill to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, and for other purposes.

S. 512

At the request of Mr. SANTORUM, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 512, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 593

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 593, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. 601

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 601, a bill to amend the Internal Revenue Code of 1986 to include combat pay in determining an allowable contribution to an individual retirement plan.

S. 611

At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 611, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on emergency Medical Services Advisory Council, and for other purposes.

S. 618

At the request of Mr. SESSIONS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 618, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 691

At the request of Mr. DOMENICI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 691, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 722

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 722, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 731

At the request of Mr. CONRAD, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 731, a bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities.

S. 756

At the request of Mr. BENNETT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 756, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 776

At the request of Mr. JOHNSON, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 850

At the request of Mr. FRIST, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 850, a bill to establish the Global Health Corps, and for other purposes.

S. 860

At the request of Mr. ALEXANDER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 860, a bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history and civics, and for other purposes.

S. 962

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 1082

At the request of Mrs. HUTCHISON, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1082, a bill to restore Second Amendment rights in the District of Columbia.

S. 1103

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from Alaska (Ms.

MURKOWSKI) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1186

At the request of Mr. DOMENICI, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1186, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1249

At the request of Mr. CORZINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1249, a bill to require the Secretary of Education to rebate the amount of Federal Pell Grant aid lost as a result of the update to the tables for State and other taxes used in the Federal student aid need analysis for award year 2005–2006.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1283

At the request of Mrs. CLINTON, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1283, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 1313

At the request of Mr. CORNYN, the names of the Senator from Florida (Mr. NELSON), the Senator from Nevada (Mr. ENSIGN), the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BURNS), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. KYL), the Senator from Wyoming (Mr. THOMAS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1317

At the request of Mr. HATCH, the names of the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mrs. MURRAY), the Senator from Missouri (Mr. TALENT), the Senator from Maine (Ms. COLLINS), the Senator from New York (Mr. SCHUMER), the Senator from Ohio (Mr. VOINOVICH), the Senator from Iowa (Mr. HARKIN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of 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.

S.J. RES. 12

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S.J. Res. 12, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 15

At the request of Mr. BROWNBACK, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S.J. Res. 15, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S.J. RES. 18

At the request of Mr. SUNUNU, his name was added as a cosponsor of S.J. Res. 18, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

At the request of Mr. MCCONNELL, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S.J. Res. 18, supra.

S. RES. 42

At the request of Mr. LUGAR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Res. 42, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

S. RES. 154

At the request of Mr. VITTER, his name was added as a cosponsor of S. Res. 154, a resolution designating October 21, 2005 as ''National Mammography Day''.

S. RES. 155

At the request of Mr. BIDEN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. Res. 155, a resolution designating the week of November 6 through November 12, 2005, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

At the request of Mr. VITTER, his name was added as a cosponsor of S. Res. 155, supra.

AMENDMENT NO. 1010

At the request of Mr. VOINOVICH, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Ohio (Mr. DEWINE), the Senator from Louisiana (Mr. VITTER) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of amendment No. 1010 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1023

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nevada (Mr. REID), the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 1023 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1026

At the request of Mr. SUNUNU, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1026 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1036

At the request of Mr. REED, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1036 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1037

At the request of Mr. REED, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1037 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1038

At the request of Mr. SALAZAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 1038 proposed to

H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1052

At the request of Mrs. MURRAY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Florida (Mr. NELSON), the Senator from Minnesota (Mr. DAYTON), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1052 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. DORGAN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 1052 proposed to H.R. 2361, supra.

At the request of Mr. BYRD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, supra.

At the request of Mr. REED, his name was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, supra.

At the request of Ms. CANTWELL, her name was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, supra.

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, supra.

AMENDMENT NO. 1053

At the request of Mr. BYRD, the names of the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Louisiana (Ms. LANDRIEU), the Senator from South Dakota (Mr. JOHNSON), the Senator from Michigan (Ms. STABENOW), the Senator from Washington (Mrs. MURRAY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Illinois (Mr. OBAMA), the Senator from California (Mrs. FEINSTEIN), the Senator from New York (Mr. SCHUMER), the Senator from California (Mrs. BOXER), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. CORZINE), the Senator from Kansas (Mr. BROWNBACK), the Senator from Ohio (Mr. DEWINE), the Senator from Michigan (Mr. LEVIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Arizona (Mr. MCCAIN), the Senator from Delaware (Mr. BIDEN), the Senator from Florida (Mr. NELSON), the Senator from New York (Mrs. CLINTON), the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KERRY), the Senator from Kansas (Mr. ROBERTS), the Senator from Vermont (Mr. LEAHY) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 1053 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. SARBANES, his name was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mr. ALLEN, his name was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mr. MARTINEZ, his name was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mr. FEINGOLD, his name was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

AMENDMENT NO. 1060

At the request of Mr. ALLEN, his name was added as a cosponsor of amendment No. 1060 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. VITTER, his name was added as a cosponsor of amendment No. 1060 proposed to H.R. 2361, supra.

At the request of Ms. LANDRIEU, the names of the Senator from Maryland (Mr. SARBANES), the Senator from North Carolina (Mr. BURR), the Senator from Missouri (Mr. TALENT), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of amendment No. 1060 proposed to H.R. 2361, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN:

S. 1318. A bill to protect States and Federal judges by clarifying that Federal judicial immunity covers all acts undertaken by judges pursuant to legal authority; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise today to introduce important legislation to protect State and Federal judges against civil lawsuits, by clarifying that Federal judicial immunity covers all acts undertaken by judges pursuant to legal authority.

To put it mildly, these are not easy days for members of the State and Federal judiciary. I am unaware of any member of this body who has not, at one time or another, criticized a member of the State or Federal judiciary for issuing one ruling or another—including the numerous controversial rulings that have captured the Nation's attention in recent years. Indeed, in each of the two previous Congresses, the Senate unanimously approved strongly worded resolutions ''strongly disapprov[ing]'' the infamous decision of the U.S. Court of Appeals for the Ninth Circuit striking down the voluntary recitation of the Pledge of Allegiance in public schools. See S. Res. 71 (108th Cong.) and S. Res. 292 (107th Cong.).

To be sure, judges are supposed to follow and apply the law—not legislate from the bench. On numerous occasions, I have spoken out against instances of judicial activism. But there are appropriate and inappropriate ways to register one's disapproval and disagreement.

The First Amendment guarantees every American the right to express disagreement with government officials—including State and Federal judges. There is certainly nothing inappropriate about criticizing judicial rulings with which one sharply disagrees. But it is entirely inappropriate to threaten the impeachment and removal of judges simply for issuing rulings with which one disagrees. It is inappropriate to file lawsuits against judges in the hope of pestering or bankrupting them in retaliation for judicial actions one does not like. And it is absolutely deplorable for any person to undertake violence, threats of violence, or other illegal acts against judges.

As a former State trial judge and State supreme court justice of 13 years, who has a number of close personal friends who still serve on the bench today, I am outraged by recent acts of courthouse violence. I personally know judges and their families who have been victims of violence. I have grieved with those families. And during the Easter recess earlier this year, I met with an old friend, a Federal judge in Texas, to make sure that we are doing everything that we can to protect our judges and courthouse personnel against further acts of violence. So I look forward to legislation that will soon be introduced to strengthen courthouse security and to otherwise bolster protections against violence for judges, their staff, and their families.

Today I would like to introduce legislation to protect State and Federal judges against a different kind of threat—a lesser threat than violence to be sure, but an important one nonetheless: the threat of civil litigation in retaliation for unpopular judicial actions. For centuries, our common law

has protected judges against civil litigation by conferring upon them courtroom immunity. It has long been understood that judicial immunity is an essential element of protecting judicial independence and ensuring that judges have the ability and freedom to do their jobs. As the Senate Judiciary Committee noted less than a decade ago: ''Even when cases are routinely dismissed, the very process of defending against those actions is vexatious and subjects judges to undue expense. More importantly, the risk to judges of burdensome litigation creates a chilling effect that threatens judicial independence and may impair the day-to-day decisions of the judiciary in close or controversial cases.'' Federal Courts Improvement Act of 1996—S. 1887, S. Rep. No. 104–366 at 37 (1996).

Throughout its legal existence, judicial immunity has been for the most part a creature of the common law. But there have been times when Congress has seen fit to step in and to strengthen judicial immunity—particularly when the courts have undertaken an unduly narrow view. In 1996, for example, Congress enacted the Federal Courts Improvement Act—important legislation that included a provision reversing a U.S. Supreme Court decision in order to expand the protections of judicial immunity.

It is appropriate for Congress once again to consider legislation to strengthen judicial immunity. This time, I hope Congress will respond to a recent decision by a Federal district court in Fort Worth, TX. That decision applied recent Supreme Court precedents in good faith, but in a manner that leaves judges potentially exposed to vexatious civil litigation. In Alexander v. Tarrant County, the Federal district court held that traditional judicial immunity does not protect State judges acting in their administrative capacities. Specifically, the court held that State judges authorized under State law to supervise local correctional facilities could not claim judicial immunity against suit. As a recent news report and editorial by the San Antonio Express-News make clear, that decision has left judges throughout the State of Texas in a state of uncertainty and anxiety about their exposure to lawsuits and liability. As the editorial rightly argues, the Alexander ruling, and I quote, ''has sent shock waves through the judiciary. . . . Judges have a tough job. They should not be burdened with defending themselves for the administrative duties they perform.'' I ask unanimous consent that a copy of those articles be printed in the RECORD at the close of my remarks.

The legislation I introduce today is simple and straightforward. It protects State and Federal judges against civil lawsuits, by clarifying that Federal judicial immunity covers all acts undertaken by judges pursuant to legal authority. Specifically, it provides that State and Federal judges shall be immune against any Federal civil cause of action respecting the discharge of any legislatively or constitutionally authorized duty, except for actions involving malice. The legislation would not preempt any judicial immunity that already exists under current law.

This legislation was drafted with the support of two Texas State judges—the Honorable Dean Rucker, who presides over the 318th District Court in MidIand, and who chairs the Judicial Section of the State Bar of Texas, and the former chairman, the Honorable Mark Atkinson of the Harris County Criminal Court. I want to thank them both for their service to Texas and for their help with this legislation, and I ask unanimous consent that their letter of support be printed in the RECORD at the close of my remarks. I am also grateful for the technical assistance provided by the Administrative Office of the U.S. Courts, as well as by the office of Texas Attorney General Greg Abbott, which has been intimately involved in the defense State judges against vexatious litigation. Finally, I am especially grateful for the support of the Chief Justice of the Texas Supreme Court, Wallace Jefferson, and I ask unanimous consent that his letter of support likewise be printed in the RECORD at the close of my remarks.

I hope that legislation to protect judges against deplorable acts and threats of violence will soon be introduced and quickly be enacted, and I hope that the legislation I introduce today to protect judges against vexatious litigation will likewise be considered favorably by my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUDGES SKITTISH WITHOUT IMMUNITY

(By Zeke MacCormack)

KERRVILLE.—Becky Harris didn't get far with her most recent status report to the Kerr County Juvenile Board on the detention center she manages.

After just two words, she was stopped by state District Judge Steve Ables, who said such a briefing could leave him and other board members ''buck naked'' and personally liable in the event of a lawsuit.

The concern stemmed from a recent federal judge's ruling that ''judicial immunity'' enjoyed by judges for courtroom duties doesn't necessarily extend to administrative duties they perform.

Judges still have qualified immunity as elected officials, but a ruling last fall by U.S. District Judge Terry Means in a lawsuit against 19 criminal court judges in Tarrant County has sent a chill across the Texas bench.

''It's got judges spooked all over the state,'' Kerr County Judge Pat Tinley, one of three judges on the juvenile board, said last week. ''Until the Legislature reduces their (judges') exposure, they're all going to be as jumpy as the dickens.''

Legislation now pending in Austin offers only a partial fix. It would bolster protections for judges acting in regard to adult probation departments, but not on juvenile matters, such as the aborted April 13 briefing in Kerr County.

''If we know what Becky's doing, and it turns out that something goes south, and there's a huge incident, the fact that we knew about it puts us maybe in a role of getting sued,'' Ables said, according to a transcript of the meeting.

Until legislation can solidify immunity for judges, he said, ''we're telling everybody who's dealing with any type of administrative duty, 'Stay as far away from it as you can. Don't make any decisions.' ''

State District Judge Karl Prohl, another member of the juvenile board, suggested Harris instead brief county commissioners, who assumed oversight of the center Feb. 14 when the county closed on the $1.9 million purchase of it.

But, he told her, ''we can visit on an individual basis as friends.''

Dean Rucker, a district judge in Midland who is chairman of the State Bar of Texas judicial section board, said he's ''always had some concern about how far our judicial immunity went,'' adding the federal ruling ''seems to indicate it has some limits.''

The Tarrant County case stems from the 2001 pneumonia death of Bryan Alexander, 18, of Arlington, a detainee at a 350-bed detention center in Mansfield run by Correctional Services Corp.

Serving a six-month sentence on a misdemeanor, Alexander died after days of coughing up blood and seeking medical help. A nurse at the center was convicted in 2002 of negligent homicide for failing to give adequate care, got four years of probation and was ordered to pay $11,000 in restitution.

In 2003, Alexander's family won $38 million in a negligence lawsuit in state court against the nurse and Correctional Services. That's on appeal.

The family then filed a federal civil rights lawsuit against all Tarrant County judges with criminal court jurisdiction, in their individual capacity.

Last fall, Means let the lawsuit continue after denying a motion to dismiss that was based on a claim of judicial immunity. Means said the lawsuit's allegations are that judges performed administrative acts that fell outside their statutorily required duties regarding the center.

The local government code in Texas law says district judges trying criminal cases shall create community supervision and corrections departments and are entitled to help manage them. ''What Judge Means is saying is, 'If you're going to assume those administrative duties, act responsibly,' '' said Mark Haney, attorney for Alexander's family.

He said the Tarrant County judges approved an inadequate budget for the center, hired an operator for it who had problems elsewhere, and approved a policy that said ill detainees could not seek outside medical help until they'd taken over-the-counter drugs for three days. ''You can't just give out a budget and then turn a blind eye to consequences,'' Haney said.

Assistant Attorney General David Harris, who is helping defend the judges, said ''most judges were under the impression, I believe, that as long they were performing tasks assigned to them by the Legislature and making their best efforts, they would be protected by judicial immunity.''

The judges had no direct management role in the center, he said, and relied on the operator and staff to act responsibly.

Harris has spoken to judges at conferences on how the case might affect them. ''They need to be aware of the fact that they are not always acting in a judicial capacity, even if they think they are,'' he said.

He wouldn't comment on the deliberations of the Kerr County Juvenile Board. ''I'm not advocating that any of them shirk their responsibility as a judge. I want them to approach their duties informatively, and to act discreetly and with an eye toward liability,'' he said.

Harris is slated to testify Tuesday before the Senate criminal justice committee on a bill sponsored by Sen. John Whitmire, D-Houston.

A Whitmire aide said the bill, which passed the House last month, clarifies that judges have judicial immunity when forming an adult probation department, passing its budget, naming its director and approving a community justice plan.

But it doesn't address juvenile boards that judges also serve on, because those duties are covered by a different statute, the aide said.

Haney said insulating judges from liability could backfire. ''If there is no accountability, then I think it invites irresponsible behavior,'' said Haney, who expressed amazement at the Kerr Juvenile Board discussion. ''That is just as irresponsible as acting with deliberate indifference,'' he said.

Some Kerr County commissioners also expressed concern about it, with Commissioner Jonathan Letz describing the juvenile board's posture as ''head in the sand.''

Commissioner Buster Baldwin said limited oversight by the judges might have fostered the financial woes that left the county with the choice of buying the insolvent juvenile center or losing it.

Reacting later, Ables, the district judge, said the juvenile board was more closely involved in supervising the facility before it was sold.

''Everybody (on the board) felt we could be involved because we had judicial immunity,'' until word of the Tarrant County ruling circulated early this year, he said.

[From The San Antonio Express-News]

EXTEND IMMUNITY FOR JUDGES

State lawmakers should protect judges from litigation spawned by the administrative duties they perform off the bench.

A federal court recently ruled that the immunity judges have for the duties they perform in the courtroom does not extend to their administrative actions, a decision that could have a big impact across the state.

In many counties, district court judges who try criminal cases are charged by state law with establishing community supervision and corrections departments.

However, the law does not provide the judges with protection from litigation for the decisions they make in that capacity.

As Express-News staff writer Zeke MacCormack reported, a federal court judge's ruling in a Tarrant County case has sent shock waves through the judiciary.

In that case, U.S. District Judge Terry Means denied a motion to dismiss a lawsuit filed against the 19 Tarrant County criminal court judges by the family of a man who died in custody.

The judges claimed judicial immunity. Means ruled they did not possess it for administrative acts.

Legislation pending in Austin would give judges judicial immunity when administering an adult probation department and providing a community justice plan.

However, it doesn't address their actions as members of the juvenile boards that oversee juvenile detention centers and juvenile probation departments across the state.

Judges have a tough job. They should not be burdened with defending themselves for the administrative duties they perform.

JUDICIAL SECTION,
STATE BAR OF TEXAS,
San Antonio, Texas, June 27, 2005.

Senator JOHN CORNYN,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR CORNYN: On behalf of the judges of the State of Texas, we would like to thank you for your proposed legislation addressing the important issue of immunity for judges in the performance of their duties.

The issue of judicial immunity for the performance of certain administrative duties was one of the Texas judiciary's highest legislative priorities during the recent regular session of the legislature. Governor Perry has now signed legislation that provides judicial immunity to Texas judges in the oversight of their local community supervision and corrections departments.

Your efforts to address the issue of judicial immunity at the federal level are of the utmost importance to Texas judges. If adopted, the legislation you have crafted will provide comprehensive immunity for judges in the performance of their statutorily and constitutionally authorized duties.

We extend our heartfelt appreciation for your efforts and for your steadfast support of the judiciary.

Yours very truly,

DEAN RUCKER,
Chair, Judicial Section, State Bar of Texas.

MARK ATKINSON,
Chair, Criminal Justice Legislative Committee Judicial Section, State Bar of Texas.

THE SUPREME COURT OF TEXAS,
Austin, TX, June 27, 2005.

Senator JOHN CORNYN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CORNYN: The Supreme Court of Texas is aware that Texas judges are concerned about a recent federal judge's ruling that the immunity judges have traditionally been accorded, does not necessarily extend to administrative duties they perform. So worried are Texas judges, in fact, that the Judicial Section of the State Bar of Texas made judicial immunity for administrative duties one of the its highest legislative priorities during the recent regular session of the Texas Legislature.

As Chief Justice of The Supreme Court of Texas, constitutionally charged with the responsibility of overseeing the administration of justice in the State, I share these concerns. The practical impact of limiting a doctrine that has offered protection for well over a century in this country—and centuries before in England—may be a reluctance by Texas judges to discharge their administrative duties, many of which are critical to a healthy, functioning judicial branch.

Texas citizens will be the unwilling victims of this reluctance. Contrary to suggestions in the media, judicial immunity was not fashioned for the protection or benefit of judges. Rather, the doctrine was intended to benefit the public, who has a keen interest in a judiciary that functions with independence and without fear of the personal consequences of discharging their duties.

I commend the leaders within the Texas judiciary who worked hard this session to press for legislation that protects the independence of the judiciary, through these reform efforts and others. I likewise applaud the Governor and our distinguished legislators who, through the stroke of a pen and the casting of a vote, tell Texas judges that they support judicial independence, not only with impressive rhetoric, but through recordable actions.

Despite these successes on the state level, more comprehensive reform may be in order. I support your efforts to do so at the federal level and extend my sincere appreciation for your continued support of the judiciary.

Sincerely,

WALLACE B. JEFFERSON,
Chief Justice.

By Mr. DEWINE (for himself, Mr. BIDEN, Mr. SANTORUM, Mr. FEINGOLD, Mr. LUGAR, and Mr. OBAMA):

S. 1320. A bill to provide multilateral debt cancellation for Heavily Indebted Poor Countries, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, in our search for ways to eliminate the crushing poverty that afflicts billions of people around the world, experience has taught us to be humble. There is no single policy or program that can deal with the underlying causes and symptoms of poverty.

But as the Hippocratic Oath reminds us, in the search for cures, ''First, do no harm.''

Right now, the burden of debt owed by the poorest nations of the world to the richest does harm not only to them, but to us.

In our new global environment, countries whose peoples live in abject poverty are not just a moral challenge to those of us who are blessed with affluence.

They can threaten the entire edifice of political and economic stability.

New technologies that have brought so much good to the world have shrunk the gaps in time and distance that once allowed us the luxury of inattention.

Now the very symbols of the technological superiority of our age, from the cell phone to the internet to jet airliners, have been transformed into weapons in the hands of those who are the declared enemies of our way of life.

They allow stateless actors to reach out from the shadows, from weak and failed states, to attack us here at home.

Poverty-stricken states are fertile ground for drug production and trafficking, feeding our own drug problems here.

With the scourge of AIDS and other diseases loose in the world, we cannot afford the existence of more states that cannot feed, house, educate, or innoculate their citizens.

For all of these reasons, we ignore the poverty that plagues other nations at our own peril.

That is why we need the legislation I am introducing today, with Senators DEWINE, FEINGOLD, LUGAR, and OBAMA, the Multilateral Debt Relief Act of 2005.

This legislation takes a first step in addressing that poverty it relieves the poorest nations of the world, specifically those who qualify for the Heavily Indebted Poor Country initiative of over a billion dollars a year in debt service payments that they are obliged to send the World Bank, the IMF, and the African Development Bank.

Since I worked with the President Clinton on the Enhanced HIPC initiative in 1999, we have searched for a

workable definition of ''sustainable debt'' an amount that would not cripple a country's ability to take care of its own citizens and achieve economic growth.

In the end, it became clear that definition would continue to elude us. Whatever the best use of the limited resources of the poorest nation may be, sending checks to the multilateral banks established by the richest nations of the world is nowhere near the top of the list.

With the strong leadership of Prime Minister Blair, who will preside over the upcoming G8 Summit in July, we have cut the Gordian Knot of debt owed by the poorest nations of the world.

The announcement of the G8 Finance Ministers earlier this month on 100 percent debt relief cuts through years of debate and opens the way for a fresh start.

One hundred percent debt relief for those countries who meet the HIPC qualifications gets that debt out of the way of the many tasks before those countries in their search for economic growth.

None of our own foreign assistance programs will work to their best advantage if we send that assistance into nations who will turn around and send some of their money right back here to Washington, to the World Bank, to the IMF.

We must remember that this is indeed only the first step on a long path. With the funds this legislation will authorize, a burden of debt will be lifted, but we will still need to promote health, education, and other pillars of economic development.

We will need a more creative approach to trade with the poorest nations, who represent no economic threat, except for the threat that comes from their poverty itself. We have nothing to fear from a world in which fewer people wake up hungry, sick, and uneducated.

But with as much as $40 billion in outstanding debt stock owed by 18 countries to be removed from the books right away, our efforts in those areas have a greater chance to succeed. Up to $56 billion will be forgiven under this plan, once all 38 eligible countries are fully qualified.

I am pleased to note that this is a bipartisan initiative, one I share with Senators DEWINE, FEINGOLD, LUGAR, and OBAMA, an effort that began with the Clinton Administration and has progressed to this historic agreement under President Bush.

This legislation authorizes the funds needed for our share of the debt relief. It provides for further relief for other countries as they become eligible.

It lifts not only a debt burden from poor countries, but a moral obligation from our shoulders.

The poverty reduction it will promote will help millions around the globe and contribute materially to a more stable and secure world.

I urge my colleagues to join us in supporting it.

By Mr. SANTORUM (for himself, Mr. CRAPO, Mr. SMITH, and Mr. HAGEL):

S. 1321. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise to introduce the Telephone Excise Tax Repeal Act of 2005, a bill that would abolish a tax that is severely outdated.

The telephone excise tax originated on long distance service under the Spanish American War Act of 1898. At that time, only the wealthy had telephones, the U.S. had no income tax, and the country relied on excise taxes to fund the war. However, you would not know the intent of this tax by looking at your phone bill. The charge on your phone bill doesn't say ''luxury tax'' or ''war tax.'' So why does this tax still exist?

Although created to cover war expenses in 1898, the revenue from the telephone excise tax goes into the general receipts of the U.S. Treasury and is not earmarked for any particular government function or service. From its inception, the federal telephone excise tax was repeatedly imposed on a temporary basis. However since 1932, the tax has continuously been imposed. This tax has been scheduled to expire—partially or completely—at least 17 different times. In 1990, and just before the tax was set to expire, Congress made the tax permanent at 3 percent of local and long distance services.

The Joint Committee on Taxation stated in its January 2005 report ''there is no compelling policy argument for imposing taxes on communications services.'' The Congressional Budget Office took this a step further by stating in February 2005 that the tax ''has harmful effects on economic policy.''

Repeal of this tax provides consumers with two main benefits—removal of a regressive tax and elimination of an ''invisible tax.'' First, the tax is considered a regressive tax because lower-income individuals spend a higher percentage of their income on the taxed item than those with higher-incomes. A 1987 study by the CBO concluded that excise taxes on telephone service had a greater impact on low-income families than did excise taxes on alcoholic beverages and tobacco products. Studies have shown that individuals and families with income less than $10,000 spend almost 10 percent of their income on telephone bills. Individuals and families earning $50,000 spend two percent of their income for telephone service.

Second, repeal eliminates this ''invisible'' tax that consumers pay through their telephone companies. Because phone companies collect the tax from their customers, the government is spared the expense. However, this convenience for the government makes the tax ''invisible'' to consumers by tying it to the payment of their phone bills. Additionally, any administrative costs associated with the collection of this tax are most likely passed forward to the consumers, artificially raising the cost of telecommunications with no benefit from the additional taxes.

Telephone service providers lose as well under the current tax, and its repeal would further reduce the cost of telecommunications for consumers. Providers carry the administrative costs of being the government's tax collector. Additionally, while providers do not bear this tax directly, the tax raises the cost of services for consumers and in turn reduces both the number of subscribers and the amount of services requested.

Common sense dictates that repeal of the telephone excise tax is long overdue. Communication is not a luxury. Rather, communications have become part of the basic fabric of our social and economic life. The growth of the technologies on which communications rides and the widespread use of communications in general should be encouraged and not taxed. The telephone tax is a regressive, inequitable, inefficient and unnecessary tax that Congressional policy makers have found to serve no rational policy purpose. I strongly urge my Senate colleagues to join me in supporting the repeal of the telephone excise tax.

By Mr. DURBIN (for himself, Mr. LEAHY, Mr. KENNEDY, and Mr. FEINGOLD):

S. 1322. A bill to allow for the prosecution of members of criminal street gangs, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, today, I am joined by Senators LEAHY, KENNEDY, and FEINGOLD in introducing the American Neighborhoods Taking the Initiative Guarding Against Neighborhood Gangs (ANTI–GANG) Act, which is a comprehensive bill that will help State and local prosecutors prevent, investigate, and prosecute gang crimes.

Gang violence is a serious, nationwide program. The National Youth Gang Survey estimated that in 2002 there were 21,500 gangs comprised of 731,500 members in the United States. The FBI has noted that ''[s]treet gangs and other loosely knit groups are responsible for a substantial portion of the increase in violent crime in the United States.'' The problem is clearly felt in Chicago, IL, where over 40 percent of the homicides last year were gang-related. The Chicago Police Department is currently tracking 68 identified gangs, with an estimated 68,000 members.

I would like to commend the State and local prosecutors and law enforcement agencies for their work in fighting this problem. The ANTI–GANG Act would authorize $862.5 million in grants over the next five years to provide them with the tools they need and have

specifically requested of Congress to combat violent gangs.

For example, the National District Attorneys Association (NDAA) wrote the following: ''We must find new methods of protecting those individuals brave enough to come forward as witnesses. Our biggest problem is getting the financial help to establish, and run, meaningful witness protection programs.'' The National Alliance of Gang Investigators (NAGI) also has identified a trend in witness intimidation that is ''dramatically affecting the prosecution of violent gang offenders.'' The ANTI–GANG Act responds by authorizing $300 million over five years for the protection of witnesses and victims of gang crimes. This bill also would allow the Attorney General to provide for the relocation and protection of witnesses in state gang, drug, and homicide cases, and it would allow States to obtain the temporary protection of witnesses in State gang cases through the Federal witness relocation and protection program, without any requirement of reimbursement for those temporary services.

The ANTI–GANG Act also authorizes $250 million over five years for grants to develop gang prevention, research, and intervention services. However, these grants should not be limited to those areas already identified as ''high intensity'' interstate gang activity areas. The NAGI also has identified a trend of gangs migrating from larger cities to smaller communities, which is fueled in large part by an increase in gang involvement in drug trafficking. This may be related to the spread of methamphetamine, which is the fastest-growing drug in the United States and, according to Illinois Attorney General Lisa Madigan, the ''single-greatest threat to rural America today.'' In response to these trends, the ANTI–GANG Act would allow rural communities and other jurisdictions to apply for these grants, to prevent gang violence from occurring in the first place. The ANTI–GANG Act also authorizes $262.5 million over five years for the cooperative prevention, investigation, and prosecution of gang crimes. Most of this funding would be for criminal street gang enforcement teams made up of local, State, and Federal law enforcement authorities that would investigate and prosecute criminal street gangs in high intensity interstate gang activity areas (HIIGAAs). Importantly, this bill would allow HIIGAAs to be integrated with High Intensity Interstate Drug Trafficking Areas (HIIDTAs), to avoid conflicts in those areas where the two entities would coexist.

The ANTI-GANG Act also authorizes $50 million over five years for technology, equipment, and training to identify gang members and violent offenders and to maintain databases to facilitate coordination among law enforcement and prosecutors;

In addition to these new resources, the ANTI-GANG Act will effectively strengthen the ability of prosecutors to prosecute violent street gangs, by creating a stronger Federal criminal gang prosecution offense. This new offense criminalizes participation in criminal street gangs, recruitment and retention of gang members, and witness intimidation. At the same time, it responds to concerns raised by the NDAA regarding potential conflicts with local investigation and prosecution efforts, by requiring certification by the Department of Justice before any prosecution under this bill could be undertaken in Federal court.

The ANTI-GANG Act also promotes the recruitment and retention of highly-qualified prosecutors and public defenders by establishing a student loan forgiveness program modeled after the current program for Federal employees. Almost a third of prosecutors' offices across the country have problems with recruiting or retaining staff attorneys, and low salaries were cited as the primary reason for recruitment and retention problems. This proposed loan forgiveness program is supported by the American Bar Association, the NDAA, the National Association of Prosecutor Coordinators, the National Legal Aid and Defender Association, and the American Council of Chief Defenders.

The ANTI-GANG Act will effectively strengthen the ability of prosecutors at the local, State, and Federal level to prosecute violent street gangs, and it will give State and local governments the resources they need to protect witnesses and prevent youth from joining gangs in the first place. This bill achieves these important goals without increasing any mandatory minimum sentences, which conservative jurists such as Justice Anthony Kennedy have criticized as ''unfair, unjust, unwise.'' It also does not unnecessarily expand the Federal death penalty—a measure which has been included in other Federal gang legislation but is opposed by the Leadership Conference on Civil Rights, NAACP, ACLU, and National Association of Criminal Defense Lawyers.

Finally, the Juvenile Justice and Delinquency Prevention Coalition has raised the following concerns regarding Federal gang legislation that would allow more juveniles to be prosecuted as adults in the Federal system: ''[T]he fact remains that transfer of youth to the adult system, simply put, is a failed public policy. Comprehensive national research on the practice of prosecuting youth in the adult system has shown conclusively that transferring youth to the adult criminal justice system does nothing to reduce crime and actually has the opposite effect. In fact, study after study has shown that youth transferred to the adult criminal justice system are more likely to re-offend and to commit more serious crimes upon release than youth who were charged with similar offenses and had similar offense histories but remained in the juvenile justice system. Moreover, national data show that young people incarcerated with adults are five times as likely to report being a victim of rape, twice as likely to be beaten by staff and 50 percent more likely to be assaulted with a weapon than youth held in juvenile facilities. A Justice Department report also found that youth confined in adult facilities are nearly eight times more likely to commit suicide than youth in juvenile facilities.''

In light of these concerns, the ANTI-GANG Act provides Congress with the necessary data to decide whether to expand the Federal role in prosecuting juvenile offenders, by requiring a comprehensive report on the current treatment of juveniles by the States and the capability of the Federal criminal justice system to take on these additional cases and house additional prisoners. The American Bar Association has written that this study is ''the more prudent course of action at this time.''

The ANTI-GANG Act is a comprehensive, common-sense approach to fight gang violence. I urge my colleagues to join me in support of this important legislation.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE AMERICAN NEIGHBORHOODS TAKING THE INITIATIVE—GUARDING AGAINST NEIGHBORHOOD GANGS (ANTI-GANG) ACT

OVERVIEW

The American Neighborhoods Taking the Initiative—Guarding Against Neighborhood Gangs (ANTI-GANG) Act of 2005 is a comprehensive, tailored bill that will help State and local prosecutors prevent, investigate, and prosecute gang crimes in their neighborhoods. This bill contains four major provisions:

(1) It gives State and local prosecutors the tools they need and have specifically requested of Congress to combat violent gangs by authorizing $52.5 million for the cooperative prevention, investigation, and prosecution of gang crimes; $10 million for technology, equipment, and training to identify gang members and violent offenders and to maintain databases to facilitate coordination among law enforcement and prosecutors; $60 million for the protection of witnesses and victims of gang crimes; and $50 million for grants to develop gang prevention, research, and intervention services.

2. It replaces the current provision on criminal street gangs in Federal law, a seldom-used penalty enhancement, with a stronger measure that criminalizes participation in criminal street gangs, recruitment and retention of gang members, and witness intimidation. The ANTI-GANG Act targets gang violence and gang crimes in a logical, straightforward manner.

3. It will provide Congress with the necessary data to decide whether to expand the federal role in prosecuting juvenile offenders by requiring a comprehensive report on the current treatment of juveniles by the States and the capability of the Federal criminal justice system to take on these additional cases and house additional prisoners.

4. It promotes the recruitment and retention of highly-qualified prosecutors and public defenders by establishing a student loan

forgiveness program modeled after the current program for Federal employees.

The ANTI-GANG Act will effectively strengthen the ability of prosecutors at the local, State, and Federal level to prosecute violent street gangs, and it will give State and local governments the resources they need to protect witnesses and prevent kids from joining gangs in the first place. This bill achieves these important goals without increasing any mandatory minimum sentences, which conservative jurists such as Justice Anthony Kennedy have criticized as ''unfair, unjust, unwise''. It also respects the traditional principles of federalism, by requiring certification by the Department of Justice before any prosecution under this bill may be undertaken in Federal court and by not unnecessarily expanding the Federal death penalty.

SECTION-BY-SECTION SUMMARY OF THE ANTI-GANG ACT

Title I—Criminal Street Gangs

Sec. 101. Criminal Street Gamgs—Definitions. Defines a criminal gang as a preexisting and ongoing entity, e.g. having already committed crimes; targets violent criminal street gangs by requiring that at least one predicate gang crime be a violent gang crime; establishes evidentiary relevance of gang symbolism in prosecutions; and allows Federal prosecution of neighborhood gang activity when those activities substantially affect interstate commerce.

Sec. 102. Criminal Street Gangs—Prohibited Acts, Penalties, and Forfeiture. Creates three new Federal crimes to prosecute cases involving violent criminal street gangs. 1. It prohibits the recruitment and forced retention of gang members, including harsher penalties if an adult recruits a minor or prevents a minor from leaving a criminal street gang. 2. It prohibits participation in a criminal street gang if done with the intent to further criminal activities of the gang or through the commission of a single predicate gang crime. 3. It prohibits witness intimidation and tampering in cases and investigations related to gang activity. Before the Federal government may undertake a prosecution of these offenses, the Department of Justice must certify that it has consulted with State and local prosecutors before seeking an indictment and that federal prosecution is ''in the public interest and necessary to secure substantial justice.''

Sec. 103. Clerical Amendments.

Sec. 104. Conforming Amendments.

Sec. 105. Designation of and Assistance for ''High Intensity'' Interstate Gang Activity Areas. Requires the Attorney General, after consultation with the governors of appropriate States, to designate certain locations as ''high intensity'' interstate gang activity areas (HIIGAAs) and provide assistance in the form of criminal street gang enforcement teams made up of local, State, and Federal law enforcement authorities to investigate and prosecute criminal street gangs in each designated area. The ANTI-GANG bill also allows for HIIGAAs to be integrated with High Intensity Interstate Drug Trafficking Areas (HIIDTAs), to avoid conflicts and bureaucratic morasses in those areas where the two entities would coexist. Subsection (c) authorizes funding of $40 million for each fiscal year 2006 through 2010.

Sec. 106. Gang Prevention Grants. Requires the Office of Justice Programs of the Department of Justice to make grants to States, units of local government, tribal governments, and qualified private entities to develop community-based programs that provide crime prevention, research, and intervention services designed for gang members and at-risk youth. Subsection (f) authorizes $50 million for each fiscal year 2006 through 2010. No grant may exceed $1 million nor last for any period longer than 2 years.

Sec. 107. Gang Prevention Information Grants. Requires the Office of Justice Programs of the Department of Justice to make grants to States, units of local government, tribal governments to fund technology, equipment, and training for state and local sheriffs, police agencies, and prosecutor offices to increase accurate identification of gang members and violent offenders and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors. Subsection (f) authorizes $10 million for each fiscal year 2006 through 2010. No grant may exceed $1 million nor last for any period longer than 2 years.

Sec. 108. Enhancement of Project Safe Neighborhoods Initiative to Improve Enforcement of Criminal Laws Against Violent Gangs. Expands the Project Safe Neighborhood program to require United States Attorneys to identify and prosecute significant gangs within their district; to coordinate such prosecutions among all local, State, and Federal law enforcement agencies; and to coordinate criminal street gang enforcement teams in designated ''high intensity'' interstate gang activity areas. Subsection (b) authorizes the hiring of 94 additional Assistant United States Attorneys and funding of $7.5 million for each fiscal year 2006 through 2010 to carry out the provisions of this section.

Sec. 109. Additional Resources Needed by the Federal Bureau of Investigation to Investigate and Prosecute Violent Criminal Street Gangs. Requires the Federal Bureau of Investigation to increase funding for the Safe Streets Program and to support the criminal street gang enforcement teams in designated high intensity interstate gang activity areas. Subsection (b) authorizes $5 million for each fiscal year 2006 through 2010 to expand the FBI's Safe Streets Program.

Sec. 110. Expansion of Federal Witness Relocation and Protection Program. Amends 18 U.S.C. 3521(a)(1), which governs the Federal witness relocation and protection program, to make clear that the Attorney General can provide for the relocation and protection of witnesses in State gang, drug, and homicide cases. Current law authorizes Federal relocation and protection for witnesses in State cases involving ''an organized criminal activity or other serious offense.''

Sec. 111. Grants to States and Local Prosecutors to Protect Witnesses and Victims of Crime. Authorizes the Attorney General to make grants available to State and local prosecutors and the U.S. Attorney for the District of Columbia for the purpose of providing short-term protection to witnesses in cases involving an organized criminal activity, criminal street gang, serious drug offense, homicide, or other serious offense. State and local prosecutors will have the option of either providing the witness protection themselves or contracting with the United States Marshals Service for use of the Federal witness protection and relocation program. Subsection (d) authorizes $60 million for each fiscal year 2006 through 2010 to fund the program. By providing significantly increased resources and flexibility for State and local prosecutors, this provision responds in a meaningful way to the need for effective witness protection emphasized by prosecutors during the September 17, 2003, hearing in the Judiciary Committee.

Sec. 112. Witness Protection Services. Amends 18 U.S.C. 3526 to allow States to obtain the temporary protection of witnesses in State gang cases through the Federal witness relocation and protection program, without any requirement of reimbursement for those temporary services. Currently, complex reimbursement procedures deter State and local prosecutors from obtaining witness protection services from the Federal government in emergency circumstances.

Title II—Related Matters Involving Violent Crime Prosecution

Sec. 201. Study on Expanding Federal Authority for Juvenile Offenders. This section requires the General Accounting Office to do a comprehensive report on the advantages and disadvantages of increasing Federal authority for the prosecution of 16- and 17–year-old offenders. Some have proposed indicting and prosecuting more juveniles in Federal courts as a step in combating gang violence. Although there is insufficient data to support this proposition, it is appropriate for the GAO to review the current treatment of such offenders by the States and the capability of the Federal criminal justice system to take on these additional cases and house additional prisoners. With this review, Congress can knowledgeably consider whether to expand the Federal role in prosecuting juveniles.

Sec. 202. Prosecutors and Defenders Incentive Act. This section establishes a student loan repayment program for prosecutors and public defenders that is modeled after the program currently available to federal employees. This would increase the ability of Federal, State, and local prosecutors and public defenders to recruit and retain highly-qualified attorneys. Attorneys in this program must agree to serve for a minimum of three years. Participants can receive up to $10,000 per year and a total of up to $60,000; these amounts are identical to the limitations in the program for federal employees. Subsection (h) authorizes $25 million for fiscal year 2006 and such sums as may be necessary for each succeeding fiscal year.

Mr. LEAHY. Mr. President, I am pleased to co-sponsor the introduction of the ANTI-Gang Act with my good friends on the Judiciary Committee, Senators DURBIN, KENNEDY and FEINGOLD.

The American Neighborhoods Taking the Initiative-Guarding Against Neighborhood Gangs Act of 2005 is a bill carefully crafted to target violent criminal street gangs whose activities extend beyond the neighborhood and have a substantial impact on Federal interests.

As a former county prosecutor, I have long expressed concern about making Federal crimes out of every offense that comes to the attention of Congress. I know that States have competent and able police departments, county sheriffs' offices, prosecutors and judges. Gangs are, more often than not, locally-based, geographically-oriented criminal associations, and our local communities are on the front lines of the fight against gang violence. We should be supplementing the work of our State and local law enforcement officers, not usurping them. This is why this bill specifically targets only those gangs where there is a provable Federal interest. This is why this bill requires consultation with our State and local counterparts before embarking on a Federal prosecution of historically State crimes. And this is why major provisions of the bill are directed toward helping State and local law enforcement officers prevent, investigate, and prosecute gang crimes in their own neighborhoods.

There are four major sections of the bill: first, the bill gives State and local prosecutors financial resources to guard against neighborhood gangs by authorizing $62.5 million for the cooperative prevention, investigation, and prosecution of gang crimes; $50 million for grants to develop gang prevention, research, and intervention services; and $60 million for the protection of witnesses and victims of gang crimes. Federal funds are provided for hiring new Assistant U.S. Attorneys and to fund technology, equipment and training grants to increase accurate identification of gang members and violent offenders and to maintain databases with such information to facilitate state and federal coordination.

The first defense in protecting our youth against gang influence is a good offense. I have long thought that programs aimed at combating gang activity must incorporate gang prevention and education—programs that would examine why our youth choose to associate in gangs and prey on others—to be effective. When Senator HATCH appropriately targeted gang violence as a subject for a full Judiciary Committee hearing in 2003, all agreed that we should be doing more to deter our youth from joining gangs in the first place. This bill heeds that call.

Another unifying theme of the expert witnesses at the Committee's hearing was the serious need for Federal assistance in protecting witnesses who will provide information about and testify against gangs from intimidation. Our bill not only provides funding to help protect witnesses, it also makes it a Federal crime to intimidate witnesses in certain State prosecutions involving gang activity.

Second, the bill defines a Federal criminal street gang by using well-established legal principles and providing recognizable limits. Rather than create yet another cumbersome and broad-reaching Federal crime that overlaps with numerous existing Federal statutes, this bill actually targets the problem that needs to be addressed: violent criminal street gangs. It recognizes that gangs are ongoing entities whose members commit crimes more easily simply because of their association with one another. Gangs prove the old adage: there is safety in numbers. Gang members can be sheep-like in their loyalty and allegiance to the gang. In this regard, the bill also explicitly and evenhandedly addresses the evidentiary significance of gang symbolism in gang prosecutions

In addition to witness intimidation, other important crimes established by this bill include: 1. participation in criminal street gangs by any act that is intended to effect the criminal activities of the gang; 2. participation by committing a crime in furtherance of or for the benefit of the gang, and 3. recruitment and retention of gang members. There are increased penalties for those who target minors for recruitment in a criminal street gang.

Third, the bill requires a comprehensive report on the current treatment of juveniles by the States, and the capability of the Federal criminal justice system to take on these additional cases and house additional prisoners, so that Congress can make an informed decision about whether or not to expand the Federal role in prosecuting juvenile offenders.

Some have suggested that the Federal Government has been unable to proceed effectively against gang crime because of Federal law's protections for juvenile offenders. I have not seen sufficient evidence to support this claim, but I think that Congressional consideration of this issue would benefit greatly from a comprehensive General Accounting Office study on this topic. We need to know both whether justice would be served by increasing the Federal role, and whether the Federal system—including both our prosecutors and the Bureau of Prisons—is prepared for such a step.

Fourth, the bill promotes the recruitment and retention of highly-qualified State and local prosecutors and public defenders by establishing a student loan forgiveness program modeled after the current program for Federal employees.

We have worked very hard in crafting this legislation not to further blur the lines between Federal and State law enforcement responsibilities or to add more burdens to the FBI as the primary Federal investigative agency. Federal law enforcement has been faced with a unique challenge since the September 11 attacks. The FBI is no longer just an enforcement agency, but also has a critical terrorism prevention mission. This mission is a daunting one, and our Federal law enforcement resources are not limitless. I, for one, do not want the FBI or U.S. Attorneys to focus these limited resources on cases that are best handled at the local level.

Combating gang violence should not be a partisan battle. The tragedy of gang violence affects too many. No community can afford to lose a single youth to the arms of a waiting gang. No gang should be allowed to flourish without consequence in our communities. I urge the Senate's support for this important bill.

Mr. KENNEDY. Mr. President, it's a privilege to join my colleagues Senator DURBIN, Senator LEAHY, and Senator FEINGOLD in introducing this important legislation, the ANTI-GANG Act.

Gang violence is a serious problem in many communities across the Nation, and it deserves a serious response by Congress. The keys to success include aggressive steps to take guns out of the hands of criminal gang members and other violent juvenile offenders, and effective prevention programs that discourage gang membership and provide realistic alternatives for at-risk youth.

As one example of what works, I urge my colleagues to consider the innovative, cooperative crime-fighting strategy developed in Boston. It engaged the entire community, including police and probation officers, clergy and community leaders, and even gang members in a united effort to reduce gang violence, strengthen after-school prevention programs, and take guns out of the hands of juvenile offenders.

The project also established new and effective channels of communication between the police and neighborhood leaders. This strategy was very successful—juvenile homicides dropped 80 percent from 1990 to 1995. It succeeded without prosecuting more juveniles as adults, without housing nonviolent juvenile offenders in adult facilities, and without spending large sums of money on new juvenile facilities.

The Massachusetts Legislature's Joint Committee on Public Safety issued a report last January which concluded unequivocally that successful anti-gang programs depend on a ''wide variety of solutions.'' Relying on recommendations by the Office of Juvenile Justice and Delinquency Prevention, the report noted that ''preventing youth from joining gangs is the most cost-effective long-term strategy.'' Reflecting the input from an investigative hearing and a working group of ten mayors in metropolitan Boston, the report recognized that there is ''no silver bullet for combating gang violence.''

It would be a mistake for Congress to ignore these successful efforts to stop gang violence. Since different communities may find different ways to combat these difficult issues, the bill does not adopt a one-size-fits-all approach that will only make the current problem of gang violence worse. Instead of ignoring the primary role of State and local governments in fighting violent gang crimes in their communities, our ANTI-GANG Act strengthens that role, by giving local law enforcement and prosecutors the resources they need by authorizing $862 million in grants over the next 5 years.

The provisions in the bill for witness relocation and protection are particularly important. Our bill meets this need by authorizing $60 million in assistance. The urgency of preventing witness intimidation in gang-related cases can not be overstated. Effective prosecution of such violence depends upon it.

In addition, our bill amends the current law on Federal witness relocation and protection to make clear that the Attorney General can use these provisions to protect witnesses in State gang, drug, and homicide cases. We also permit States to obtain the temporary protection of witnesses in gang cases, without any requirement of reimbursement. The current complex reimbursement procedures deter State and local prosecutors from obtaining assistance for witness protection from the Federal government, even in emergencies.

The ANTI-GANG Act respects the primary role of State and local governments in fighting street crime, but it

also recognizes that violent gangs can have a substantial impact on Federal interests. According to the most recent National Drug Threat Assessment, criminal street gangs are responsible for the distribution of much of the cocaine, methamphetamine, heroin, and other illegal drugs being distributed in communities throughout the United States. Such gang activity interferes with lawful commerce and undermines the freedom and security of entire communities.

The Act strengthens the ability of prosecutors at all levels—Federal, State and local—to prosecute violent street gangs, and it does so without increasing mandatory minimum sentences or unnecessarily expanding the Federal death penalty to include State murder offenses.

Finally, the Act encourages the recruitment and retention of highly-qualified prosecutors and public defenders by establishing a student loan forgiveness program modeled on the current program for Federal employees. According to the National District Attorneys Association, this provision ''would allow prosecutors to relieve the crushing burden of student loans that now cause so many young attorneys to abandon public service.'' The provision is also strongly supported by the National Legal Aid and Defender Association and the American Council of Chief Defenders.

I commend my colleagues for their leadership in developing this important legislation to protect American communities from gang violence without undermining fundamental principles of fairness and Federal-State relations. I urge the Senate to adopt this approach, and resist any suggestion that we need to federalize the State and local juvenile justice systems in our country.

Mr. FEINGOLD. Mr. President, I am pleased to support the ANTI-GANG Act, introduced today by the Senator from Illinois, Senator DURBIN. This critical legislation will provide State and Federal law enforcement with the tools and resources needed to successfully fight the expanding presence of violent gangs that bring drugs like methamphetamine into our communities.

Time and time again, we in Congress have heard the call of prosecutors and law enforcement for more resources to combat the problem of gang violence. The ANTI-GANG Act gives local prosecutors and law enforcement what they have asked Congress for most—targeted financial assistance. The bill will help combat the growth and proliferation of violent gangs by authorizing funds for the cooperative prevention, investigation, and prosecution of gang crimes. In addition, grant money will be made available for the protection of witnesses and victims of gang violence. These funds will not be tied to restrictive formulas that would keep the majority of the assistance from reaching suburban and rural communities. This money will be able to go to the communities in Wisconsin and the rest of the country where rural and smaller law enforcement agencies are financially limited in their ability to deal with the exploding increase in gang violence associated with methamphetamines and other narcotics.

The ANTI-GANG Act also promotes hiring and long-term service of highly qualified prosecutors and public defenders by establishing a student loan forgiveness program. Prosecuting gangs is some of the most demanding and challenging work a prosecutor will tackle. Loan forgiveness will allow the recruitment of the very best Assistant District Attorneys and Assistant Attorneys General and allow them to remain in public service longer so they can use their wealth of experience to combat gang violence.

The ANTI-GANG Act also replaces the current Federal RICO statute, which was never intended to be used against violent street gangs, with a tough statute that not only criminalizes participation in criminal street gangs, but also addresses the serious problem of the recruitment and retention of gang members. The ANTI-GANG Act targets gang violence and gang crimes in a logical, straightforward manner. The bill also recognizes that the vast majority of gang investigations and prosecutions have been and will continue to be done at the State and local level. The bill requires that Federal prosecutors consult with State and local law enforcement and certify that a Federal prosecution is in the public interest

Finally, the ANTI-GANG Act will provide Congress with the data necessary to decide whether to expand the Federal role in prosecuting juvenile offenders by requiring a comprehensive report on the current treatment of juveniles by the States and the capability of the Federal criminal justice system to take on more juvenile cases and to house additional young prisoners. Some have proposed indicting and prosecuting more juveniles in Federal courts as a way of combating gang violence. It is very hard to know whether this will work, and what effect if might have on the criminal justice system. With the review required by the ANTI-GANG Act, Congress can intelligently consider whether to expand to Federal role in prosecuting juveniles.

We all know that the gang problem is a serious one, and that it is only getting worse. Other members of Congress have proposed different approaches to combating the gang problem, and the House of Representatives has passed its own gang bill. But the ANTI-GANG Act is the approach most responsive to the needs of State and local prosecutors who are on the ground fighting this problem, day in and day. Other approaches go down the wrong path.

State and Federal prosecutors have not demanded unchecked and increased Federal jurisdiction over State crimes that diminishes the States' historic and primary role in fighting violent street gangs. They did not come to us seeking new and expanded Federal death penalty crimes, but rather effective laws that focus on the recruitment and retention of gang members. They never mentioned needing a massive and unwarranted reworking of the Federal rules used to prosecute juveniles as adults, regardless of whether the juvenile is in a gang or not. And, to my knowledge, no prosecutors have put increased mandatory minimums targeted at first offenders on their wish list. All of these approaches sound tough, but they aren't what prosecutors and law enforcement have asked for and they won't solve the gang problem.

Our citizens should be able to send their children to school, use their parks, and walk their streets without fearing that gang violence will grow unfettered in their community. The ANTI-GANG Act is an important step towards making all of our neighborhoods safe. I am proud to cosponsor it and I urge my colleagues to support it.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1323. A bill to designate the facility of the United States Postal Service located on Lindbald Avenue, Girdwood, Alaska, as the ''Dorothy and Connie Hibbs Post Office Building''; to the Committee on Banking, Housing, and Urban Affairs.

Mr. STEVENS. Mr. President, Dorothy Hibbs came to Girdwood in 1952 and was its Postmaster from 1954–1976. During this time, the Post Office was housed in a two-story hotel called The Little Dipper. Mail came into Girdwood via train. The train would slow down and throw the sack of mail to Dorothy who would be waiting by the tracks. Unfortunately, this building burned down during the 1964 earthquake. After the Post Office burned, the operation moved to Dorothy's home until another building could be acquired.

Connie Hibbs began her love for the post office at a young age when her mother, Dorothy, was Postmaster of Girdwood. Because of her hard work and efforts, Connie became the Girdwood Postmaster in 1979 and held that position until 2005.

Connie came with her mother to Girdwood in 1952 and remained for 52 years. While her mother was Postmaster, Connie helped in the Post Office and at the age of thirteen began making money orders and sorting mail. Girdwood and the Post Office have always been a part of Connie's life. Connie says she loves Girdwood. It is her town. She spent the most wonderful years of her life there as the Postmaster and a ''Post Office Kid.''

Connie and Dorothy believe in the importance of the Postal Service and the need to enhance the service in Girdwood. It is only appropriate that we honor them by dedicating the Girdwood Post Office after them.

By Mr. FRIST (for himself and Mr. WYDEN):

S. 1324. A bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. BINGAMAN, Mr. DODD, Mrs. CLINTON, Ms. COLLINS, Mr. ALEXANDER, Mr. LUGAR, Ms. MURKOWSKI, and Mr. STEVENS):

S. 1325. A bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, obesity ranks among the most serious health problems facing America today.

Since 1970, the percentage of overweight children between 6 and 19 has quadrupled. Today, nearly one out of three children is overweight and about one in six is obese.

Obese children develop type II diabetes at an alarming rate and they can begin puberty as early as age seven. Over 70 percent of obese children become overweight or obese adults. And, obesity in adults can have catastrophic effects—including heart disease, cancer, and stroke at very high rates. The medical profession knows this.

In the last several weeks, the American Medical Association has issued new guidelines for fighting obesity. And earlier this week, a group of economists reported that nearly 12 percent of all health care spending stems from obesity.

Obesity threatens our health, it threatens our future. And successfully addressing it requires action.

Dealing with it requires national leadership and community level commitment.

Through continued public education campaigns, we have reduced youth smoking. And I'm convinced we can do the same with obesity. That's why I'm reintroducing two bills to confront the challenge.

The first is called the Childhood Obesity Reduction Act: it will give the obesity crisis the attention it deserves. I am grateful to my colleague Senator WYDEN for his work in cosponsoring it.

The bill has two major components: first, it will establish a bi-partisan Congressional Council on Childhood Obesity which will evaluate plans to fight this health problem and give awards to ''Congressional Challenge Winners.''

Second, it will establish a private, non-profit foundation to fight obesity around the country.

The second bill, the Improved Nutrition and Physical Activity Act of 2005, or IMPACT, will provide the resources we need to fight obesity everywhere in the country.

This bill, which Senators BINGAMAN, DODD, and CLINTON have joined me in sponsoring, commits us to three policies: first, we'll train more health professionals in the problems associated with being overweight and ways that they can help Americans fight obesity.

Second, we will mobilize America's community organizations to fight this problem. Through education, outreach, and intervention, schools, non-profits, and churches will get the resource they need to fight obesity. We will also give States more flexibility to use existing grant programs to fight obesity.

Finally, we will redouble our efforts to collect information about obesity's extent, consequences, costs, and the ways we can deal with them.

Obesity stems from a combination of behavior, environment, and genetics. We cannot and should not expect any single Federal effort to end it. Much of the work in fighting obesity will depend on families and communities.

And both the Childhood Obesity Reduction Act and IMPACT 2005 bill will give this crisis the attention . . . and the resources . . . it deserves.

I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1324

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 ''Childhood Obesity Reduction Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Centers for Disease Control and Prevention, obesity may soon overtake tobacco as the leading preventable cause of death.

(2) In 1999, 13 percent of children aged 6 to 11 years and 14 percent of adolescents aged 12 to 19 years in the United States were overweight. This prevalence has nearly tripled for adolescents in the past 2 decades.

(3) Risk factors for heart disease, such as high cholesterol and high blood pressure, occur with increased frequency in overweight children and adolescents compared to children with a healthy weight.

(4) Type 2 diabetes, previously considered an adult disease, has increased dramatically in children and adolescents. Overweight and obesity are closely linked to type 2 diabetes.

(5) Obesity in children and adolescents is generally caused by a lack of physical activity, unhealthy eating patterns, or a combination of the 2, with genetics and lifestyle both playing important roles in determining a child's weight.

(6) Overweight adolescents have a 70 percent chance of becoming overweight or obese adults.

(7) The 2001 report ''The Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity'' suggested that obesity and its complications were already costing the United States $117,000,000,000 annually.

(8) Substantial evidence shows that public health risks can be reduced through increased public awareness and community involvement.

(9) Congress needs to challenge students, teachers, school administrators, and local communities to voluntarily participate in the development and implementation of activities to successfully reduce and prevent childhood obesity.

TITLE I—CONGRESSIONAL COUNCIL ON CHILDHOOD OBESITY

SEC. 101. CONGRESSIONAL COUNCIL ON CHILDHOOD OBESITY.

(a) ESTABLISHMENT OF COUNCIL.—There is established a ''Congressional Council on Childhood Obesity'' (referred to in this title as the ''Council'').

(b) PURPOSES.—The purposes of the Council shall be—

(1) to encourage every elementary school and middle school in the United States, whether public or private, to develop and implement a plan to reduce and prevent obesity, promote improved nutritional choices, and promote increased physical activity among students; and

(2) to provide information as necessary to secondary schools.

SEC. 102. MEMBERSHIP OF THE COUNCIL.

(a) COMPOSITION OF THE COUNCIL.—The Council shall be composed of 8 members as follows:

(1) The majority leader of the Senate or the designee of the majority leader of the Senate.

(2) The minority leader of the Senate or the designee of the minority leader of the Senate.

(3) The Speaker of the House of Representatives or the designee of the Speaker of the House of Representatives.

(4) The minority leader of the House of Representatives or the designee of the minority leader of the House of Representatives.

(5) 4 citizen members to be appointed in accordance with subsection (b).

(b) APPOINTMENT OF CITIZEN COUNCIL MEMBERS.—

(1) METHOD OF APPOINTMENT.—For the purpose of subsection (a)(5), each of the 4 members described in paragraphs (1) through (4) of subsection (a) shall appoint to the Council a citizen who is an expert on children's health, nutrition, or physical activity.

(2) DATE OF APPOINTMENT.—The appointments made under paragraph (1) shall be made not later than 120 days after the date of enactment of this Act.

(c) VACANCIES.—Any vacancy in the Council shall not affect its powers, but shall be filled in the manner in which the original appointment was made under subsection (a).

(d) CHAIRPERSON.—The members of the Council shall elect, from among the members of the Council, a Chairperson.

(e) INITIAL MEETING.—The Council shall hold its first meeting not later than 120 days after the date of enactment of this Act.

SEC. 103. RESPONSIBILITIES OF THE COUNCIL.

(a) IN GENERAL.—The Council shall engage in the following activities:

(1) Work with outside experts to develop the Congressional Challenge to Reduce and prevent Childhood Obesity, which shall include the development of model plans to reduce and prevent childhood obesity that can be adopted or adapted by elementary schools or middle schools that participate.

(2) Develop and maintain a website that is updated not less than once a month on best practices in the United States for reducing and preventing childhood obesity.

(3) Assist in helping elementary schools and middle schools in establishing goals for the healthy reduction and prevention of childhood obesity.

(4) Consult and coordinate with the President's Council on Physical Fitness and other Federal Government initiatives conducting activities to reduce and prevent childhood obesity.

(5) Reward elementary schools, middle schools, and local educational agencies promoting innovative, successful strategies in reducing and preventing childhood obesity.

(6) Provide information to secondary schools.

(b) CONGRESSIONAL CHALLENGE WINNERS.—

(1) IN GENERAL.—The Council shall—

(A) evaluate plans submitted by elementary schools, middle schools, and local educational agencies under paragraph (2);

(B) designate the plans submitted under paragraph (2) that meet the criteria under paragraph (3) as Congressional Challenge winners; and

(C) post the plans of the Congressional Challenge winners designated under subparagraph (B) on the website of the Council as model plans for reducing and preventing childhood obesity.

(2) SUBMISSION OF PLANS.—Each elementary school, middle school, or local educational agency that desires to have the plan to reduce and prevent childhood obesity of such entity designated as a Congressional Challenge winner shall submit to the Council such plan at such time, in such manner, and accompanied by such information as the Council may reasonably require.

(3) SELECTION CRITERIA.—

(A) IN GENERAL.—The Council shall evaluate plans submitted by elementary schools, middle schools, and local educational agencies under paragraph (2) and shall designate as Congressional Challenge winners the plans that—

(i) show promise in successfully increasing physical activity, improving nutrition, and reducing and preventing obesity; or

(ii) have maintained efforts in assisting children in increasing physical activity, improving nutrition, and reducing and preventing obesity.

(B) CRITERIA.—The Council shall make the determination under subparagraph (A) based on the following criteria:

(i) Strategies based on evaluated interventions.

(ii) The number of children in the community in need of assistance in addressing obesity and the potential impact of the proposed plan.

(iii) The involvement in the plan of the community served by the school or local educational agency.

(iv) Other criteria as determined by the Council.

(c) MEETINGS.—The Council shall hold not less than 1 meeting each year, and all meetings of the Council shall be public meetings, preceded by a publication of notice in the Federal Register.

SEC. 104. ADMINISTRATIVE MATTERS.

(a) PAY AND TRAVEL EXPENSES.—

(1) PROHIBITION OF PAY.—Members of the Council shall receive no pay, allowances, or benefits by reason of their service on the Council.

(2) TRAVEL EXPENSES.—

(A) COMPENSATION FOR TRAVEL.—Each member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council, to the extent funds are available under subparagraph (B) for such expenses.

(B) LIMIT ON TRAVEL EXPENSES.—Travel expenses under subparagraph (A) shall be appropriated from the amounts appropriated to the legislative branch and shall not exceed $1,000,000.

(b) STAFF.—The Chairperson of the Council may appoint and terminate, as may be necessary to enable the Council to perform its duties, not more than 5 staff personnel, all of whom shall be considered employees of the Senate.

SEC. 105. TERMINATION OF COUNCIL.

The Council shall terminate on September 30 of the second full fiscal year following the date of enactment of this Act.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $2,200,000 for each of fiscal years 2006 and 2007.

TITLE II—NATIONAL FOUNDATION FOR THE PREVENTION AND REDUCTION OF CHILDHOOD OBESITY

SEC. 201. ESTABLISHMENT AND DUTIES OF FOUNDATION.

(a) IN GENERAL.—There shall be established in accordance with this section a nonprofit private corporation to be known as the National Foundation for the Prevention and Reduction of Childhood Obesity (referred to in this title as the ''Foundation''). The Foundation shall not be an agency or instrumentality of the Federal Government, and officers, employees, and members of the board of the Foundation shall not be officers or employees of the Federal Government.

(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation shall be to support and carry out activities for the prevention and reduction of childhood obesity through school-based activities.

(c) ENDOWMENT FUND.—

(1) IN GENERAL.—In carrying out subsection (b), the Foundation shall establish a fund for providing endowments for positions that are associated with the Congressional Council on Childhood Obesity and the Department of Health and Human Services (referred to in this title as the ''Department'') and dedicated to the purpose described in such subsection. Subject to subsection (g)(1)(B), the fund shall consist of such donations as may be provided by non-Federal entities and such non-Federal assets of the Foundation (including earnings of the Foundation and the fund) as the Foundation may elect to transfer to the fund.

(2) AUTHORIZED EXPENDITURES OF FUND.—The provision of endowments under paragraph (1) shall be the exclusive function of the fund established under such paragraph. Such endowments may be expended only for the compensation of individuals holding the positions, for staff, equipment, quarters, travel, and other expenditures that are appropriate in supporting the positions, and for recruiting individuals to hold the positions endowed by the fund.

(d) CERTAIN ACTIVITIES OF FOUNDATION.—In carrying out subsection (b), the Foundation may provide for the following with respect to the purpose described in such subsection:

(1) Evaluate and make known the effectiveness of model plans used by schools to reduce and prevent childhood obesity.

(2) Create a website to assist in the distribution of successful plans, best practices, and other information to assist elementary schools, middle schools, and the public to develop and implement efforts to reduce and prevent childhood obesity.

(3) Participate in meetings, conferences, courses, and training workshops.

(4) Assist in the distribution of data concerning childhood obesity.

(5) Make Challenge awards, pursuant to subsection (e), to elementary schools, middle schools, and local educational agencies for the successful development and implementation of school-based plans.

(6) Other activities to carry out the purpose described in subsection (b).

(e) CHALLENGE AWARDS.—

(1) PROGRAM AUTHORIZED.—The Foundation may provide Challenge awards to elementary schools, middle schools, and local educational agencies that submit applications under paragraph (2).

(2) APPLICATION.—Each elementary school, middle school, or local educational agency that desires to receive a Challenge award under this subsection shall submit an application that includes a plan to reduce and prevent childhood obesity to the Foundation at such time, in such manner, and accompanied by such additional information as the Foundation may reasonably require.

(3) SELECTION CRITERIA.—In the program authorized under paragraph (1), the Foundation shall provide Challenge awards based on—

(A) the success of the plans of the elementary schools, middle schools, and local educational agencies in meeting the plans' stated goals;

(B) the number of children in the community served by the elementary school, middle school, or local educational agency who are in need of assistance in addressing obesity; and

(C) other criteria as determined by the Foundation.

(f) GENERAL STRUCTURE OF FOUNDATION; NONPROFIT STATUS.—

(1) BOARD OF DIRECTORS.—The Foundation shall have a board of directors (referred to in this title as the ''Board''), which shall be established and conducted in accordance with subsection (g). The Board shall establish the general policies of the Foundation for carrying out subsection (b), including the establishment of the bylaws of the Foundation.

(2) EXECUTIVE DIRECTOR.—The Foundation shall have an executive director (referred to in this title as the ''Director''), who shall be appointed by the Board, who shall serve at the pleasure of the Board, and for whom the Board shall establish the rate of compensation. Subject to compliance with the policies and bylaws established by the Board pursuant to paragraph (1), the Director shall be responsible for the daily operations of the Foundation in carrying out subsection (b).

(3) NONPROFIT STATUS.—In carrying out subsection (b), the Board shall establish such policies and bylaws under paragraph (1), and the Director shall carry out such activities under paragraph (2), as may be necessary to ensure that the Foundation maintains status as an organization that—

(A) is described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986; and

(B) is, under subsection (a) of such section, exempt from taxation.

(g) BOARD OF DIRECTORS.—

(1) CERTAIN BYLAWS.—

(A) INCLUSIONS.—In establishing bylaws under subsection (f)(1), the Board shall ensure that the bylaws of the Foundation include bylaws for the following:

(i) Policies for the selection of the officers, employees, agents, and contractors of the Foundation.

(ii) Policies, including ethical standards, for the acceptance and disposition of donations to the Foundation and for the disposition of the assets of the Foundation.

(iii) Policies for the conduct of the general operations of the Foundation.

(iv) Policies for writing, editing, printing, and publishing of books and other materials, and the acquisition of patents and licenses for devices and procedures developed by the Foundation.

(B) EXCLUSIONS.—In establishing bylaws under subsection (f)(1), the Board shall ensure that the bylaws of the Foundation (and activities carried out under the bylaws) do not—

(i) reflect unfavorably upon the ability of the Foundation, or the Department, to carry out its responsibilities or official duties in a fair and objective manner; or

(ii) compromise, or appear to compromise, the integrity of any governmental program or any officer or employee involved in such program.

(2) COMPOSITION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Board shall be composed of 7 individuals, appointed in accordance with paragraph (4), who collectively possess education or experience appropriate for representing the fields of children's health, nutrition, and physical fitness or organizations active in reducing and preventing childhood obesity. Each such individual shall be a voting member of the Board.

(B) GREATER NUMBER.—The Board may, through amendments to the bylaws of the Foundation, provide that the number of members of the Board shall be a greater number than the number specified in subparagraph (A).

(3) CHAIRPERSON.—The Board shall, from among the members of the Board, designate an individual to serve as the Chairperson of the Board (referred to in this subsection as the ''Chairperson'').

(4) APPOINTMENTS, VACANCIES, AND TERMS.—Subject to subsection (k) (regarding the initial membership of the Board), the following shall apply to the Board:

(A) Any vacancy in the membership of the Board shall be filled by appointment by the Board, after consideration of suggestions made by the Chairperson and the Director regarding the appointments. Any such vacancy shall be filled not later than the expiration of the 180-day period beginning on the date on which the vacancy occurs.

(B) The term of office of each member of the Board appointed under subparagraph (A) shall be 5 years. A member of the Board may continue to serve after the expiration of the term of the member until the expiration of the 180-day period beginning on the date on which the term of the member expires.

(C) A vacancy in the membership of the Board shall not affect the power of the Board to carry out the duties of the Board. If a member of the Board does not serve the full term applicable under subparagraph (B), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(5) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. The members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board.

(h) CERTAIN RESPONSIBILITIES OF EXECUTIVE DIRECTOR.—In carrying out subsection (f)(2), the Director shall carry out the following functions:

(1) Hire, promote, compensate, and discharge officers and employees of the Foundation, and define the duties of the officers and employees.

(2) Accept and administer donations to the Foundation, and administer the assets of the Foundation.

(3) Establish a process for the selection of candidates for holding endowed positions under subsection (c).

(4) Enter into such financial agreements as are appropriate in carrying out the activities of the Foundation.

(5) Take such action as may be necessary to acquire patents and licenses for devices and procedures developed by the Foundation and the employees of the Foundation.

(6) Adopt, alter, and use a corporate seal, which shall be judicially noticed.

(7) Commence and respond to judicial proceedings in the name of the Foundation.

(8) Other functions that are appropriate in the determination of the Director.

(i) GENERAL PROVISIONS.—

(1) AUTHORITY FOR ACCEPTING FUNDS.—The Secretary of Health and Human Services (referred to in this title as the ''Secretary'') may accept and utilize, on behalf of the Federal Government, any gift, donation, bequest, or devise of real or personal property from the Foundation for the purpose of aiding or facilitating the work of the Department. Funds may be accepted and utilized by the Secretary under the preceding sentence without regard to whether the funds are designated as general-purpose funds or special-purpose funds.

(2) AUTHORITY FOR ACCEPTANCE OF VOLUNTARY SERVICES.—

(A) IN GENERAL.—The Secretary may accept, on behalf of the Federal Government, any voluntary services provided to the Department by the Foundation for the purpose of aiding or facilitating the work of the Department. In the case of an individual, the Secretary may accept the services provided under the preceding sentence by the individual for not more than 2 years.

(B) NON-FEDERAL GOVERNMENT EMPLOYEES.—The limitation established in subparagraph (A) regarding the period of time in which services may be accepted applies to each individual who is not an employee of the Federal Government and who serves in association with the Department pursuant to financial support from the Foundation.

(3) ADMINISTRATIVE CONTROL.—No officer, employee, or member of the Board may exercise any administrative or managerial control over any Federal employee.

(4) APPLICABILITY OF CERTAIN STANDARDS TO NON-FEDERAL EMPLOYEES.—In the case of any individual who is not an employee of the Federal Government and who serves in association with the Department pursuant to financial support from the Foundation, the Foundation shall negotiate a memorandum of understanding with the individual and the Secretary specifying that the individual—

(A) shall be subject to the ethical and procedural standards regulating Federal employment, scientific investigation, and research findings (including publications and patents) that are required of individuals employed by the Department, including standards under this Act, the Ethics in Government Act of 1978 (5 U.S.C. App.), and the Federal Technology Transfer Act of 1986 (Public Law 9909502; 100 Stat. 1785); and

(B) shall be subject to such ethical and procedural standards under chapter 11 of title 18, United States Code (relating to conflicts of interest), as the Secretary determines is appropriate, except such memorandum may not provide that the individual shall be subject to the standards of section 209 of such chapter.

(5) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board may not directly or indirectly participate in the consideration or determination by the Foundation of any question affecting—

(A) any direct or indirect financial interest of the individual; or

(B) any direct or indirect financial interest of any business organization or other entity of which the individual is an officer or employee or in which the individual has a direct or indirect financial interest.

(6) AUDITS; AVAILABILITY OF RECORDS.—The Foundation shall—

(A) provide for biennial audits of the financial condition of the Foundation; and

(B) make such audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

(7) REPORTS.—

(A) IN GENERAL.—Not later than February 1 of each fiscal year, the Foundation shall publish a report describing the activities of the Foundation during the preceding fiscal year. Each such report shall include for the fiscal year involved a comprehensive statement of the operations, activities, financial condition, and accomplishments of the Foundation.

(B) INCLUSIONS.—With respect to the financial condition of the Foundation, each report under subparagraph (A) shall include the source, and a description, of all gifts to the Foundation of real or personal property, and the source and amount of all gifts to the Foundation of money. Each such report shall include a specification of any restrictions on the purposes for which gifts to the Foundation may be used.

(C) PUBLIC INSPECTION.—The Foundation shall make copies of each report submitted under subparagraph (A) available for public inspection, and shall upon request provide a copy of the report to any individual for a charge not exceeding the cost of providing the copy.

(8) LIAISONS.—The Secretary shall appoint liaisons to the Foundation from relevant Federal agencies, including the Office of the Surgeon General and the Centers for Disease Control and Prevention. The Secretary of Agriculture shall designate liaisons to the Foundation as appropriate.

(9) INCLUSION OF THE PRESIDENT'S COUNCIL.—The Foundation shall ensure that the President's Council on Physical Fitness is included in the activities of the Foundation.

(j) FEDERAL FUNDING.—

(1) AUTHORITY FOR ANNUAL GRANTS.—

(A) IN GENERAL.—The Secretary shall—

(i) for fiscal year 2006, make a grant to an entity described in subsection (k)(9) (relating to the establishment of a committee to establish the Foundation);

(ii) for fiscal years 2007 and 2008, make a grant to the committee established under such subsection, or if the Foundation has been established, to the Foundation; and

(iii) for fiscal year 2009 and each subsequent fiscal year, make a grant to the Foundation.

(B) RULES ON EXPENDITURES.—A grant under subparagraph (A) may be expended—

(i) in the case of an entity receiving the grant under subparagraph (A)(i), only for the purpose of carrying out the duties established in subsection (k)(9) for the entity;

(ii) in the case of the committee established under subsection (k)(9), only for the purpose of carrying out the duties established in subsection (k) for the committee; and

(iii) in the case of the Foundation, only for the purpose of the administrative expenses of the Foundation.

(C) RESTRICTION.—A grant under subparagraph (A) may not be expended to provide amounts for the fund established under subsection (c).

(D) UNOBLIGATED GRANT FUNDS.—For the purposes described in subparagraph (B)—

(i) any portion of the grant made under subparagraph (A)(i) for fiscal year 2006 that remains unobligated after the entity receiving the grant completes the duties established in subsection (k)(9) for the entity shall be available to the committee established under such subsection; and

(ii) any portion of a grant under subparagraph (A) made for fiscal year 2006 or 2007 that remains unobligated after such committee completes the duties established in such subsection for the committee shall be available to the Foundation.

(2) FUNDING FOR GRANTS.—

(A) IN GENERAL.—For the purpose of grants under paragraph (1), there is authorized to be appropriated $2,200,000 for each fiscal year.

(B) PROGRAMS OF THE DEPARTMENT.—For the purpose of grants under paragraph (1),

the Secretary may for each fiscal year make available not more than $2,200,000 from the amounts appropriated for the fiscal year for the programs of the Department. Such amounts may be made available without regard to whether amounts have been appropriated under subparagraph (A).

(3) CERTAIN RESTRICTION.—If the Foundation receives Federal funds for the purpose of serving as a fiscal intermediary between Federal agencies, the Foundation may not receive such funds for the indirect costs of carrying out such purpose in an amount exceeding 10 percent of the direct costs of carrying out such purpose. The preceding sentence may not be construed as authorizing the expenditure of any grant under paragraph (1) for such purpose.

(k) COMMITTEE FOR ESTABLISHMENT OF FOUNDATION.—

(1) IN GENERAL.—There shall be established, in accordance with this subsection and subsection (j)(1), a committee to carry out the functions described in paragraph (2) (referred to in this subsection as the ''Committee'').

(2) FUNCTIONS.—The functions referred to in paragraph (1) for the Committee are as follows:

(A) To carry out such activities as may be necessary to incorporate the Foundation under the laws of the State involved, including serving as incorporators for the Foundation. Such activities shall include ensuring that the articles of incorporation for the Foundation require that the Foundation be established and operated in accordance with the applicable provisions of this title (or any successor to this title), including such provisions as may be in effect pursuant to amendments enacted after the date of enactment of this Act.

(B) To ensure that the Foundation qualifies for and maintains the status described in subsection (f)(3) (regarding taxation).

(C) To establish the general policies and initial bylaws of the Foundation, which bylaws shall include the bylaws described in subsections (f)(3) and (g)(1).

(D) To provide for the initial operation of the Foundation, including providing for quarters, equipment, and staff.

(E) To appoint the initial members of the Board in accordance with the requirements established in subsection (g)(2)(A) for the composition of the Board, and in accordance with such other qualifications as the Committee may determine to be appropriate regarding such composition. Of the members so appointed—

(i) 2 shall be appointed to serve for a term of 3 years;

(ii) 2 shall be appointed to serve for a term of 4 years; and

(iii) 3 shall be appointed to serve for a term of 5 years.

(3) COMPLETION OF FUNCTIONS OF COMMITTEE; INITIAL MEETING OF BOARD.—

(A) COMPLETION OF FUNCTIONS.—The Committee shall complete the functions required in paragraph (1) not later than September 30, 2008. The Committee shall terminate upon the expiration of the 30-day period beginning on the date on which the Secretary determines that the functions have been completed.

(B) INITIAL MEETING.—The initial meeting of the Board shall be held not later than November 1, 2008.

(4) COMPOSITION.—The Committee shall be composed of 5 members, each of whom shall be a voting member. Of the members of the Committee—

(A) no fewer than 2 of the members shall have expertise in children's health, nutrition, and physical activity; and

(B) no fewer than 2 of the members shall have broad, general experience in nonprofit private organizations (without regard to whether the individuals have experience in children's health, nutrition, and physical activity).

(5) CHAIRPERSON.—The Committee shall, from among the members of the Committee, designate an individual to serve as the Chairperson of the Committee.

(6) TERMS; VACANCIES.—The term of members of the Committee shall be for the duration of the Committee. A vacancy in the membership of the Committee shall not affect the power of the Committee to carry out the duties of the Committee. If a member of the Committee does not serve the full term, the individual appointed by the Secretary to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(7) COMPENSATION.—Members of the Committee may not receive compensation for service on the Committee. Members of the Committee may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Committee.

(8) COMMITTEE SUPPORT.—The Secretary may, from amounts available to the Secretary for the general administration of the Department, provide staff and financial support to assist the Committee with carrying out the functions described in paragraph (2). In providing such staff and support, the Director may both detail employees and contract for assistance.

(9) GRANT FOR ESTABLISHMENT OF COMMITTEE.—

(A) IN GENERAL.—With respect to a grant under paragraph (1)(A)(i) of subsection (j) for fiscal year 2006, an entity described in this paragraph is a private nonprofit entity with significant experience in children's health, nutrition, and physical activity. Not later than 180 days after the date of enactment of this Act, the Secretary shall make the grant to such an entity (subject to the availability of funds under paragraph (2) of such subsection).

(B) CONDITIONS.—The grant referred to in subparagraph (A) may be made to an entity only if the entity agrees that—

(i) the entity will establish a committee that is composed in accordance with paragraph (4); and

(ii) the entity will not select an individual for membership on the Committee unless the individual agrees that the Committee will operate in accordance with each of the provisions of this subsection that relate to the operation of the Committee.

(C) AGREEMENT.—The Secretary may make a grant referred to in subparagraph (A) only if the applicant for the grant makes an agreement that the grant will not be expended for any purpose other than carrying out subparagraph (B). Such a grant may be made only if an application for the grant is submitted to the Secretary containing such agreement, and the application is in such form, is made in such manner, and contains such other agreements and such assurances and information as the Secretary determines to be necessary to carry out this paragraph.

S. 1325

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 ''Improved Nutrition and Physical Activity Act'' or the ''IMPACT Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In July 2004, the Secretary of Health and Human Service recognized ''obesity is a critical public health problem in our country'' and under the medicare program language was removed from the coverage manual stating that obesity is not an illness.

(2) The National Health and Nutrition Examination Survey for 2002 found that an estimated 65 percent of adults are overweight and 31 percent of adults are obese and 16 percent of children and adolescents in the United States are overweight or obese.

(3) The Institute of Medicine reported in ''Preventing Childhood Obesity'' (2004) that approximately 60 percent of obese children between 5 and 10 years of age have at least one cardiovascular disease risk factor and 25 percent have two or more such risk factors.

(4) The Institute of Medicine reports that the prevalence of overweight and obesity is increasing among all age groups. There is twice the number of overweight children between 2 and 5 years of age and adolescents between 12 and 19 years of age, and 3 times the number of children between 6 and 11 years of age as there were 30 years ago.

(5) According to the 2004 Institute of Medicine report, obesity-associated annual hospital costs for children and youth more than tripled over 2 decades, rising from $35,000,000 in the period 1979 through 1981 to $127,000,000 in the period 1997 through 1999.

(6) The Centers for Disease Control and Prevention reports have estimated that as many as 365,000 deaths a year are associated with being overweight or obese. Overweight and obesity are associated with an increased risk for heart disease (the leading cause of death), cancer (the second leading cause of death), diabetes (the 6th leading cause of death), and musculoskeletal disorders.

(7) According to the National Institute of Diabetes and Digestive and Kidney Diseases, individuals who are obese have a 50 to 100 percent increased risk of premature death.

(8) The Healthy People 2010 goals identify overweight and obesity as one of the Nation's leading health problems and include objectives for increasing the proportion of adults who are at a healthy weight, reducing the proportion of adults who are obese, and reducing the proportion of children and adolescents who are overweight or obese.

(9) Another goal of Healthy People 2010 is to eliminate health disparities among different segments of the population. Obesity is a health problem that disproportionally impacts medically underserved populations.

(10) The 2005 Surgeon General's report ''The Year of the Healthy Child'' lists the treatment and prevention of obesity as a national priority.

(11) The Institute of Medicine report ''Preventing Childhood Obesity'' (2004) finds that ''childhood obesity is a serious nationwide health problem requiring urgent attention and a population-based prevention approach . . .''.

(12) The Centers for Disease Control and Prevention estimates the annual expenditures related to overweight and obesity in adults in the United States to be $264,000,000,000 (exceeding the cost of tobacco-related illnesses) and appears to be rising dramatically. This cost can potentially escalate markedly as obesity rates continue to rise and the medical complications of obesity are emerging at even younger ages. Therefore, the total disease burden will most likely increase, as well as the attendant health-related costs.

(13) Weight control programs should promote a healthy lifestyle including regular physical activity and healthy eating, as consistently discussed and identified in a variety of public and private consensus documents, including the 2001 U.S. Surgeon General's report ''A Call To Action'' and other documents prepared by the Department of Health and Human Services and other agencies.

(14) The Institute of Medicine reports that poor eating habits are a risk factor for the development of eating disorders and obesity. In 2002, more than 35,000,000 Americans experienced limited access to nutritious food on a regular basis. The availability of high-calorie, low nutrient foods have increased in low-income neighborhoods due to many factors.

(15) Effective interventions for promoting healthy eating behaviors should promote healthy lifestyle and not inadvertently promote unhealthy weight management techniques.

(16) The National Institutes of Health reports that eating disorders are commonly associated with substantial psychological problems, including depression, substance abuse, and suicide.

(17) The National Association of Anorexia Nervosa and Associated Disorders estimates there are 8,000,000 Americans experience eating disorders. Eating disorders of all types are more common in women than men

(18) The health risks of Binge Eating Disorder are those associated with obesity and include heart disease, gall bladder disease, and diabetes.

(19) According to the National Institute of Mental Health, Binge Eating Disorder is characterized by frequent episodes of uncontrolled overeating, with an estimated 2 to 5 percent of Americans experiencing this disorder in a 6-month period.

(20) Additionally, the National Institute of Mental Health reports that Anorexia Nervosa, an eating disorder from which 0.5 to 3.7 percent of American women will suffer in their lifetime, is associated with serious health consequences including heart failure, kidney failure, osteoporosis, and death. According to the National Institute of Mental Health, Anorexia Nervosa has one of the highest mortality rates of all psychiatric disorders, placing a young woman with Anorexia Nervosa at 12 times the risk of death of other women her age.

(21) In 2001, the National Institute of Mental Health reported that 1.1 to 4.2 percent of American women will suffer from Bulimia Nervosa in their lifetime. Bulimia Nervosa is an eating disorder that is associated with cardiac, gastrointestinal, and dental problems, including irregular heartbeats, gastric ruptures, peptic ulcers, and tooth decay.

(22) On the 2003 Youth Risk Behavior Survey, 6 percent of high school students reported recent use of laxatives or vomiting to control their weight.

TITLE I—TRAINING GRANTS

SEC. 101. GRANTS TO PROVIDE TRAINING FOR HEALTH PROFESSION STUDENTS.

Section 747(c)(3) of the Public Health Service Act (42 U.S.C. 293k(c)(3)) is amended by striking ''and victims of domestic violence'' and inserting ''victims of domestic violence, individuals (including children) who are overweight or obese (as such terms are defined in section 399W(j)) and at risk for related serious and chronic medical conditions, and individuals who suffer from eating disorders''.

SEC. 102. GRANTS TO PROVIDE TRAINING FOR HEALTH PROFESSIONALS.

Section 399Z of the Public Health Service Act (42 U.S.C. 280h–93) is amended—

(1) in subsection (b), by striking ''2005'' and inserting ''2007'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) GRANTS.—

''(1) IN GENERAL.—The Secretary may award grants to eligible entities to train primary care physicians and other licensed or certified health professionals on how to identify, treat, and prevent obesity or eating disorders and aid individuals who are overweight, obese, or who suffer from eating disorders.

''(2) APPLICATION.—An entity that desires a grant under this subsection shall submit an application at such time, in such manner, and containing such information as the Secretary may require, including a plan for the use of funds that may be awarded and an evaluation of the training that will be provided.

''(3) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the funds made available through such grant to—

''(A) use evidence-based findings or recommendations that pertain to the prevention and treatment of obesity, being overweight, and eating disorders to conduct educational conferences, including Internet-based courses and teleconferences, on—

''(i) how to treat or prevent obesity, being overweight, and eating disorders;

''(ii) the link between obesity, being overweight, eating disorders and related serious and chronic medical conditions;

''(iii) how to discuss varied strategies with patients from at-risk and diverse populations to promote positive behavior change and healthy lifestyles to avoid obesity, being overweight, and eating disorders;

''(iv) how to identify overweight, obese, individuals with eating disorders, and those who are at risk for obesity and being overweight or suffer from eating disorders and, therefore, at risk for related serious and chronic medical conditions;

''(v) how to conduct a comprehensive assessment of individual and familial health risk factors; and

''(B) evaluate the effectiveness of the training provided by such entity in increasing knowledge and changing attitudes and behaviors of trainees.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $10,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007 through 2010.''.

TITLE II—COMMUNITY-BASED SOLUTIONS TO INCREASE PHYSICAL ACTIVITY, IMPROVE NUTRITION, AND PROMOTE HEALTHY EATING BEHAVIORS

SEC. 201. GRANTS TO INCREASE PHYSICAL ACTIVITY, IMPROVE NUTRITION, AND PROMOTE HEALTHY EATING BEHAVIORS.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by striking section 399W and inserting the following:

''SEC. 399W. GRANTS TO INCREASE PHYSICAL ACTIVITY, IMPROVE NUTRITION, AND PROMOTE HEALTHY EATING BEHAVIORS.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in coordination with the Administrator of the Health Resources and Services Administration, the Director of the Indian Health Service, the Secretary of Education, the Secretary of Agriculture, the Secretary of the Interior, the Director of the National Institutes of Health, the Director of the Office of Women's Health, and the heads of other appropriate agencies, shall award competitive grants to eligible entities to plan and implement programs that promote healthy eating behaviors and physical activity to prevent eating disorders, obesity, being overweight, and related serious and chronic medical conditions. Such grants may be awarded to target at-risk populations including youth, adolescent girls, health disparity populations (as defined in section 485E(d)), and the underserved.

''(2) TERM.—The Secretary shall award grants under this subsection for a period not to exceed 4 years.

''(b) AWARD OF GRANTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a plan describing a comprehensive program of approaches to encourage healthy eating behaviors and healthy levels of physical activity;

''(2) the manner in which the eligible entity will coordinate with appropriate State and local authorities, including—

''(A) State and local educational agencies;

''(B) departments of health;

''(C) chronic disease directors;

''(D) State directors of programs under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

''(E) governors' councils for physical activity and good nutrition;

''(F) State and local parks and recreation departments; and

''(G) State and local departments of transportation and city planning; and

''(3) the manner in which the applicant will evaluate the effectiveness of the program carried out under this section.

''(c) COORDINATION.—In awarding grants under this section, the Secretary shall ensure that the proposed programs are coordinated in substance and format with programs currently funded through other Federal agencies and operating within the community including the Physical Education Program (PEP) of the Department of Education.

''(d) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a city, county, tribe, territory, or State;

''(2) a State educational agency;

''(3) a tribal educational agency;

''(4) a local educational agency;

''(5) a federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act (42 U.S.C. 1395x(aa)(4));

''(6) a rural health clinic;

''(7) a health department;

''(8) an Indian Health Service hospital or clinic;

''(9) an Indian tribal health facility;

''(10) an urban Indian facility;

''(11) any health provider;

''(12) an accredited university or college;

''(13) a community-based organization;

''(14) a local city planning agency; or

''(15) any other entity determined appropriate by the Secretary.

''(e) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the funds made available through the grant to—

''(1) carry out community-based activities including—

''(A) city planning, transportation initiatives, and environmental changes that help promote physical activity, such as increasing the use of walking or bicycling as a mode of transportation;

''(B) forming partnerships and activities with businesses and other entities to increase physical activity levels and promote healthy eating behaviors at the workplace and while traveling to and from the workplace;

''(C) forming partnerships with entities, including schools, faith-based entities, and other facilities providing recreational services, to establish programs that use their facilities for after school and weekend community activities;

''(D) establishing incentives for retail food stores, farmer's markets, food co-ops, grocery stores, and other retail food outlets that offer nutritious foods to encourage such stores and outlets to locate in economically depressed areas;

''(E) forming partnerships with senior centers, nursing facilities, retirement communities, and assisted living facilities to establish programs for older people to foster physical activity and healthy eating behaviors;

''(F) forming partnerships with daycare facilities to establish programs that promote healthy eating behaviors and physical activity; and

''(G) developing and evaluating community educational activities targeting good nutrition and promoting healthy eating behaviors;

''(2) carry out age-appropriate school-based activities including—

''(A) developing and testing educational curricula and intervention programs designed to promote healthy eating behaviors and habits in youth, which may include—

''(i) after hours physical activity programs;

''(ii) increasing opportunities for students to make informed choices regarding healthy eating behaviors; and

''(iii) science-based interventions with multiple components to prevent eating disorders including nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and learning life skills (such as stress management, communication skills, problem-solving and decisionmaking skills), as well as consideration of cultural and developmental issues, and the role of family, school, and community;

''(B) providing education and training to educational professionals regarding a healthy lifestyle and a healthy school environment;

''(C) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors and physical activity; and

''(D) planning and implementing healthy lifestyle classes or programs for parents or guardians, with an emphasis on healthy eating behaviors and physical activity;

''(3) carry out activities through the local health care delivery systems including—

''(A) promoting healthy eating behaviors and physical activity services to treat or prevent eating disorders, being overweight, and obesity;

''(B) providing patient education and counseling to increase physical activity and promote healthy eating behaviors; and

''(C) providing community education on good nutrition and physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight; or

''(4) other activities determined appropriate by the Secretary (including evaluation or identification and dissemination of outcomes and best practices).

''(f) MATCHING FUNDS.—In awarding grants under subsection (a), the Secretary may give priority to eligible entities who provide matching contributions. Such non-Federal contributions may be cash or in kind, fairly evaluated, including plant, equipment, or services.

''(g) TECHNICAL ASSISTANCE.—The Secretary may set aside an amount not to exceed 10 percent of the total amount appropriated for a fiscal year under subsection (k) to permit the Director of the Centers for Disease Control and Prevention to provide grantees with technical support in the development, implementation, and evaluation of programs under this section and to disseminate information about effective strategies and interventions in preventing and treating obesity and eating disorders through the promotion of healthy eating behaviors and physical activity.

''(h) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity awarded a grant under this section may not use more than 10 percent of funds awarded under such grant for administrative expenses.

''(i) REPORT.—Not later than 6 years after the date of enactment of the Improved Nutrition and Physical Activity Act, the Director of the Centers for Disease Control and Prevention shall review the results of the grants awarded under this section and other related research and identify programs that have demonstrated effectiveness in promoting healthy eating behaviors and physical activity in youth. Such review shall include an identification of model curricula, best practices, and lessons learned, as well as recommendations for next steps to reduce overweight, obesity, and eating disorders. Information derived from such review, including model program curricula, shall be disseminated to the public.

''(j) DEFINITIONS.—In this section:

''(1) ANOREXIA NERVOSA.—The term 'Anorexia Nervosa' means an eating disorder characterized by self-starvation and excessive weight loss.

''(2) BINGE EATING DISORDER.—The term 'binge eating disorder' means a disorder characterized by frequent episodes of uncontrolled eating.

''(3) BULIMIA NERVOSA.—The term 'Bulimia Nervosa' means an eating disorder characterized by excessive food consumption, followed by inappropriate compensatory behaviors, such as self-induced vomiting, misuse of laxatives, fasting, or excessive exercise.

''(4) EATING DISORDERS.—The term 'eating disorders' means disorders of eating, including Anorexia Nervosa, Bulimia Nervosa, and binge eating disorder.

''(5) HEALTHY EATING BEHAVIORS.—The term 'healthy eating behaviors' means—

''(A) eating in quantities adequate to meet, but not in excess of, daily energy needs;

''(B) choosing foods to promote health and prevent disease;

''(C) eating comfortably in social environments that promote healthy relationships with family, peers, and community; and

''(D) eating in a manner to acknowledge internal signals of hunger and satiety.

''(6) OBESE.—The term 'obese' means an adult with a Body Mass Index (BMI) of 30 kg/m2 or greater.

''(7) OVERWEIGHT.—The term 'overweight' means an adult with a Body Mass Index (BMI) of 25 to 29.9 kg/m2 and a child or adolescent with a BMI at or above the 95th percentile on the revised Centers for Disease Control and Prevention growth charts or another appropriate childhood definition, as defined by the Secretary.

''(8) YOUTH.—The term 'youth' means individuals not more than 18 years old.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $60,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2010. Of the funds appropriated pursuant to this subsection, the following amounts shall be set aside for activities related to eating disorders:

''(1) $5,000,000 for fiscal year 2006.

''(2) $5,500,000 for fiscal year 2007.

''(3) $6,000,000 for fiscal year 2008.

''(4) $6,500,000 for fiscal year 2009.

''(5) $1,000,000 for fiscal year 2010.''.

SEC. 202. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306 of the Public Health Service Act (42 U.S.C. 242k) is amended—

(1) in subsection (m)(4)(B), by striking ''subsection (n)'' each place it appears and inserting ''subsection (o)'';

(2) by redesignating subsection (n) as subsection (o); and

(3) by inserting after subsection (m) the following:

''(n)(1) The Secretary, acting through the Center, may provide for the—

''(A) collection of data for determining the fitness levels and energy expenditure of children and youth; and

''(B) analysis of data collected as part of the National Health and Nutrition Examination Survey and other data sources.

''(2) In carrying out paragraph (1), the Secretary, acting through the Center, may make grants to States, public entities, and nonprofit entities.

''(3) The Secretary, acting through the Center, may provide technical assistance, standards, and methodologies to grantees supported by this subsection in order to maximize the data quality and comparability with other studies.''.

SEC. 203. HEALTH DISPARITIES REPORT.

Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Director of the Agency for Healthcare Research and Quality shall review all research that results from the activities carried out under this Act (and the amendments made by this Act) and determine if particular information may be important to the report on health disparities required by section 903(c)(3) of the Public Health Service Act (42 U.S.C. 299a–91(c)(3)).

SEC. 204. PREVENTIVE HEALTH SERVICES BLOCK GRANT.

Section 1904(a)(1) of the Public Health Service Act (42 U.S.C. 300w–93(a)(1)) is amended by adding at the end the following:

''(H) Activities and community education programs designed to address and prevent overweight, obesity, and eating disorders through effective programs to promote healthy eating, and exercise habits and behaviors.''.

SEC. 205. REPORT ON OBESITY AND EATING DISORDERS RESEARCH.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on research conducted on causes and health implications (including mental health implications) of being overweight, obesity, and eating disorders.

(b) CONTENT.—The report described in subsection (a) shall contain—

(1) descriptions on the status of relevant, current, ongoing research being conducted in the Department of Health and Human Services including research at the National Institutes of Health, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, the Health Resources and Services Administration, and other offices and agencies;

(2) information about what these studies have shown regarding the causes, prevention, and treatment of, being overweight, obesity, and eating disorders; and

(3) recommendations on further research that is needed, including research among diverse populations, the plan of the Department of Health and Human Services for conducting such research, and how current knowledge can be disseminated.

SEC. 206. REPORT ON A NATIONAL CAMPAIGN TO CHANGE CHILDREN'S HEALTH BEHAVIORS AND REDUCE OBESITY.

Section 399Y of the Public Health Service Act (42 U.S.C. 280h–92) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

''(b) REPORT.—The Secretary shall evaluate the effectiveness of the campaign described in subsection (a) in changing children's behaviors and reducing obesity and shall report such results to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.''.

Mr. WYDEN. Mr. President, across this country, on couches in front of televisions and video game consoles, a silent killer called obesity is stalking America's youngsters—in epidemic numbers. Today, Senator FRIST and I are introducing a bipartisan bill, ''The Childhood Obesity Reduction Act'', to jump-start a nationwide, community-based campaign against this menace and help our children grow up healthy.

In my home State of Oregon, obesity may well become the number-two killer of our citizens—after tobacco, also the number-one killer nationally. According to the Oregon Department of Human Services, fully 22 percent of the adults in Oregon are obese and 60 percent are overweight. Even more tragic, and why we are here today, is that U.S. Centers for Disease Control and Prevention (CDC) says at least 31 percent of low income children between two and five years of age in Oregon are overweight or at risk of becoming overweight. A lot of those overweight kids are going to become overweight and obese adults if we just sit on our hands today. Our children are beginning to show signs of devastating diseases that will only lead to a life-long illnesses and increased health care costs. And no statistic can measure the emotional toll that illness takes on a child, their families and others who love them.

The Frist-Wyden legislation, ''The Childhood Obesity Reduction Act'', will work to turn the tide against childhood obesity in two ways. First, it will give teachers, parents and other community leaders a one-stop shop to fight obesity. The Congressional council created by this bill will launch a comprehensive website to help everyone from Physical Education teachers to scout leaders learn what's working in schools and public-private programs. It will also offer information about how to connect with those successful programs and how to adapt them in their own schools.

For example, when a teacher wants to see what can be done to help kids get 30 minutes of activity, something that studies have shown helps to combat childhood obesity, that teacher could go to the website and see what others in a similar situation have done. They would be able to see there are partners like Nike who are willing to step up to the plate and help with programs. But that teacher might also see that physical activity is only one part of the solution and they might find ways to bring in the nutritional aspect as well through other programs that have already proven successful.

The website will also offer help in establishing goals for cutting childhood obesity at that school or in that community—and all these plans will have been evaluated by outside experts for their effectiveness.

Second, after two years, the Congressional council turns the work over to a brand-new foundation. The foundation will keep the one-stop website up and running. But at the same time, they'll be able to raise money, and use it to reward programs that work and fund programs that are sorely needed where childhood obesity threatens most.

Here's an example of how the second component of our bill would work: say an urban school wants to work on getting kids to choose vegetables instead of French fries. When they visit the Web site, they may find a successful program about actually growing fresh vegetables—so they don't think vegetables just come from a freezer or a can. The Foundation will have the wherewithal to do more than just share that information—they may be able to provide the seed money, literally, for a school garden that will grow fresh produce, and change the way those children look at food.

It is not realistic to think that children won't be in a situation where unhealthy choices for foods and snacks are available. The goal ought to be to help them know what the healthy choices are, how to balance what they eat and drink and to know that they need exercise. And the Foundation can keep pursuing those goals for the long term.

I believe that our bipartisan bill is significant for two reasons. First, it emphasizes both sides of the equation—the need for proper nutrition and the need for physical activity. Second, it and because it will create an immediate, one-stop resource, in the form of a Web site, about what we know is working now so that individuals can begin to mobilize their communities and help their children. These are also important steps in assisting our children to become healthy adults.

All of us have the same, simple goal here: getting America's children healthy. There are a lot of folks competing for our kids' attention in this arena. A lot of the competition is pretty attractive: food that's not so nutritious but sure tastes good, and video games that don't burn any calories but can occupy you for an entire afternoon. It's tough for kids to make good choices on their own. That's why it's time to mobilize this nation—and particularly this Congress, by way of legislation—to beat the epidemic of obesity plaguing our children.

Mrs. CLINTON. Mr. President, I am proud to reintroduce the Improved Nutrition and Physical Activity Act or the IMPACT Act today with my colleagues Senators FRIST, BINGAMAN, and DODD. This legislation would take several important steps toward promoting healthy eating and physical activity and combating obesity and eating disorders. Eating disorders and obesity have become serious and 2 growing public health concerns in our country. Childhood obesity has emerged as an important issue in the public, as we have seen a significant increase in the number of Americans who are overweight or obese. Today, more than 15 percent of children and adolescents are considered seriously overweight. We know that obesity and the lack of exercise are directly linked with a broad array of health problems, including heart disease, high blood pressure, diabetes, arthritis-related disabilities, depression and some cancers.

In New York State alone, almost 60 percent of adults are overweight or obese, while 43 percent of the children in New York City's public elementary schools are overweight and a quarter qualify as obese. Obese adults incur significantly higher annual medical expenditures than those of normal weight adults. The cost now rivals that attributable to smoking. I believe that while nutrition education is one part of the solution to the obesity problem facing our youth, it is not enough to simply say that childhood obesity is caused by eating too much junk food. Instead, we must be aware of the complex environmental, genetic, and behavioral factors that have influenced the epidemic.

Included among the factors that affect children's eating habits and activity levels are increased hours in front of the TV or computer, working parents spending more hours at the office trying to make ends meet, deteriorating healthfulness or foods available in schools, reduced access to recess and physical education in schools, changes in the physical design of neighborhoods and communities, and low self esteem. And sadly, as the number of people battling obesity has increased, eating disorders have also reached epidemic proportions in the United States. It is estimated that between 8 and 10 million people experience an eating disorder, with millions of new cases being diagnosed each year. Eating disorders do not discriminate—they affect men and women or all ages, racial and ethnic backgrounds, socioeconomic classes, and religions.

Eating disorders are linked to a variety of health problems including heart failure, kidney failure, osteoporosis, gastric ruptures, and death. Eating disorders are also often associated with a variety of mental health problems including depression, substance abuse, and suicide. The age of onset for these disorders is getting younger and younger. According to the Center for Mental Health Services, 90 percent of those who have an eating disorder are women between the ages of 12 and 25.

Research indicates that 50 percent of females between the ages of 11 and 13 see themselves as overweight, and by the age of 13, eighty percent have attempted to lose weight. We know that the most common behavior that will lead to an eating disorder is dieting. In fact, 51 percent of 9 and 10 year old

girls report feeling better about themselves when they are on a diet. It is estimated that currently as many as 17 percent of high school students have been diagnosed with an eating disorder. Our youth today are striving to reach an unrealistic body ideal. Fears of falling short of this ideal are leading to dire consequences. That is why I am proud to co-sponsor of the IMPACT Act.

This legislation would take several important steps toward promoting healthy eating and physical activity to combat obesity and eating disorders. This legislation addresses the growing public health problems of increasing rates of obesity and eating disorders by: training students and health professionals to diagnose, treat and prevent obesity, overweight, and eating disorders; funding demonstration programs that promote healthy eating behaviors and physical activity to prevent eating disorders, obesity and being overweight, and related serious and chronic medical conditions; directing the Center for Disease Control to collect information regarding fitness levels and energy expenditure among children; authorizing the Director of the Agency for Healthcare Research and Quality to review all research carried out under this act and include such information, where it is relevant, in its health disparities report; allowing states to use their Preventive Services Block Grant money to address and prevent overweight, obesity, and eating disorders; mandating a report on obesity and eating disorders research; authorizing a report on the effectiveness of a National Public Education Campaign on changing children's behaviors and reducing obesity.

Each of these steps is needed to address our country's growing problems of obesity and eating disorders. Any comprehensive approach to promote healthy lifestyles and prevent disordered eating in our youth must be multifaceted. It must include education about nutrition and physical activity, and most importantly, it must encourage open communication about body image and self esteem. Such an effort will require the leadership and resources of healthcare providers, local communities, advocacy organizations, parents and families, and schools.

It is time that we promote and celebrate healthy bodies and healthy lifestyles regardless of size, weight indexes, or arbitrary numbers on a scale. This is a delicate task and we must make sure not to let an unhealthy emphasis on thinness jeopardize the health of our children. I look forward to working with all of my Senate colleagues to promote healthy lifestyles across the lifespan.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 182—SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

Mr. COLEMAN (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ALLEN, Mrs. LINCOLN, Ms. LANDRIEU, Mr. REED, Mr. SALAZAR, and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 182

Whereas an estimated 12,400 children will be diagnosed with cancer in the year 2005;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children will die from cancer in the year 2005;

Whereas the incidence of cancer among children in the United States is rising by about one percent each year;

Whereas 1 in every 330 Americans develops cancer before age 20;

Whereas approximately 8 percent of deaths of those between 1 and 19 years of age are caused by cancer;

Whereas while some progress has been made, a number of opportunities for childhood cancer research still remain unfunded or underfunded;

Whereas limited resources for childhood cancer research can hinder the recruitment of investigators and physicians to pediatric oncology;

Whereas peer-reviewed clinical trials are the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancer continues to grow, with about 1 in 640 adults between the ages of 20 and 39 having a history of cancer;

Whereas up to ⅔ of childhood cancer survivors are likely to experience at least one late effect from treatment, many of which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and may have serious consequences; and

Whereas 89 percent of children with cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should support—

(1) public and private sector efforts to promote awareness about the incidence of cancer among children, the signs and symptoms of cancer in children, treatment options, and long-term follow-up;

(2) increased public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) policies that provide incentives to encourage medical trainees and investigators to enter the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) medical education curricula designed to improve pain management for cancer patients; and

(7) policies that enhance education, services, and other resources related to late effects from treatment.

Mr. COLEMAN. Mr. President, over 12,000 children are diagnosed with cancer each year and sadly, cancer will claim the lives of over 2,000 of these children each year. Today, I am proud to be submitting the Childhood Cancer Awareness Resolution with my friends Senators LIEBERMAN, BROWNBACK, ALLEN, LINCOLN, LANDRIEU, SALAZAR, REED, and MIKULSKI to help raise awareness about childhood cancer and support children and their families who are suffering from this terrible disease.

Cancer is the number one disease killer of children. Every day 43 children will be diagnosed and approximately 10 of those children will not survive.

Until we meet the day when every child can live a life free of cancer, we must continue to promote awareness and strengthen our investment in childhood cancer research, diagnosis and treatment.

I urge my fellow colleagues to join me in raisipg awareness of childhood cancer by supporting The Childhood Cancer Awareness Resolution.

SENATE RESOLUTION 183—RECOGNIZING THE ACHIEVEMENTS AND CONTRIBUTIONS OF THE MIGRATORY BIRD COMMISSION ON THE OCCASION OF ITS 72ND ANNIVERSARY AND THE FIRST DAY OF SALE OF THE 2005–2006 MIGRATORY BIRD HUNTING AND CONSERVATION STAMP

Mr. COCHRAN (for himself, Mrs. LINCOLN, and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 183

Whereas the 2005–2006 Migratory Bird Hunting and Conservation Stamp, popularly known as the ''Duck Stamp'', marks the Migratory Bird Conservation Commission's 72nd anniversary;

Whereas June 30, 2005, will be the first day of sale for the 2005–2006 Duck Stamp;

Whereas the Migratory Bird Conservation Commission was created by Congress in 1929 to consider and approve any areas of land or water recommended by the Secretary of the Interior for purchase or rental by the United States Fish and Wildlife Service under the Migratory Bird Hunting and Conservation Stamp Act, and to consider the establishment of new waterfowl refuges;

Whereas the Waterfowl Population Survey, operated by the United States Fish and Wildlife Service, is celebrating its 50th anniversary in 2005 and is featured on the 2005–2006 Duck Stamp; and

Whereas since its inception in 1934, the Federal Duck Stamp Program has raised over $700,000,000 through the sale of Duck Stamps to hunters, stamp collectors, and conservationists to help purchase 5,200,000 acres of wetlands habitat for the National Wildlife Refuge System: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and contributions of the Migratory Bird Conservation Commission on the occasion of its 72nd anniversary and the first day of sale of the 2005–2006 Migratory Bird Hunting and Conservation Stamp;

(2) expresses strong support for the continued success of the Migratory Bird Hunting and Conservation Stamp;

(3) encourages the United States Fish and Wildlife Service in its efforts to broaden understanding of, and appreciation for, the Migratory Bird Hunting and Conservation Stamp and the National Wildlife Refuge System by increasing partnerships on behalf of the National Wildlife Refuge System that will contribute to increased growth and development of the system; and

(4) reaffirms its commitment to the National Wildlife Refuge System and the conservation of the rich natural heritage of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1065. Mr. SANTORUM (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1066. Mr. SANTORUM (for himself and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 1029 proposed by Mr. DORGAN (for Mr. KERRY) to the bill H.R. 2361 supra; which was ordered to lie on the table.

SA 1067. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1010 proposed by Mr. BURNS (for Mr. VOINOVICH) to the bill H.R. 2361, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1065. Mr. SANTORUM (for himself and Mr. CRAIG) 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 1, line 5, strike ''$1,420,000,000'' and insert ''$1,600,000,000''.

On page 1, line 7, strike ''$420,000,000'' and insert ''$600,000,000''.

SA 1066. Mr. SANTORUM (for himself and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 1029 proposed by Mr. DORGAN (for Mr. KERRY) 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 1, line 4, strike ''$600,000,000'' and insert ''$1,600,000,000''.

SA 1067. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1010 proposed by Mr. BURNS (for Mr. VOINOVICH) 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 1, line 5, insert ''and the legislature'' after ''Governor''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate at 10 a.m. on Tuesday, June 28, 2005, in SR–328A, the Russell Senate Office Building. The purpose of this hearing will be to review the Agricultural Risk Protection Act of 2000 and related crop insurance issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Tuesday, June 28, 2005, at 9 a.m. to consider favorably reporting S. 1307, the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act, and S.J. Res. 18, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, June 28, 2005, at 10 a.m., to hear testimony on ''Medicaid Waste, Fraud and Abuse: Threatening the Health Care Safety Net.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Commission on Indian Affairs be authorized to 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.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMITTEE ON VETERANS' AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, June 28, 2005, for a committee hearing titled ''Emergency Hearing to Examine the Shortfall in VA's Medical Care Budget.''. The hearing will take place in Room 418 of the Russell Senate Office Building at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BURNS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet, Tuesday, June 28, 2005, from 2:30 p.m.–5 p.m. in Dirksen G50 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Tuesday, June 28th, 2005, at 10 a.m.

The purpose of the hearings is to receive testimony on the following bills: S. 206, a bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; S. 556, a bill 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, a bill to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona trail as a national scenic trail or a national historic trail; and S. 955, a bill 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.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA.

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, June 28, 2005 at 10 a.m. for a hearing entitled, ''Access Delayed: Fixing the Security Clearance Process.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Drake Bailey, an intern in my office, be granted the privileges of the floor today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Eric Boehm, in my office, be granted the privileges of the floor throughout the session today.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE ACHIEVEMENTS AND CONTRIBUTIONS OF THE MIGRATORY BIRD COMMISSION ON THE OCCASION OF ITS 72ND ANNIVERSARY

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 183, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 183) recognizing the achievements and contributions of the Migratory Bird Commission on the occasion of its 72nd anniversary and the first day of sale of the 2005–2006 Migratory Bird Hunting and Conservation Stamp.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 183) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 183

Whereas the 2005–2006 Migratory Bird Hunting and Conservation Stamp, popularly known as the ''Duck Stamp'', marks the Migratory Bird Conservation Commission's 72nd anniversary;

Whereas June 30, 2005, will be the first day of sale for the 2005–2006 Duck Stamp;

Whereas the Migratory Bird Conservation Commission was created by Congress in 1929 to consider and approve any areas of land or water recommended by the Secretary of the Interior for purchase or rental by the United States Fish and Wildlife Service under the Migratory Bird Hunting and Conservation Stamp Act, and to consider the establishment of new waterfowl refuges;

Whereas the Waterfowl Population Survey, operated by the United States Fish and Wildlife Service, is celebrating its 50th anniversary in 2005 and is featured on the 2005–2006 Duck Stamp; and

Whereas since its inception in 1934, the Federal Duck Stamp Program has raised over $700,000,000 through the sale of Duck Stamps to hunters, stamp collectors, and conservationists to help purchase 5,200,000 acres of wetlands habitat for the National Wildlife Refuge System: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and contributions of the Migratory Bird Conservation Commission on the occasion of its 72nd anniversary and the first day of sale of the 2005–2006 Migratory Bird Hunting and Conservation Stamp;

(2) expresses strong support for the continued success of the Migratory Bird Hunting and Conservation Stamp;

(3) encourages the United States Fish and Wildlife Service in its efforts to broaden understanding of, and appreciation for, the Migratory Bird Hunting and Conservation Stamp and the National Wildlife Refuge System by increasing partnerships on behalf of the National Wildlife Refuge System that will contribute to increased growth and development of the system; and

(4) reaffirms its commitment to the National Wildlife Refuge System and the conservation of the rich natural heritage of the United States.

NATIONAL MAMMOGRAPHY DAY

NATIONAL VETERANS AWARENESS WEEK

Mr. BURNS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from further consideration of S. Res. 154 and S. Res. 155 and that the Senate proceed en bloc to their consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolutions by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 154) designating October 21, 2005, as ''National Mammography Day''.

A resolution (S. Res. 155) designating the week of November 6 through November 12, 2005, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolutions and preambles be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 154) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 154

Whereas according to the American Cancer Society, in 2005, 212,930 women will be diagnosed with breast cancer and 40,410 women will die from this disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases, the cancer resulted in death;

Whereas African-American women suffer a 30 percent greater mortality rate from breast cancer than White women and more than a 100 percent greater mortality rate from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of more than 97 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 21, 2005, as ''National Mammography Day''; and

(2) encourages the people of the United States to observe the day with appropriate programs and activities.

The resolution (S. Res. 155) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 155

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas, on November 9, 2004, President George W. Bush issued a proclamation urging all the people of the United States to observe November 7 through November 13, 2004, as ''National Veterans Awareness Week'': Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 6 through November 12, 2005, as ''National Veterans Awareness Week''; and

(2) encourages the people of the United States to observe the week with appropriate educational activities.

ORDERS FOR WEDNESDAY, JUNE 29, 2005

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 9:30 a.m. on Wednesday, June 29; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 2361, the Interior appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BURNS. Tomorrow, following morning business, the Senate will resume consideration of the Interior appropriations bill. Under a previous order, we will be debating the amendments and voting throughout the day

until final passage. I hope that all the debate time provided under the agreement will not be necessary. We have a lot of additional business ahead of us before we close this week, and every hour counts. Senators should anticipate these scheduled votes throughout the day until we complete the Interior appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BURNS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:02 p.m., adjourned until Wednesday, June 29, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 28, 2005:

DEPARTMENT OF DEFENSE

PHILLIP JACKSON BELL, OF GEORGIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS, VICE DIANE K. MORALES, RESIGNED.

RONALD M. SEGA, OF COLORADO, TO BE UNDER SECRETARY OF THE AIR FORCE, VICE PETER B. TEETS, RESIGNED.

DEPARTMENT OF COMMERCE

DAVID H. MCCORMICK, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, VICE KENNETH I. JUSTER, RESIGNED.

DARRYL W. JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE JULIE L. MYERS.

ENVIRONMENTAL PROTECTION AGENCY

SUSAN P. BODINE, OF MARYLAND, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, ENVIRONMENTAL PROTECTION AGENCY, VICE MARIANNE LAMONT HORINKO, RESIGNED.

DEPARTMENT OF STATE

JOHN HILLEN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS), VICE LINCOLN P. BLOOMFIELD, JR., RESIGNED.

JOSETTE SHEERAN SHINER, OF VIRGINIA, TO BE AN UNDER SECRETARY OF STATE (ECONOMIC, BUSINESS, AND AGRICULTURAL AFFAIRS), VICE ALAN PHILIP LARSON, RESIGNED.

GILLIAN ARLETTE MILOVANOVIC, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MACEDONIA.

MICHAEL RETZER, OF MISSISSIPPI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

SMALL BUSINESS ADMINISTRATION

ERIC M. THORSON, OF VIRGINIA, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION, VICE HAROLD DAMELIN, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF OF THE AIR FORCE, AND FOR APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8034 AND 601:

To be general

LT. GEN. JOHN D. W. CORLEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD J. HOFFMAN, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ANN E. RONDEAU, 0000

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 322 and 323. Had I been present, I would have voted ''aye'' on rollcall votes 322 and 323.

HONORING WALTER HAASE AS THE NEWEST ELECTED MEMBER OF THE NATIONAL UTILITY GROUP

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend Walter Haase for being elected to the board of directors of the American Public Power Association. Mr. Haase was appointed to this prestigious position during the association's annual meeting in Anaheim, California.

Since the year 2000, Mr. Haase has served as the general manager of the Jamestown Board of Public Utilities. He has seen the BPU through numerous modernizations and updates. Currently, Mr. Haase is working to create a brand new power plant to replace the existing one.

To its credit, the nationwide association encompasses more than 2,000 community-owned electric utilities allowing it to serve more than 43 million customers.

Jamestown's board was formed in 1940 and is a charter member.

I am honored Mr. Speaker, to have an opportunity to honor Mr. Walter Haase for this noteworthy honor and for his innovations in the field of public utilities.

ANNIVERSARY OF TITLE IX

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Ms. McCOLLUM. Mr. Speaker, I rise today on the 33rd anniversary of the day Congress passed Title IX, in support of the landmark legislation that prohibited gender discrimination in education programs and activities receiving federal funds.

Title IX provides for equal opportunity for women and girls in areas related to access to higher education, athletics, career education, education for pregnant and parenting students, employment, learning environment, math and science education, sexual harassment, standardized testing, and technology.

Unfortunately, recent action by the Bush Administration and Secretary Spellings has threatened provisions providing for equal opportunities for girls and women in sports. This new interpretation of Title IX compliance now only requires that schools survey current female students regarding their interest in sports. A lack of response can be assumed a lack of interest. This process has several flaws, including the reliance on using only email as an effective tool for soliciting feedback on such an important law.

Unfortunately, because this interpretation was deemed a simple ''clarification'' by the Bush administration, there will be no public comment period, despite the serious concerns the public has raised regarding this change. This is not the first time the American people have raised concerns regarding this issue, nor is it the first time this Administration has tried to weaken Title IX.

In 2002, the Administration attempted to change this policy through the establishment of the Commission on Opportunity in Athletics. The Commission made several negative recommendations that weakened the goals of Title IX, but significant public outcry prevented these misguided policy changes. Given this kind of public commitment to this issue, I am very concerned about the way in which this most recent ''clarification'' has happened—late on a Friday afternoon, without any consultation or time for feedback despite a clear history of interest in this issue.

Over the past 30 years, significant movements have ensured more opportunities for women and girls. In fact young women's participation in athletics has increased by 400 percent at the college level and by 800 percent in high schools. Title IX has provided opportunities for female I athletes; however, they continue to be shortchanged in terms of athletic scholarship opportunities, facilities, and other benefits and services. Women and girls receive only 41 percent of athletic opportunities today, despite the fact that they constitute more than half of student enrollments. Vigorous enforcement of Title IX, rather than the weakening of compliance measures, must be the goal of the Department of Education. This is a time to continue to ensure women and girls are offered equal athletic opportunities at all levels of their abilities.

Last month, I convened a roundtable discussion in my district with nearly 50 students, coaches, Title IX compliance officers, and athletic directors regarding the ''clarification.'' They shared their stories about what sporting opportunities were like before Title IX compared to the opportunities girls and women have now, their commitment to Title IX, and their concerns regarding efforts to weaken it. In fact, some schools shared that because this particular measure of Title IX compliance is so weak in demonstrating equal opportunities, they do not plan to use it, but rather they will use other measures.

I am proud of the female athletes in Minnesota—not only for their accomplishments but for their willingness to stand up and ensure these opportunities remain for generations of women to come.

It is in their honor that I rise today in recognition of these women trailblazers in athletics and education to call on President Bush and Secretary Spellings to immediately withdraw this harmful ''clarification'' and to support efforts that strengthen, rather than weaken, Title IX.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained on Friday and was regrettably unable to cast my vote on rollcall No. 315, rollcall No. 316, rollcall No. 317, rollcall No. 318, rollcall No. 319, rollcall No. 320, and rollcall No. 321.

Had I been present, I would have voted ''no'' on rollcall No. 315, ''yea'' on rollcall No. 316, ''no'' on rollcall No. 317, ''yea'' on rollcall No. 318, ''yea'' on rollcall No. 319, ''yea'' on rollcall No. 320, and ''no'' on rollcall No. 321.

HONORING ROBERT BOOTH AS THE RECIPIENT OF THE DISTINGUISHED TEACHING PROFESSOR AWARD

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the exemplary educational service of Robert Booth, a resident of Chautauqua County, Village of Fredonia, upon receiving the title of Distinguished Teaching Professor, the highest rank bestowed by the SUNY system on faculty members.

Booth is a Visual Arts and New Media department official at the State University of New York College at Fredonia, and is one of only nine professors statewide to receive this honor.

Since 1978 Booth has dedicated much of his time and energy to his students, and is committed to them on many levels. He always is willing to help and guide them, while still letting them be ultimately responsible for his or her education.

In addition to teaching, Booth is also known in Chautauqua County for his art restorations of the Marks Fountain in Fredonia's Barker Commons and the King Neptune fountain that resided in Dunkirk's Washington Park. Booth is a well respected artist whose work is featured all over the eastern part of the United States.

Booth is currently the coordinator of the In Sight/On Site sculpture project at SUNY Fredonia and the facilitator of the GWB Visual Arts Award Scholarship. He resides in Fredonia, with his wife, and two children.

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

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

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.

Ms. McCOLLUM of Minnesota. Mr. Chairman, I rise today to express the overwhelming support that hundreds of my constituents have demonstrated for the Corporation for Public Broadcasting. I share their concern about the partisan attacks to eliminate funding and undermine the Corporation's commitment to providing objective and educational programming.

As a member of the Congressional Public Broadcasting Caucus, I have learned how critical Federal funding is for CPB in order to ensure the continued availability of educational, innovative, objective, and locally-relevant programming provided by public radio and television stations across the country. This Republican appropriations bill proposes to strip 51 percent of CPB's total Federal funding—a cut so drastic it will negatively impact every public television and radio station's ability to provide the free and unbiased programs that millions of Americans count on every day. Currently, Federal funding for CPB totals just $1.50 per American per year. In addition, this Federal funding successfully leverages more than five additional dollars from private sources. For these reasons, I am pleased to support Mr. OBEY's amendment to restore $100 million to CPB.

Public broadcasting is an essential source of information for millions of Americans. America's educators depend on public broadcasting—it's their top choice for classroom video, and a leading source of online lesson plans. Nationwide surveys find that public broadcasting is the single most trusted national institution. And, public broadcasting is exceptional because it's local. Unlike the large media conglomerates that dominate commercial TV, the 348 PBS stations across the country are locally owned and operated—accountable to the local communities they serve.

In my home State of Minnesota, we are proud of the high quality public broadcasting our State has known for years. Minnesota Public Radio and Twin Cities Public Television are treasures that provide balanced news, insightful information, and exceptional entertainment over the public airwaves. They deserve our support and the support of the Federal Government. Nearly 900 constituents have e-mailed, phoned, and written to my office regarding their support for public broadcasting.

It is with a commitment to ensuring that my constituents continue to have access to high quality, unbiased information, as well as thoughtful and educational programming, that I rise today in support of the Corporation for Public Broadcasting.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Ms. CARSON. Mr. Speaker, due to a longstanding appointment in my Congressional District, I was unavoidably absent for the legislative day of Monday, June 27th, 2005.

Had I been present, I would have voted "yea" on rollcall vote 322 and "yea" on rollcall vote 323.

HONORING FOREST HILL FIRE-RESCUE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize the Fire-Rescue station of Forest Hill, Texas. The Forest Hill department will soon be unveiling state-of-the-art equipment to help assist in widespread disaster.

The equipment to be unveiled was purchased with the funds issued by Texas State Homeland Security Grant and the Federal Assistance to Firefighters Grant of $523,000 and $37,600 respectively. On the morning of July 12th, Forest Hill Fire-Rescue will unveil the newest purchases in "specialized equipment" that will help serve during times of natural or man-made disasters. In addition to using the grant money in such sensible and viable means, the Forest Hill Rescue Department employed their newly acquired resources as means to establishing the much acclaimed Southern Emergency Response and Preparedness Association, SERPA. SERPA was designed to develop relationships with other local departments and to create standard operating guidelines in the case of widespread emergencies.

Mr. Speaker, as their Congressman, I want to congratulate Fire Chief Pat Ekiss and his department for allocating the grant funds in a useful manner and to thank them for their dedication in assisting and saving others. It is with the service and dedication of department's such as the Forest Hill Fire and Rescue that ensure the continuing protection and prominence of our communities and nation.

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

SPEECH OF

HON. AL GREEN

OF TEXAS

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. AL GREEN of Texas. Mr. Chairman, nearly 70 years ago, Franklin Delano Roosevelt stated in his second inaugural address that "the test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little." The FY06 Labor, Health and Human Services Appropriation bill has failed that test.

Although I commend Chairman REGULA and Mr. OBEY, our ranking member, for their tireless efforts to provide deserving citizens with necessary programs, this bill is a product of having too little to fund valuable initiatives. The tax cuts enjoyed by the wealthiest 1 percent of our population have left this Congress unable to continue funding essential programs that directly impact the least, the last, and the lost. The cuts in education, energy assistance, and healthcare services are signs of what I believe are an unraveling of our economic tapestry.

Our youngest and most vulnerable citizens will be disproportionately affected by Federal fiscal budget constraints in this Labor, Health and Human Services bill. Even at birth, this bill is putting some at a disadvantage. The Maternal and Child Health Block grant program has been cut even though scientific evidence proves the importance of prenatal care. Despite the fact that we recognize the need to provide access to care for young people whose families are unable to provide other sources of treatment, this valuable program has suffered a $24 million cut.

Beyond health care, our most vulnerable citizens will continue to bear the brunt of enormous tax cuts in education. Title I funding, aimed at helping low-income children in failing schools improve their reading and math skills, will be $9.9 billion below the No Child Left Behind funding promise. And to make matters worse, the same children who will be unable to benefit from enrichment programs due to a lack of funds will go home in the winter months to cold and uncomfortable temperatures because the Low-Income Home Energy Assistance Program has been cut by almost $200 million.

It is time to take a step back to re-evaluate the path we have chosen for the people of this Nation. I will continue to work tirelessly with my colleagues, community partners, and concerned citizens to ensure that all people are able to receive excellent care at an affordable rate—because one must not place a price tag on the health and well-being of our nation's most vulnerable citizens, our children. I would like to leave you all with some other valuable words that Mr. Roosevelt imparted to us: "It is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all try something." I urge all of my colleagues to try another method.

GAMBLING

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. WOLF. Mr. Speaker, gambling is no longer just limited to the casinos in Las Vegas and Atlantic City. There are now more than 400 tribal casinos in 30 States, online gambling is booming and ESPN and other cable

networks bring high-stakes poker tournaments into our living rooms on a regular basis.

I am deeply concerned about the impact this is having on our society. Gambling destroys families and preys on the poor. More and more youth are also being seduced by gambling. According to a recent PBS NewsHour report, recent studies indicate that more than 70 percent of youth between the ages of 10 and 17 gambled in the past year, up from 45 percent in 1988.

The promotion of gambling is not a proper role of government. I share the concerns of National Coalition Against Gambling Expansion, NCAGE, that as a school of government, Harvard ought to use more discretion in allowing of its credentials to support gambling, which corrupts and addicts government at all levels. As you may know, Harvard Medical School Division of Addictions, Institute for Research on Pathological Gambling and Related Disorders, sits on the board of the National Center for Responsible Gaming, part of the American Gaming Association. Mr. Speaker, I would like to share a recent letter from the NCAGE to the Harvard University leadership outlining the coalition's concerns about what many might regard as an inappropriate relationship between the university and the gambling industry.

THE NATIONAL COALITION
AGAINST GAMBLING EXPANSION,
Washington, DC, June 23, 2005.

President LAWRENCE H. SUMMERS,
Harvard University,
Cambridge, MA.
HARVARD ALUMNI ASSOCIATION,
University Place,
Cambridge, MA.
HARVARD MEDICAL SCHOOL, DIVISION ON ADDICTIONS,
The Landmark Center,
Boston, MA.

DEAR SIRS AND MADAMS: It is with considerable disappointment that, after much study and thought, we come to the point where we must challenge the integrity of your work and the great name of Harvard.

We have listened and tried hard over the last few years to understand the logic and scientific protocols cited in the protestations of your scholars as they defend their ''neutrality'' on the subject of gambling. Frankly, we have never believed that Harvard should be ''neutral'' on issues that threaten public health. More importantly, we have come to the earnestly considered opinion that even this professed ''neutrality'' has been widely breached and replaced by academic activism for and in behalf of gambling interests.

In support of our charge, we cite the attitudes and activities of the Business School, Addictions Department and School of Government.

The Harvard Business Review lauds and publishes the success of business school faculty expatriate Gary Loveman who has guided Harrah's to its position as the Nation's largest casino business—by utilizing loyalty-marketing techniques to promote an addictive substance. It is as if the philosophy and ethics departments have been buried at the far end of the campus from the School of Business. Is there no duty to customers ever mentioned in the MBA programs of this generation at Harvard? Are our future CEOs being taught that the highest ''loyalty'' to the market is to sacrifice humanity on the altar of corporate expansion?

If not, then why does Harvard continue to celebrate such behavior?

If the business classes have no feeling for humanity, one would think a division of the medical school might. Not so. The head of the Harvard Medical School Division of Addictions, Institute for Research on Pathological Gambling and Related Disorders, now sits on the Board of Directors of the American Gaming Association's ''responsible gaming'' team. This AGA front organization, titled the National Center for Responsible Gaming, has been so pleased with Harvard's industry apologetics that it now exclusively funds ''research'' through the Harvard facility. The AGA repeatedly proffers the assumption that only ''peer reviewed'' materials filtered through this new association can be considered ''valid.'' The veracity of that notion is irrelevant. The relevance is that the AGA is counting on Harvard to deliver its good name.

Their reliance is sadly valid.

We see the Harvard journal espousing its own self-aggrandized superiority as it smugly chides other scholars, pontificating, ''The Wild West had its snake oil salesmen and the field of gambling studies is no different. . . Unfortunately, some contemporary authorities fail to adequately understand the principles of scientific inquiry and sustain conventional myths and unfounded casual relationships. . . Unpublished evidence that has not been subject to peer review has been presented as definitive. Preliminary evidence has been summarized in public testimony or press releases without necessary documentation, including methodological details that must be available for scrutiny. In each instance, this public behavior violates professional standards of conduct and tarnished the work of legitimate scientists.

The assumed antidote, of course, is to publish only through Harvard's brand of ''peer review.'' The AGA uses that language to bolster its own propaganda. ''Over the last five years, a small group of anti-gaming university professors have created, out of whole cloth, a series of economic models which purport to show that any economic benefits from gaming will be exceeded by the social costs caused by the industry. These professors, whose theories cannot stand the test of academic peer review, have created a circle of disinformation wherein they continually cite each other as sources to validate their erroneous theories. Three of the professors are from the University of Illinois and have testified before the National Gambling Impact Study Commission (NGISC) in Chicago. They are: Earl Grinols, Richard Gaze (now with the Federal Reserve Bank but formerly was Grinols' assistant) and John Kindt.

Curiously, it is Harvard's scholars who have been promulgating the self-citing circle of obfuscation. Despite editorial insistence on notational integrity and peer review, Shaffer and Korn, writing for Shaffer and Korn and repeatedly citing Shaffer, Korn and others in the Harvard sanctum, come to completely undocumented hypothesis that ''Until Korn and Shaffer formally introduced the idea of healthy gambling, health care, addictions and public health officials professionals had not considered the possibility of positive health benefits.''

Their paper, ''Gambling and Public Health,'' draws lines between dissociated dots arriving at the hypothesis that gambling is healthy for individuals and communities.

''Like going to a movie, sitting in a pub, or participating in physical activity, going to a casino or horse race may provide a healthy change and respite from everyday demands or social isolation. This may be particularly important for older adults . . . (not annotated—but then where would one find a footnote to show feeding a slot machine is equal to physical activity).

''Gambling is a form of adult play. While importance of play has been recognized for the healthy development of children (annotated), play also is important for adults (annotated). For example, whereas children play card, board and video games, adults play blackjack, bingo and video slot machines. In addition to providing fun and excitement, some forms of gambling can enhance coping strategies by building skills and competencies such as memory enhancement, problem solving through game tactics, mathematical proficiency, concentration and hand-to-eye physical coordination. (Note how annotated concepts of play being good for children and adults proceed to the unannotated suggestion that gambling must be good as well. Good for adults, good for children? (Shaffer, et al, eschew logic in favor of empiricism as a basis for scientific inquiry. Given their command of logic, this is self-explanatory. (Play is good. Gambling can be called play. Gambling is good.—Communists wear red. Santa wears red. Santa is a Communist)).

This tome further suggests, ''Health benefits can accrue to communities through gambling-related economic development . . .'' and suggests without annotation that gambling created jobs and economic development accrue to the benefit of collective mental health.) (Jobs and money make people happy, so gambling makes people happy. Sadly, no footnotes elucidate the chasms between these dots either.)

Since co-morbidity is a generally accepted feature of addiction, this paper even suggests gambling addiction may ''catch'' people from progressing to a more serious addiction, like heroin. (Gambling addiction may preclude a worse addiction and is therefore a ''benefit.''

Within a handful of lines, this same paper sneers, ''. . . An unsupported but commonly cited estimate for the annual cost to society of each pathological gambler is $13,200.'' Like numbers have been meticulously recalculated and duplicated, but because they weren't published in the proper Harvard-edited journal, apparently they are ''unsupported.'' Because they did not emanate through halls funded by the American Gaming Association, they have not been appropriately ''peer reviewed.''

In this context, ''Peer reviewed'' has come to mean ''gambling lackeys vouching for gambling apologists.''

If the addictions group's advocacy of, or at least affinity for, the gambling industry is transparent, then the gambling industry association with Harvard's Kennedy School of Government is vivid.

Our attached comments speak plainly to deliberate and blatant examples of that school's use of Harvard credentials to support gambling, specifically through Indian tribes. It is shameful for an institution upholding itself a ''school of government'' to endorse a phenomenon which corrupts and addicts government at all levels. To my knowledge, no heroic figure or revered writer on the subject of American democracy has ever suggested that the promulgation of gambling is a proper role of government.

We believe the good name of ''Harvard'' has been co-opted by the gambling industry. It is apparent to any serious observer that ''Harvard'' is the brand of choice for those seeking to buy credibility for a product that ruins lives.

If this was a car, or a drug that damaged, ruined or ended the lives of one of each 100 Americans, we suggest you would not be ''neutral,'' and certainly you would not be advocates.

Because your performance is tainted and your reputation threatened, we respectfully ask your institution to stand down from this debate, and let it be carried forward by unsullied hands.

We ask for your support for a regeneration of the activities of the National Gambling

Impact Study Commission to assess the costs and benefits of legalized gambling in America from a less biased platform.

Sincerely,

DR. GUY C. CLARK,
Chairman.

Attached: Our bulletin article.

''HARVARD''—THE BEST NAME MONEY CAN BUY

Harvard, the venerable institution founded in 1636, is among America's most recognizable academic ''Brands''. Its public reputation is among the highest of America's institutions.

Through association, the phrase ''Harvard says,'' becomes powerful validation, even when followed by statements Harvard didn't really make, or, perhaps, was paid to say. Thus it follows that when one of America's least reputable institutions—gambling—went shopping for a spokesman, they determined ''Harvard'' was the best name money could buy.

The American Gaming Association (AGA) opened shop in Washington, D.C. in 1995 to promote, in their own words, ''better understanding of the gaming entertainment industry by bringing facts about the industry to the general public, elected officials, other decision makers and the media through education and advocacy.''

The AGA became the propaganda machine for the commercial casino companies that funded it. The casinos faced tough questions from politicians and anti-gambling groups as gambling proliferated across the nation in the early 1990s.

Those questions intensified in 1996, when Congress funded the National Gambling Impact Study Commission (NGISC). Despite gambling's expensive attempts to stack the commission and its success in stripping it of subpoena power, the commission's final report in 1999 posted strong warnings about gambling expansion. It called for a ''pause'' in the expansion of gambling until more information on addiction, bankruptcy, crime, job cannibalization and other topics could be studied.

But gambling proponents were already staging their response. The same year the NGISC started its research, casinos founded their own ''gambling research'' organization, the National Center for Responsible Gambling (NCRG). Boyd Gaming Corporation provided the start-up funds for the NCRG and made a 10-year pledge of $875,000. Other leading gaming companies, including Harrah's Entertainment, Inc., International Game Technology, Mandalay Resort Group, MGM Mirage and Park Place Entertainment Corporation were ''early and generous supporters,'' according to NCRG's own web site.

The site notes, ''Today, with the contributions of the casino gaming industry, equipment manufacturers, vendors, related organizations and individuals, more than $13 million has been committed to the NCRG, an unprecedented level of funding for gambling research. This financial support has enabled the NCRG to attract the best minds from the most prestigious institutions to conduct research in this uncharted field,'' (Emphasis added.)

They boast the group is run by scholars and health care professionals, but it is chaired by professional lobbyist and former Congressman Dennis E. Eckart, with William Boyd, chairman of Boyd Gaming, serving as president, and the AGA's senior vice president and executive director, Judy Patterson as secretary-treasurer. Only five of the 21 remaining directors represent health care or academic organizations. The rest are all gambling executives or lobbyists.

Among the five is Howard J. Shaffer, Ph.D. Director, Division on Addictions, Harvard Medical School, which is funded by the gambling industry through NCRG.

Gambling interests funded the NCRG with, according to their own accounts, $13 million. Of that they have contributed $6 million to ''research,'' with that funding now going exclusively to the Harvard Project.

Harvard insists the NCRG board exercises no control over its research, but at least two noted treatment experts left the NCRG board because of their concerns about just such problems. Both indicated the NCRG would not likely allow researchers to tackle the big issues of proximity, high-speed addiction of machines and other factors that could be damaging to the industry.

Clinical psychiatrist Dr. Henry Lesieur from the Rhode Island Hospital's gambling treatment program and UCLA's Dr. Richard Rosenthal resigned from the NCRG board three years ago after concluding that the gambling industry wielded too much influence over the research.

Still, Harvard's addiction department continues to disburse grants to other research applications. With Shaffer as editor and other Harvard staff on the editorial board, The Journal of Gambling Studies, served as a prestigious gathering point and filter for research. Harvard editors in turn spent considerable ink ''debunking'' other contributed research. As an adjunct to its publishing efforts, Harvard distributed the WAGER, an online review of current topics between 2004 and 2005. The typical WAGER review comprised an outline of a study's premise, followed by the study's findings. Typically the last WAGER paragraphs were dedicated to a repetitive disclaimer that results were not conclusive because of sample size or some other weakness.

A classic example was the August, 2002 examination of suicides and their relationship to gambling. ''Do Casinos have Casualties? Mixed Evidence for a Gambling-Suicide Link.'' Why Harvard would choose to review this study, which it concluded was inconclusive and flawed in many regards, is unclear. The Harvard editor dismissed the study's results for a number of reasons, including, ''relationships between gambling settings and suicide rates could potentially be due to common features that influence suicide other than casino presence. For example, Nevada is home to a great number of retirees, a population which has demonstrated higher suicide rates.''

That would be interesting if it were true. Nevada ranks 44th in the nation for population over 65, Nevada has ranked first in the nation in suicide rates for 10 of the last 14 years, never coming in lower than fourth. In suicides per capita it was surpassed recently by Montana, which has more video lottery terminals and Gamblers Anonymous chapters per capita than any other state in the nation.

Still, AGA spokesman Frank Fahrenkopf traverses the country announcing that ''peer reviewed'' studies have ''failed to prove'' a relationship between gambling and suicide. In AGA logic, having ''failed to prove'' an assertion is equal to a ''proof' of its antithesis.''

Fahrenkopf and his peers have deceived numerous legislators with illusions of ''peer reviewed'' studies that ''prove'' there is no correlation between gambling and crime, no correlation between casino proximity and addiction, and that gambling takes money away from other businesses.

Harvard's addiction department is not the only tool of the gambling industry. The university's renowned Kennedy School of Government is deeply connected to Native American organizations dedicated to the economic and political development of Indian reservations. Unfortunately, those organizations have adopted the NIGA mantra of gambling as the ''New Buffalo'' which will elevate the reservations to the status of economically and politically independent nations.

Again, the ''Harvard'' brand is a deliberate purchase of the gambling tribes. In 2003, just after Time Magazine published a blistering expose on the status of Indian casino development, NIGA commissioned Harvard to produce a study deliberately designed to show the benefits of Indian gambling.

News reports at the time quoted Deron Marquez, chairman of the San Manuel Band of Mission Indians saying, ''NIGA's fellow trade organization, the AGA, constantly produces numbers to help its cause. The data bolsters policy decisions and helps make problems go away. Our study would allow the same to take place.''

The study was to be headed by Katherine Spilde, a former Director of Research for the NIGA, and an ardent proponent of gambling expansion. Spilde told reporters the study would help reverse ''a bona fide public relations crisis,'' for Indian gambling.

NIGA's Marguez said the study would be ''the centerpiece of a public relations campaign'' to promote Indian gambling. ''The PR and the research go hand in hand. The study will provide the necessary data, and the campaign the necessary visibility.''

The study was funded to support an intended finding, with an advertising campaign as the intended result.

Spilde also played the ''peer reviewed'' card, noting the study would be ''validated'' by other academics. ''A peer-reviewed report will have the highest integrity possible and insulate us from critics who may try to imply that funding from Indian Country has influenced the results,'' she said.

''Gambling industry lackies vouching for gambling industry apologists,'' fumes NCALG/NCAGE chairman Dr. Guy C. Clark. A dentist by trade, Clark said, ''It reminds me of a mouthwash introduced some years ago with a claim that its in-house studies showed the product was highly effective at removing plaque. Later independent studies showed the product was 'slightly less effective than water.'

''Harvard's motives look about as transparent as water too, no matter what they claim for intentions. I would think they would want to be more protective of the school's heritage,'' Clark concluded. ''These so-called studies are no more than gambling industry in-house advocacy dressed up as academics.''

TRIBUTE TO THE HISPANIC CHAMBER OF COMMERCE OF SILICON VALLEY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to recognize the achievements of the Hispanic Chamber of Commerce of Silicon Valley as they celebrate 50 years as an advocate and resource for its members, business owners, professionals, students and the community in general by being the premier voice for Hispanic and minority businesses.

The Hispanic Chamber of Commerce of Silicon Valley, originally called the Mexican American Chamber of Commerce, was founded in 1955, and incorporated as a non-profit organization in 1975 when it began offering services to the Latino small business community.

Over the years, the Hispanic Chamber of Commerce has provided assistance and support to numerous Latinos and other minority small businesses in business education, economic assistance, international business, entrepreneurship, education, community development, loan program development, and procurement assistance, to name a few. The Hispanic Chamber has helped over 5,000 clients in the past 50 years and has helped businesses procure loans totaling over $3 million.

The Hispanic Chamber is a recognized leader and influential player in the development of the social, political and economic landscape of this region, and was recognized as the best Hispanic Chamber of Commerce in the United States by an independent auditing firm in 1999.

I am proud of the leadership, volunteers and network of supporters whose dedication has built Hispanic Chamber of Commerce of Silicon Valley into an integral part of the fabric of our local community. And, in so doing, the Hispanic Chamber is contributing to making Silicon Valley a place that recognizes the vital role Hispanic businesses play in the economic development of our nation.

PERSONAL EXPLANATION

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. KIRK. Mr. Speaker, on Monday, June 27, 2005, I missed the following votes: rollcall number 322, H. Res. 199, expressing the sense of the House of Representatives regarding the massacre at Srebrenica in July 1995; and rollcall number 323, 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. Had I been present, I would have voted ''yea'' on both Rollcall number 322 and rollcall number 323.

DELAWARE RIVER PROTECTION ACT OF 2005

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. HOLT. Mr. Speaker, I rise in support of H.R. 1412, the Delaware River Protection Act, which institutes a variety of measures to protect the Delaware and other American rivers from future oil spills and environmental disasters and which I am pleased to have voted for. As the longest un-dammed river east of the Mississippi, the Delaware is a crucial part of America's infrastructure, serving as a key route for commercial shipping, a popular area for recreational activity, and a vital water source for hundreds of counties and municipalities on or near its path.

In late November 2004, the tanker *Athos* I, accidentally hit an unmarked, submerged piece of iron pipe on the shore of the Delaware River near Paulsboro, NJ. The metal tore a hole in the ship's single hull, releasing roughly 265,000 gallons of crude oil into the river and soiling over 200 miles of coastline. Hundreds of birds became oil-covered and died; countless fish—including many endangered short-nose sturgeon—were sickened or killed. The Coast Guard estimated the cost of cleanup to be in excess of $200 million—that in addition to revenues lost when shipping routes along the river were forced to close and power plants along the river were forced to shut down. But under current law, the tanker's owners are responsible for less than $50 million of that cost; American taxpayers are forced to foot the bill for the rest.

For almost 15 million people—including much of the New York metropolitan area—the Delaware is a primary source of drinking water. Polluting such a valuable resource should be far costlier than it currently is, in order to encourage companies to practice the safest shipping possible. The Delaware River Protection Act would have just that effect.

First, the bill increases responsible parties' cleanup liability by nearly ninety percent for single-hulled vessels like the *Athos* I, and by over forty percent for double-hulled vessels, which are safer and more resistant to hull damage. The bill also requires any person with knowledge of submerged objects in U.S. waters to report those objects to the Coast Guard or be subject to civil and criminal penalties; prior Coast Guard notification of the iron pipe submerged in the Delaware's banks could have prevented the *Athos* incident entirely.

Finally, the bill proposes two programs. The first, established jointly within the Coast Guard and the National Oceanic and Atmospheric Administration, would be devoted to determining the environmental effects of submerged oil, and to developing methods to locate and remove it. The second, the Delaware River and Bay Oil Spill Advisory Committee, would be devoted solely to recommending ways to improve prevention of—and reaction to—oil spills on the Delaware.

In all, this bill makes important strides toward the environmental protection that our planet, our region, and the fifteen million Americans who rely on the Delaware for drinking water need. Preventing future oil spills and related disasters on the Delaware River is a vital and necessary goal. For that reason, Mr. Speaker, I urge my colleagues to support the Delaware River Protection Act.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. ANDREWS. Mr. Speaker, I regret that I missed votes on June 24th, 2005. Had I been present I would have voted ''aye'' on rollcall Nos. 309, 310, 311, 312, 314, 316, 318, 319 and 320. I would have voted ''no'' on rollcall Nos. 308, 313, 315, 317 and 321.

TRIBUTE TO ARMY SPECIALIST NICK IDALSKI

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great sadness and respect that I wish to commend United States Army Specialist Nick Idalski for the service and sacrifice he paid to this country. Specialist Idalski was tragically killed in the field of battle, while bravely conducting combat operations in Ramadi, Iraq, on June 21, 2005, just over a week shy of his 24th birthday. Specialist Idalski served our country with great honor, valor, and courage.

Specialist Idalski was assigned to the Army's 1st Battalion, 9th Infantry Regiment, 2nd Brigade Combat Team, and 2nd Infantry Division in Fort Carson, Colorado. His sacrifice will be remembered at funeral services on Wednesday, June 29, 2005, by a community that has been devastated by the loss of one of its own.

A native of Crown Point, Indiana, Specialist Idalski graduated from Crown Point High School in 2001. After graduation he went on to work for a local construction company and then to train as an emergency medical technician, where he finished at the top of his class. Instead of taking a more conventional route, Specialist Idalski bravely decided to enlist in the army to make a difference and to make his family proud.

Many of his friends and his family recall him as a free spirited teenager, so it came as a surprise when Specialist Idalski decided to join the Army. However, as his time in the army progressed and he finished basic training in 2003 at Fort Benning, Georgia, he made his friends and family proud. After spending time in Korea, he was sent to Iraq in August of 2004, where he courageously served his country. Specialist Idalski had chosen to make a career out of his service in the Army.

He loved his country and the members of his unit; however, Specialist Idalski treasured his family above all else. He is survived by his Mother, Kim Greenberg; Step-Father, Rick Greenberg, a retired Marine; Step-Brother, Army Sergeant Kevin Greenberg; and girlfriend, Lisa Wheeler. His community mourns with his family, and he is missed tremendously. The city of Crown Point, Indiana will honor Specialist Idalski with a moment of silence at the beginning of their Fourth of July parade.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Army Specialist Nick Idalski. Specialist Idalski sacrificed his life during Operation Iraqi Freedom, and his passing comes as setback to a community already shaken by the realities of war. Specialist Idalski will forever remain a hero in the eyes of his family, his community, and his country; thus, let us never forget the brave sacrifice he made in order to preserve the ideals of freedom and democracy.

IN HONOR OF ROLAND G. DOWNING, PH.D.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the newly elected President General of the National Society of the Sons of the American Revolution (SAR), Roland G. Downing, Ph.D. Following in the footsteps of Howard F. Horne, Dr. Downing is the second Delawarean to lead the SAR in the past 5 years.

While growing up in Nashville, Tennessee, Roland was active inside and outside of the classroom, attaining the rank of Eagle Scout, playing for his high school football team, and serving as the President of the student body. This commitment to excellence would continue at Vanderbilt University, where Roland earned a degree in organic chemistry.

After graduation, Roland would embark on a successful career with the Delaware-based DuPont Company, culminating in a 38-year tenure as Research Manager, Product Manager and Market Development Manager. During this time, Roland would take a brief hiatus to further his education, earning a PhD in organic chemistry. In addition to being a successful scientist, Dr. Downing served in the United States Naval Reserve for over 20 years, including a 3-year deployment at sea during the Korean War.

Prior to his election as President General, Dr. Downing held numerous other positions within the SAR, including: Secretary General, Treasurer General, Historian General, Regional Vice-President, and membership on the Executive Committee. Joining him in celebrating this new position are his lovely wife Norma, a son, two daughters, and eight grandchildren.

Mr. Speaker, in closing, I congratulate the SAR on their exceptional choice of Dr. Roland G. Downing as President General. He is an exemplary citizen, devoted family man, and most of all, a proud American.

STATEMENT OF HARLEY SHAIKEN BEFORE THE HOUSE COMMITTEE ON WAYS AND MEANS ON THE DOMINICAN REPUBLIC—CENTRAL AMERICA FREE TRADE AGREEMENT (EXCERPTED)

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. LEVIN. Mr. Speaker, I submit into the RECORD the following statement of Professor Harley Shaiken, excerpted from the statement submitted in connection with the House Committee on Ways and Means hearing of April 21, 2005 on the Dominican Republic—Central America Free Trade Agreement.

THE DOMINICAN REPUBLIC—CENTRAL AMERICA FREE TRADE AGREEMENT

(By Harley Shaiken)

STATEMENT FOR THE HOUSE COMMITTEE ON WAYS AND MEANS, APRIL 2005

The standard by which to judge this agreement is straightforward: does the Dominican Republic-Central America Free Trade Agreement (DR-CAFTA) promote development and democracy, or does it create a small circle of wealthy winners and a far larger group of impoverished losers? Expanded trade has the potential to propel the former, but this agreement delivers the later. The result threatens rather than benefits U.S. workers. It's not that the train is moving too slowly, it's that DR-CAFTA is running in the wrong direction.

Plaguing the agreement is an unnecessary tradeoff: DR-CAFTA opens trade while locking in the labor status quo or worse. For citizens of Central America and the Dominican Republic, the tradeoff represents a squandered opportunity; for U.S. workers and their communities, it means an assault on wages and working conditions; for firms it may mean easier access to markets tomorrow but diminished markets in the coming years. DR-CAFTA provides strong language and tough penalties in all areas related to investment—at times riding roughshod over the six countries—but abandons labor rights largely to rhetoric and good intentions.

In some areas tough provisions favor special interests at the expense of the Central American countries and the Dominican Republic. Consider agriculture. The rural population ranges from 34 percent in the Dominican Republic to 60 percent in Guatemala. See Ferranti, D., G. Perry, W. Foster, D. Lederman, A. Valdez, ''Beyond the City: The Rural Contribution to Development,'' (Washinton D.C.: World Bank, 2005). How are small farmers supposed to compete with heavily subsidized U.S. exports? Due to subsidies for rice production, the U.S. exported paddy rice to Central America at a price that was 18–20 percent lower than its cost of production. *See* Oxfarn International, ''A raw deal for rice under DR-CAFTA,'' November 2003, (5), http://www.oxfam.org.uk/what___we____do/issues/trade/downloads/bp68____Price. pdf. In pharmaceuticals, Professor Angelina Godoy has found that ''the intellectual-property provisions in CAFTA actually extend the length of time during which the major pharmaceutical companies' products are guaranteed sole access to markets'' which, in her view as well as that of many other observers such as Amnesty International, ''just may be a death sentence for many in the Dominican Republic and Central America.'' See Angelina Godoy, ''What makes free trade free?'' Seattle Times, April 14, 2005, http://seattletimes.nwsource.com/ htmllopinion/2002240604___nocafta14.html; and Amnesty International, ''Guatemala, Memorandum to the Government of Guatemala: Amnesty International's concerns regarding the current human rights situation,'' (Washington D.C.: Amnesty International, April 20, 2005) *http://web.amnesty.org/library/Index/ENGAMR340142005*. Many Latin Americans are likely to view provisions such as these as indicating that the U.S. is more serious about strong-arming weaker neighbors than sustainable economic integration.

Let's be clear from the start. This is not a debate about ''free trade'' versus ''protectionism.'' Instead, the challenge is defining free trade for the twenty-first century. The right trade agreement could both encourage growth and move towards a more broadly shared prosperity, defining what one might call ''smart trade.'' To do this, comparative advantage must be defined by innovation rather than repression. Labor standards are vital for protecting workers, but they also can help expand purchasing power, build healthier markets, and lay the basis for more robust trade.

What then is wrong with the labor provisions in DR–CAFTA? They send a clear message to the governments involved: the current situation on labor rights is acceptable and even fewer rights for workers will do. The agreement lays out lofty labor rights goals and then backs them up with weak, convoluted language and meager resources. Moreover, these inadequate provisions replace language that has had a modest positive impact. Consequently, firms willing to travel the low road will define competitiveness, cutting off those who want to do the right thing.

In this testimony, I plan to explore three themes: labor laws and their enforcement, the promotion of reform, and finally ''smart trade.''

LABOR LAWS AND THEIR ENFORCEMENT

For millions throughout Central America and the Dominican Republic, the issue of labor rights is not an abstraction but an urgent need. Although labor laws differ among these six countries, there is little serious debate among scholars as to the situation on the ground. The issue is not simply selective abuses but a systematic denial of the right to freely join a union or the right to bargain collectively. Numerous reports from the ILO, Human Rights Watch, the United Nations, and the United States Department of State confirm the seriousness of the problems. *See* U.S. State Department Bureau of Democracy, Human Rights, and Labor, ''Country Reports on Human Rights Practices 2004,'' for Costa Rica, Dominican Republic, El Salvador, Guatemala and Nicaragua, February 29, 2005, *http://www.state.gov/g/drl/rls/hrrpt/2004/cI4138.htm*; Human Rights Watch, ''Deliberate Indifference: EI Salvador's Failure to Protect Workers' Rights,'' vol. 15, no. 5, December 2003, *http://www.hrw.org/reports/2003/elsalvador1203/*; Human Rights Watch, ''CAFTA's Weak Labor Rights Protections: Why the Present Accord Should be Opposed,'' March 2004, *http://hrw.org/englishl/docs/2004/03/09/cafta90days.pdf*; ILO, ''Fundamental Principals and Rights at Work: A Labour Law Study,'' (Geneva, International Labour Office, 2003), *http://www.ilo. org/public/english/dialogue/download/cafta.pdf*.

When it comes to making the choice on whether or not to join a union, workers currently risk dismissal, blacklist, violence, and even death. The results are readily apparent in the low union density. In Guatemala less than 3 percent of the workforce belongs to a union. *See* U.S. State Department, Bureau of Democracy, Human Rights, and Labor, ''Guatemala Country Report on Human Rights Practices 2004,'' February 29, 2005, http://www.state.gov/g/drl/rls/hrrpt/2004/ 41762.htm. In El Salvador, no independent trade unions have been formed in the last four years.

The low trade union density is only the tip of the iceberg. The unions that do exist tend to be fragmented, weak, and isolated. Effective collective bargaining has become a rarity rather than the norm. The percentage of workers covered by collective bargaining agreements in three ofthe six DR–CAFTA countries based on 2003 data ranges from a low end of 1.4 and 1.5 percent in Honduras and Nicaragua, respectively, to 4.3 percent in El Salvador—not exactly a critical mass for effective collective bargaining. See International Labour Organization Decent Work Indicators Database http://www.oit.or.cr/ estad/td/indexe.php

A trade agreement should stimulate positive change, not ratify the status quo or worse. What type of labor standards might be rigorous enough to improve the conditions of work yet flexible enough to recognize different levels of development? One model is the five core labor standards developed by the International Labor Organization (ILO). See International Labor Organization, ''Fundamental ILO Conventions,''

http://www.ilo.org/public/english/standards/norm/whatare/fundam/index.htm. particularly the right of association (Convention 87) and the right to organize and bargain collectively (Convention 98).

Although DR–CAFTA pays rhetorical homage to these standards, in practice it throws them overboard. The agreement calls for each country to enforce its existing labor codes, no matter how inadequate or distant from the ILO standards. The agreement recognizes ''the right of each Party to establish its own domestic labor standards, and to adopt or modify accordingly its labor laws.'' It then goes on to state that ''each Party shall strive to ensure that its laws provide for labor standards consistent with the internationally recognized labor rights. . . . and shall strive to improve those standards in that light.'' See United States Trade Representative, ''The Dominican Republic-Central America Free Trade Agreement,'' August, 5, 2004, http://www.ustr.gov/Trade_Agreements/Bilateral/DR-CAFTA/DRCAFTA_Final_Texts/Section_Index.html. ''Strive to ensure'' and ''strive to improve''? This is the kind of language many would like to see on April 15 when they have to pay their taxes since it is virtually unenforceable. A standard based on effort is hardly a serious standard. Instead of ''striving to ensure'' international standards are met, the agreement could commit to upholding them and provide clear penalties if they are not upheld.

The domestic laws often read as if they are designed to thwart the formation of unions, and slipshod enforcement hardly improves the situation. Companies wanting to avoid unions can do just about anything; workers seeking to join unions face threats and intimidation. Protection against anti-union bias is akin to snow in San Francisco; it happens but not frequently. ''In practice, labor laws on the books in Central America are not sufficient to deter employers from violations,'' an International Labor Rights Fund (ILRF) study found. See International Labor Rights Fund, ''An Examination of Six Basic Labor Rights—Executive Summary of Reports on Honduras, Costa Rica, Nicaragua, El Salvador and Guatemala,'' based on a study by Asociación Servicios de Promoción Laboral (ASEPROLA), April 5, 2005, http://www.laborrights.org/. Byzantine regulations tend to tie unions into knots, laying out registration procedures that are more maze than procedure. In Honduras, for example, the ILRF found ''obstacles and delays in union registration constitute a violation of ILO Convention 87 on the right to associate.'' Ibid. Weak as labor rights are, the track record hardly inspires confidence that they won't be ratcheted downwards in response to globalization.

Enforcement is squeezed by impunity and corruption, ineptitude and fear. In Guatemala, the U.S. State Department concluded in its 2005 human rights report that ''Workers had little confidence that the responsible executive and judicial institutions would effectively protect or defend their rights if violated.'' The report stated that ''the weakness of labor inspectors, the failures of the judicial system, poverty, the legacy of violent repression of labor activists during the internal conflict, the climate of impunity, and the long-standing hostility between the business establishment and independent and self-governing labor associations all constrained the exercise of worker rights.'' See U.S. State Department, Bureau of Democracy, Human Rights, and Labor, ''Guatemala Country Report on Human Rights Practices 2004,'' February 29, 2005, http://www.state.gov/g/drl/rls/hrrpt/2004/41762.htm.

THE PROMOTION OF REFORM

There is little dispute that labor conditions are bad today; the real question is will DR–CAFTA make them better? In fact, it will make them worse. What makes the DR–CAFTA approach particularly problematic is that it replaces the modest existing protections for labor rights embedded in two unilateral trade preference programs: the Generalized System of Preferences (GSP) and the Caribbean Basin Initiative (CBI). Much of the halting, modest reform that has taken place in the region over the last 15 years stems from the pressure brought through these programs. For example, El Salvador was put on GSP review for abusing worker rights in 1992 and labor law reform followed within two years. See AFL–CIO, ''The Real Record on Workers' Rights in Central America,'' (Washington D.C.: AFL–CIO, April 2005), http://www.aflcio.org/issuespolitics/globaleconomy/upload/CAFTABook.pdf.

What impetus is supposed to change destructive practices this deeply rooted? The core problem is one of political will, not lack of technical resources. The most powerful incentive for change is conditioning U.S. ratification on domestic labor law reform. Unfortunately, that horse has already left the barn. Some proponents argue expanded trade will result in more democratic rights. Burgeoning trade does not seem to have done much in Mexico—especially in the export sector—in the first decade of NAFTA. Cross border trade between the U.S. and Mexico has tripled yet the number of independent unions remains in single digits.

Realistically, powerful elites retain a strong hold on the DR–CAFTA economies. If expanded trade simply translates to expanded income for these elites, a small number of wealthy families may become wealthier and happier, but little will be passed along to the majority of the people of these countries. The growth of the middle class will be thwarted and, ironically, the potential market for U.S. goods dampened. By the same token, the pressure will correspondingly increase on the wages and working conditions for U.S. workers. The goal should be to harmonize standards upwards not the other way around.

SMART TRADE

The entire ratification process has caused severe strains and protests in civil society throughout Central America. Reflecting the gap between the ratification process for DRCAFTA and popular sentiment is the fact that legislatures often had to pass the agreement in the dead of night. The Honduran Congress ratified CAFTA in an early morning surprise vote specifically because protests were expected. The Guatemala Congress approved CAFTA in emergency session and under exceptional circumstances also because of anticipated protests. It passed by a lopsided vote of 126–12 on March 10; a Gallup poll carried out two weeks later (March 14–23) found that 65 percent of those polled felt that the agreement would harm the country. *See* Matthew Kennis, ''Despite Ratification Anti-CAFTA protests Continue in Guatemala,'' IRC Americas Program, (Silver City, NM: International Relations Center, April 13, 2005), *http://www.americaspolicy.org/pdf/commentary/0504guatcafta.pdf*.

When it came to the issue of labor rights, tough negotiating dissolved into acceptance of the status quo. The danger, according to former President of Costa Rica Rodrigo Carazo Odio, is that ''corporations take advantage of cheap labor, operating in enclaves with limited links to the national economy, trapping the region in a spiral of low salaries, low aggregate value and lack of compliance with basic labor standards, such as the freedom of association and the right to collective negotiation.'' *See* Rodrigo Carazo Odio, letter to the Members of the United States Congress Washington, DC, May 27, 2004.

We need to reframe the debate on the issues of labor rights and development. It is not a question of free trade versus protectionism, but rather ''smart trade'' versus ''polarizing trade.'' Smart trade recognizes rights, spurs economic growth with equity, and promotes democracy; polarizing trade might spur trade in the short run but the benefits go to the winners' circle while the number of losers grows far larger. Democracy itself could be a casualty.

Smart trade requires four provisions:

1. Upward harmonization of domestic labor law to match the core ILO conventions as the goal of a three-year phase-in period. The granting of trade and investment benefits would follow agreed upon reform in a country's labor law. *See* Carol Pier, ''The Right Way to Trade,'' Washington Post, August 1, 2003.

2. The ILO five core labor rights embedded in the core agreement, subject to strong enforcement provisions and penalties.

3. A development fund targeted for infrastructure and education. This fund would reinforce competitiveness in the six countries and place them on the ''high road.''

4. Expanded adjustment assistance for U.S. workers negatively impacted by trade. This assistance should also be proactive in industries threatened by trade.

No trade agreement can solve all the problems of development and globalization, but it should point in the right direction. A trade agreement that fosters prosperity and promotes democracy is possible and essential for the region and for the United States. Smart trade lays the basis for growing incomes and markets in Central America and the Dominican Republic and expanded U.S. exports and jobs. It begins to define a better model for integrating into the global economy. Unfortunately, that model is not this DRCAFTA.

PROPERTY RIGHTS AND EMINENT DOMAIN

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. STEARNS. Mr. Speaker, last week, on this Floor I saluted the Supreme Court for a ruling that made citizens more free. Also, yesterday we passed H. Res. 312, Recognizing National Homeownership.

However, the Supreme Court I lauded was not ours, but the Canadian Supreme Court, for freeing the sale of health insurance. And in fact, USA homeownership may not be so liberating. Last Thursday, our Supreme Court backed that local governments can co-opt private property, and give it to another private entity, for economic development. This is under the power of eminent domain, and is an expansive setback to property rights advocates and all homedwellers.

The Fifth Amendment to our Constitution allows the government to take private property with ''just compensation''. Historically, it's been interpreted only for ''public use'': a highway, military base or other such infrastructure. Increasingly, and confirmed by Kelo v. New London, the Federal courts have said that private property could be taken for ''public benefit,'' including tax revenues and job creation. Revitalization for the neighborhood trumps individual ''homeownership''.

Former bustling, now depressed New London, CT seeks to develop a private, commercial enterprise. They must compensate, but

two homeowners don't want to budge. Susette Kelo has extensively remodeled her waterfront-view home. Wilhelmina Dery was born in her house in 1918 and has lived there her entire life.

You ask, why worry, how often? According to Institute for Justice, the public interest law firm litigating for the homeowners, nationwide, more than 10,000 properties were threatened or condemned in recent years.

Of the majority (Justices Stevens, Souter, Ginsburg, Breyer, and Kennedy), Justice Kennedy provided the dimmest hope, that states are free to pass additional protections. Fortunately for citizens of Connecticut,

Governor M. Jodi Rell is urging careful review, and possibly legislative solution in Hartford.

Florida is one of eight states that forbids the use of eminent domain when the purpose is not to eliminate blight. This does not reassure. A dismayed constituent cried that this decision has turned us into serfs who no longer own the land, we just inhabit it at the whim of the government. The Supreme Court's justices are appointed by our elected President and confirmed by our U.S. Senators, and affirm to uphold the U.S. Constitution, under which we think we are living. The Gainesville Sun polled "How do you feel about the Supreme Court ruling giving local governments power to seize private property to generate tax revenue?" Huge mistake, said 363 to 31. Similarly, the Marion Pulse of the Ocala Star Banner polled that 98.2 percent of its readers disavowed the ruling.

Justice O'Connor (joined by Rehnquist, Scalia, and Thomas) impassioned: "The specter of condemnation hangs over all property. Nothing is to prevent the state from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory. . . . . Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. . . . 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."

What did the Founders say? Thomas Jefferson wrote that "Charged with the care of the general interest of the Nation, and among these with the preservation of their lands from intrusion, I exercised, on their behalf, a right given by nature to all men, individual or associated, that of rescuing their own property wrongfully taken" (to W. C. C. Claiborne, 1810).

Yes, the less-connected and the feebler have more to fear. Justice Thomas reminded that urban renewal has historically resulted in displacement of minorities, the elderly and the poor. This is why civil rights-promoting groups such as the NAACP and AARP filed friendly briefs. Non-profits and religious organizations also worry—they don't generate taxes. So, the Becket Fund for Religious Liberty were Amicus supporting petitioners.

When I took this job I vowed to uphold the Constitution. I will work with my colleagues, the Institute for Justice, the NAACP, the American Farm Bureau, AARP, Cato Institute, the National Association of Homebuilders, Reason Foundation and other property rights advocates, to take back the Fifth amendment.

PERSONAL EXPLANATION

HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. RAHALL. Mr. Speaker, I was unavoidably detained on official business on the afternoon of Monday, June 27, 2005. Had I been present I would have voted in the following manner: rollcall vote No. 322: yea; rollcall vote No. 323: yea.

TRIBUTE TO HOWARD ELINSON

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. WAXMAN. Mr. Speaker, Mr. BERMAN and I ask our colleagues to join us today in honoring Dr. Howard Elinson, who was born on the 11th of January, 1940 in New York City and who passed away on Friday June 17th, 2005 in Los Angeles at Midway Hospital.

Howard earned his B.A. and his Ph.D. in Sociology at UCLA. He taught for 1 year at Yale and for 7 years at UCLA. He worked as Administrative Assistant and Consultant for 27 years for Congressman HENRY WAXMAN. Six of those years were when Mr. WAXMAN was a State Assemblyman.

Howard is survived by his beloved and devoted brother Mark who is an admired and respected high school teacher of Social Studies in the Los Angeles City School system. He also serves as an Adviser to the L.A. Unified School District, instructing Social Studies teachers on the best techniques for teaching Social Studies.

Howard Elinson was and is unforgettable to any or all who knew or met him (no matter how casually or for how short a time). He changed the life of everyone in his personal orbit by his magnetic personality his unique insight into the human condition, his sharp wit his gigantic intellect his mastery of any human behavior subject, and his generosity and kindness.

But, unknown to most Californians and "Angelenos" (and unmentioned in media accounts) Howard Elinson changed the face of California and Los Angeles politics.

It was Howard Elinson who conceived and invented individually targeted computerized mail—the campaign technique that was instrumental in the 1968 primary election victory of HENRY WAXMAN for State Assembly (by, still to this date, the largest margin against an incumbent—this one a 26 year incumbent—of his own party), and the 1972 primary and general election victory of HOWARD BERMAN for State Assembly (the general against, ironically, a 26 year Republican incumbent).

It was Howard Elinson's ideas that were instrumental in electing Congressman HENRY WAXMAN, Congressman HOWARD BERMAN, Congressman Mel Levine, Congressman Julian Dixon, State Senator Herschel Rosenthal, State Assemblyman Burt Margolin, State Assemblyman Terry Friedman, and countless others.

And it was Howard Elinson who inspired the strategy and direct mail efforts that led to the election of Mayor Tom Bradley in 1973.

But Howard Elinson's life was much more than about politics. As a devout and Orthodox Jew his faith came first. And imagine this dark suited, yarmulke wearing, fast-talking man writing the "early 60's seminal study" of voting behavior for his Ph.D. thesis. He conducted lengthy and open-ended interviews, drawing out in their homes 50 white working class voters in Bell, California—the then-place-of-entry of the vast immigration from Oklahoma, the mid-west and the South to Southern California.

These Christian and working class people had perhaps never before met a Jew—and certainly not a readily recognizable Orthodox Jew. Yet they opened their hearts to this amazing man. They trusted him—no matter how "New York" he spoke, no matter how foreign he might have looked. That was the uniqueness, the special nature of Howard Elinson.

Perhaps inspired by his faith, or by his innate decency, Howard Elinson affected the lives of everyone who knew him. Many dozens of interns, staff, and budding politicians that came through HENRY WAXMAN's office sought Howard Elinson's advice and counsel—both personal and career. Hundreds of young people confused by the conflicts between a traditional religious life and modernity sought Howard Elinson's advice on how to cope—"who better to ask?" Children flocked to him—no child was unworthy of his attention, his sense of playfulness, his devotion to the child's value as a human being. No one in need (whether for a religious cause or in personal need) was turned down for a contribution. Howard Elinson's generosity was open ended and well known.

The untimely death of Howard Elinson was not just a loss to his family and friends, but to the people who have had in him a champion of a tolerant, liberal, and more humane America.

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

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

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 this 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. LANGEVIN. Mr. Chairman, I rise today in opposition to the Labor, Health & Human Services and Education Appropriations bill before us. This bill fails to address the priorities of the American people.

The bill shortchanges critical health care programs, offers the smallest increase to the National Institutes of Health (NIH) In 36 years, and falls to fulfill promises this Congress made

to disadvantaged children. With 45 million uninsured Americans, we cannot afford to eliminate programs targeted at meeting the needs of the uninsured or remove the support systems that exist for those doctors and nurses who are serving in areas where there is a shortage of professional health services.

Furthermore, in a time when scientists are just beginning to make meaningful progress on the projects they began between 1998 and 2003, it is irresponsible to fund NIH at a level 2.6 percent short of what they need to keep up with inflation in research costs. Under this legislation, NIH will be able to support about 505 fewer research grants than just two years earlier.

Finally, with a record 55 million children in public schools and state budgets stretched thin, this bill proposes to cut No Child Left Behind funding by $806 million, leaving 3.1 million low-income children behind. This brings the total NCLB funding shortfall to $40 billion, since its enactment in 2002.

The Appropriations Committee did take care to address some critical issues, such as restoring funding for the Elementary and Secondary School Counseling Program and the Assistive Technology Act, and I appreciate the support for these important programs. Unfortunately, the budget resolution for FY2006 prevented appropriators from being able to put forth a bill that truly reflected the needs of the American people. When Congress passed H. Con. Res. 95, the Budget Conference Report, the Republican leadership set the stage for these devastating cuts. This legislation makes it clear that tax cuts for the wealthy will continue to be paid for by slashing programs that Rhode Islanders depend on.

I urge my colleagues to reject H.R. 3010.

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

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

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. KENNEDY of Rhode Island. Mr. Chairman, I come to the floor today to highlight my disappointment with the lack of an adequate response from the the National Institutes of Health concerning the conduct of basic behavioral research and training by the National Institute of General Medical Sciences. NIGMS is the institute dedicated to basic science that serves as the building blocks for applied research at multiple disease-specific institutes. For many years, Congress has directed NIGMS to fulfill its statutory mandate to include basic behavioral research and training as a component of its mission.

Two years ago, in August 2003, I met with the Deputy Director of NIH, and urged that he help ensure that this basic function at NIGMS receive funding. This meeting led to the formation of an advisory committee to the NIH Director. That Special Task Force reported to the NIH Director in December and recommended that basic behavior research and training authority be funded at NIGMS. The National Academy of Sciences, in May of this year, also urged implementation and funding of this authority, particularly in research training, as such researchers will support the important advances in understanding the wide ranging of fundamental behavioral topics relevant to a variety of diseases and health conditions.

Basic behavioral science is critical to a comprehensive research agenda at NIH, and as several expert panels have concluded, NIGMS is the logical place to house such research and training. I intend to work with my fellow appropriators in the other body and with the Chairman and Ranking Member to see that our final bill makes sure this priority is realized.

TRIBUTE TO THE VALLEY CULTURAL CENTER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. SHERMAN. Mr. Speaker, as we approach July 4, 2005, the 229th celebration of America's independence, I rise to commemorate and commend the Valley Cultural Center. The Center is celebrating 30 successful years of promoting arts awareness across the San Fernando Valley of California. By fostering creativity and culture, the Valley Cultural Center has inspired the type of artistic individuality and cultural understanding that has contributed to the excellence, camaraderie, and ingenuity of our Nation.

Since its was established in 1975, the Valley Cultural Center has stood at the forefront of arts and culture in the San Fernando Valley, assisting the Los Angeles City Department of Recreation and Parks in bringing arts awareness to the community. The Center reaches out and engages the community through its awards and programs, including its annual Concerts in the Park, and performances at the Madrid Theater.

The Valley Cultural Center's awards and programs encompass the unique cultural and artistic dynamics of the San Fernando Valley. It inspires our youth to pursue a future of arts appreciation and cultural awareness by granting annually $10,000 awards in performing and visual arts scholarships to outstanding students. The Valley Cultural Center also organizes arts, entertainment, and culinary celebrations throughout the year, including the Golden Horn Awards, and the Food, Wine and Micro-brew Festival.

Featuring rock, classical jazz, R&B, Latino pop, country, cowboy, Dixieland, and folk music, The Valley Cultural Center's Concerts in the Park series has established a tradition of family entertainment and a sense of community and culture for over 140,000 residents and visitors each summer. Free to the public, the Concerts in the Park are a central gathering point for residents to experience and share the diverse culture of the San Fernando Valley.

The Valley Cultural Center's annual July 4th Extravaganza is one of the best attended events in the Valley. It includes big-bands such as Don Sweeney and the SRO Band. Each year I take pleasure in joining thousands of Valley residents in the festivities that feature music, food, and fireworks as we celebrate America's independence. It is a wonderful opportunity for everyone in the Valley to honor our Nation and to celebrate with our families and friends.

Mr. Speaker, please join me in celebrating the 30th Anniversary of the Valley Cultural Center in the San Fernando Valley. The Center's contributions have been invaluable in bringing enjoyment, cultural understanding, and individualism to our community. I commend its leadership and service to the San Fernando Valley.

HONORING THE LITHUANIAN KAIMAS FUND PROJECT

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today as Co-Chair of the Baltic Caucus to commend the work of the Lithuanian Kaimas Fund project. The project provides children in rural areas in Lithuania with educational opportunities. In just its third year, the project is having a positive impact on the lives of more than 2,000 young people in more than 60 rural villages across Lithuania. The Kaimas ("countryside") Fund is a private-public partnership between the American Lithuanian Economic Development Council, the Lithuanian Ministry of Education, the Lithuanian Embassy in Washington, DC and local non-governmental organizations who provide services to young people in Lithuania.

During a two-week summer program, community centers in the Lithuanian regions of Akmenes, Anyksciai, Marijampole, Moletai, Ukmerge, Utena, Skuodas and Vilnius will provide opportunities for youth to participate in educational and athletic activities, including computer training. Because the project is supported by contributions from American donors, the project also demonstrates the generosity of Americans and the shared values between our countries.

I would specifically like to commend the work of Lithuanian Ambassador Vygaudas Usackas, and his wife Loreta, who established the Kaimas Fund in 2000, and the leading American supporters of this important initiative: Dr. Daiva Bajorunas and Stephen Sarnoff, Stanley Balzekas, Beverly Bridges, Dennis and Sally Garrison, Audrey and Martin Gruss, Joseph Krivickas, Cynthia Pasky, John Prunskis, George Ramonas and Eugene Rainis.

Most importantly, I would like to encourage the young people and leaders of the community centers who are participating in this program in Lithuania. This summer, you are helping to strengthen the special friendship between Lithuania and America. You are also a vital part of the future of the special relationship our countries share.

MARKING THE 100 YEAR CELEBRATION OF THE CITY OF FIRTH, IDAHO

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to join with the townspeople of Firth, Idaho, in celebrating the city's 100th anniversary. This important milestone has been reached through the hard work and tenacity of the early settlers as well as the foresight and spirit of today's citizens.

The town of Firth officially came into existence in 1905 when Lorenzo Firth and his wife gave a plot of land for the town site and an acre for a one-room school house. The 4-room brick building which replaced that first school still stands on the original site, and the city has grown and prospered through the years. Some of the businesses which flourished in the early years of Firth included: a bank, barbershops, drug store, butcher shops and grocery stores, a lumberyard, harness shop, blacksmith shop, hardware store, theatre, grain mill, and potato warehouses. The original Firth Mill and Elevator continues to do business today. Collet's Bar and Grill is proud to have served the residents of Firth for over 75 years. Anthony's Auto and the Stop and Shop Grocery are early businesses still serving customers in the city.

The community's economy has its base in agriculture. Grain, hay, potatoes, and cattle were raised on the farms around Firth. Early civic organizations in Firth were the Riverview Grange, the Lions club, and the Firth Homemakers club. Three religious groups were significant in the success of the City of Firth: the Swedish Baptist Church; the Lutheran Church (which held its early services in the Swedish language); and the Church of Jesus Christ of Latter-day Saints.

Community leaders who have been committed to the success of the City of Firth include Rudolph E. ''Bud'' Rogers who served as mayor for 16 years and Sam Collet, a city councilman for almost 29 years. Credit goes to these civic minded individuals and others like them who were dedicated to making the City of Firth a great place to live, work, raise families, and educate children.

Mr. Speaker, I would like to congratulate everyone who has been involved in the ''100 year celebration of the City of Firth''. I know many of the citizens of Firth and have enjoyed their friendship over the years. I wish Mayor Kress, the City of Firth, and all its citizens well as they continue toward their second hundred years.

TRIBUTE TO SOL STETIN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the life of a wonderful man, who sadly passed recently, Mr. Sol Stetin.

It is fitting that he be honored, in this, the permanent record of the greatest freely elected body on earth, for his lifelong dedication to the labor movement.

Sol was born in Poland on April 2, 1910 to Hymen and Fanny Stetin. Shortly after his birth, the Stetin family decided to migrate to America and subsequently settled in Paterson, NJ. The Stetin family had to work hard during the turbulent years of the Great Depression which led Sol to take a job with a local dye shop in the ''Silk City.'' It was not long after Sol began working, that he became witness to the atrocities being committed by warehouse managers and business owners. Appalled by inhumane working conditions and lack of worker rights, Sol decided to lead strikes and arrange union campaigns.

The Federation of Dyers, Finishers, Printers, and Bleachers of America was the first organization Sol helped form and the first forum for him to express his concerns for the American laborer. Later, he went on to work with the CIO's Textile Workers Organizing Committee (TWOC), he worked to build the TWOC into a permanent union under CIO standard. His work-ethic was unparalleled and his stellar reputation earned him the office of secretary-treasurer of the Textile Workers Union of America. In just 4 years, Sol climbed to the rank of President and immediately began managing the workers' rights campaign in the South.

Sol Stetin then decided to lead a merger with the Amalgamated Clothing Workers and Textile Workers Union, now known as UNITE/HERE. He served on the Executive Council of the AFL/CIO and as Executive Vice-President of the Amalgamated, until his retirement. True to Sol's nature, retirement could not slow him down. Instead of relaxing, Sol used his free time to found the American Labor Museum/Botto House National Landmark in Haledon, NJ. For Sol, the museum was the ultimate tribute he could offer to union members and it solidified his personal dedication to labor education.

In addition to Sol's many professional achievements, his personal accomplishments should not and cannot be overlooked. He was the devoted husband of Frieda and the proud father of two daughters, Sondra and Myra. He leaves behind five exquisite grandchildren and five beautiful great-grandchildren.

I have had the privilege to know and work alongside Sol Stetin. We shared many of the same concerns and opinions on workers rights, not to mention the same passion for our hometown, Paterson, NJ. I can say without reservation that the work of individuals like Sol will live on in the hearts of those whose lives were enriched by his work.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the efforts of devoted activists like Sol Stetin. I ask that you join our colleagues, Sol's family and friends, and most importantly, the countless American workers Sol has touched throughout his years of work within the labor community in recognizing the outstanding service of Sol Stetin.

THE MORTGAGE INSURANCE FAIRNESS ACT OF 2005

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. RYAN of Wisconsin. Mr. Speaker, I along with my colleague Congressman WILLIAM JEFFERSON, have introduced the Mortgage Insurance Fairness Act. Our bill would allow residential mortgage borrowers to deduct as an itemized deduction for mortgage insurance premiums for private mortgage insurance, FHA insured mortgages, VA insured mortgages and GRH insured mortgages. Residential mortgage borrowers with annual incomes of $100,000 or less would be eligible for this tax deduction.

Nationwide, mortgage insurance is a critical factor in allowing minorities and middle income families to become homeowners. Mortgage insurances covers 57 percent of mortgage purchase loans made to African American and Hispanic borrowers and 54 percent of the loans to borrowers with income below the median income. This legislation will benefit the 12 million American families who presently use mortgage insurance.

In Wisconsin alone, this legislation would benefit 124,000 families. Insured mortgages made up 35 percent of home purchase loans in Wisconsin and cover 49 percent of home purchase loans by minorities and low income home buyers.

Mr. Speaker, homeownership is a vital part of creating safe communities and a vital part of our Nation's economy. I urge my colleagues to join us in promoting homeownership and support this important bill.

LEGISLATION COMPELLING VOTES OF THE EX-IM BOARD OF DIRECTORS IS BAD POLICY

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to raise my concerns about a proposal being floated that would compel the Ex-Im Board of Directors to bring up and vote on every proposal for Ex-Im Financing, whether or not the proposal met the basic—congressionally mandated—conditions for approval.

This would be a bad policy in general, and particularly with respect to industries which affect our national security, such as, the semiconductor industry.

Legislation compelling the Board of Directors to vote on a particular application for Ex-Im financing—and one that the Chairman has carefully considered and rejected—is bad policy and threatens to subvert the structure, policies, and procedures of the Export-Import Bank. The Chairman is responsible for bringing financing proposals before the full Board of Directors and ensuring that only those financing proposals which meet the statutory criteria are presented for a vote. If a deal fails to meet the basic criteria for financing, then it should not be brought up for a vote. To do otherwise would ignore Export-Import Bank legal requirements and procedures, and completely and inappropriately politicize Ex-Im financing.

Earlier this year, Ex-Im Chairman, Phillip Merrill carefully considered a proposed $770 million financing package for a Chinese semiconductor manufacturer, SMIC, and ultimately determined not to bring the proposal before the Board of Directors. Because the proposal clearly failed the statutory requirements, the Chairman was completely justified in that decision. As Mr. Merrill noted at a hearing before the House Small Business Committee on April 6, 2005, ''It is my job to take the case to the board if we believe the case does not violate the mandate of Congress.''

In this case, the proposed SMIC financing failed two separate and independent statutory requirements for Ex-Im approval: namely, the ''economic impact'' requirement, and the ''additionality'' requirement. First, in evaluating the ''economic impact'' requirement, Ex-Im is required by statute to consider any serious adverse effect financing might have on the competitive position of U.S. manufacturers. Ex-Im is expressly prohibited from making a loan or guarantee if its analysis concludes that the competing domestic industry would be adversely affected because either (i) the product supported by the financing will compete with a U.S. producer, or (ii) the commodity is in oversupply. In reviewing this case, the Ex-Im Chairman evaluated a study that demonstrated that the products made in SMIC's Chinese fabrication facilities—DRAM and other types of semiconductors—would compete with U.S. producers and were in serious oversupply, and that if the deal went through it would result in the loss of thousands of high-paying technology jobs in the U.S. semiconductor sector. The study also pointed out the economic and political folly of having U.S. taxpayers finance the export of high-tech jobs and technology to China, particularly given the current exodus of U.S. manufacturing jobs to that country and the massive trade deficit the U.S. has with China. Based on this unrebutted evidence, the Chairman correctly concluded that the SMIC financing proposal failed the ''economic impact'' requirement.

The SMIC financing proposal also failed the separate ''additionality'' test. The Chairman is required to ensure that no proposal is submitted for vote when the proposal merely duplicates available private sector financing. The ''additionality'' test can be met if there is a confirmed competing loan guarantee on the table from a foreign export credit agency or if there is some sort of market failure and the transaction would otherwise not go forward without the Bank's involvement. Neither of those circumstances is present in the SMIC financing proposal. Indeed, recent developments confirm beyond any doubt that SMIC has no need for a guarantee funded by the United States taxpayers. Only two weeks ago, SMIC announced that it obtained a $600 million loan from Chinese banks—all without an Ex-Im guarantee. The Chairman correctly concluded that the SMIC financing proposal failed the ''additionality'' requirement.

CHINA DOES NOT NEED U.S. GOVERNMENT ASSISTANCE TO DEVELOP ITS SEMICONDUCTOR INDUSTRY

There is a significant danger in sending advanced semiconductor manufacturing equipment to China, especially if those exports are taking place as a result of subsidized support from the U.S. Export-Import Bank.

The economic costs of providing advanced manufacturing equipment to China are high. A recently-released report quantifies job displacement in the United States as a result of the United States' rising trade deficit with China since 1989: 20,000 lost jobs associated with the production of communications equipment; 64,400 lost jobs associated with the production of home audio and video equipment; and 53,300 lost jobs associated with the production of computers and office equipment. In addition, more than 46,200 jobs were estimated to have been lost in the semiconductor industry since 1997. Job losses in these electronics industries accounted for more than one-quarter of total job displacement documented in this report.

Another significant concern relates to the migration of high-tech production to China because of the strategic importance of this technology, and the ability of the Department of Defense to maintain an edge in the development and deployment of advanced communications, command and control and weaponry. According to a recent report by the Defense Science Board, the area of greatest concern is in the U.S. microelectronics sector which supplies defense, national infrastructure and intelligence applications.

Dependence on China for supplies of semiconductors and other microelectronics would leave the United States very vulnerable. Significant risks of supply interruptions exist and include natural disasters like earthquakes but also heightened tension between China and Taiwan could lead to significant disruptions of critical parts and supplies.

China also has taken steps to provide WTO-inconsistent subsidies to unfairly promote their semiconductor industry. China has adopted aggressive policies to promote domestic manufacture of semiconductors. Income tax incentives include a 5 year tax holiday plus 5 years at half-tax for reinvested capital with the clock starting when profits start. It is providing free land for industrial parks. Until recently, China applied a 17 percent value added tax (VAT) to imported chips, but not to those made in China. Agreements with the World Trade Organization on VAT may have negated the impact of the full 17 percent on imported chips however while amounts over 3–6 percent are still rebated for Chinese-made chips.

The number of engineering graduates in China is far outpacing U.S. totals so that students no longer have to come to the U.S. to attend school.

U.S. TAXPAYER SUPPORT FOR THE CHINESE SEMICONDUCTOR INDUSTRY: UNJUSTIFIED ON ANY GROUNDS

There is no economic justification for the United States government to be underwriting investments in the Chinese electronics industry. China has an extremely competitive and rapidly expanding electronics sector. Moreover, the Chinese government already offers a host of incentives for investing in integrated circuit (''IC'') production facilities. The U.S. Semiconductor Industry Association (''SIA'') has in fact raised repeated concerns regarding the level of government assistance to China's IC firms.

History has shown that the movement of electronics manufacturing to lower-wage countries has had deleterious effects on U.S. employment. Recently, it is higher-valued manufacturing activity that has exited the United States for China and other low-wage production sites. Electronics industry sources highlight that the exodus of advanced manufacturing has negative implications for engineering and R&D activity in the United States.

A just-released report quantifies job displacement in the United States as a result of the United States' rising trade deficit with China since 1989: 20,000 jobs lost associated with the production of communications equipment; 64,400 jobs associated with the production of home audio and video equipment; and 53,300 jobs associated with the production of computers and office equipment. In addition, more than 46,200 jobs were estimated to have been lost in the semiconductor industry since 1997. Job losses in these electronics industries accounted for more than one-quarter of total job displacement documented in this report.

The financing incentives contemplated by the Export-Import Bank are neither necessary nor appropriate. The Chinese IC industry has already been extremely successful in attracting investments through commercial channels, and the Chinese government already provides a wide range of incentives. In addition, assistance to the Chinese semiconductor industry will disadvantage a U.S. industry that provides high-value jobs and other economic benefits in the United States.

CHINA IS HIGHLY COMPETITIVE IN THE GLOBAL ELECTRONICS SECTOR

China has major advantages in electronics manufacturing. For one, China's labor pool is inexpensive, skilled, and highly motivated. Production worker wages are as low as $120 a month, and skilled IC designers make on average $2,000 a month. In sophisticated electronics, direct labor in China costs less than 10 percent of total costs of production. The number of trained engineers increases by 350,000 individuals annually. Young workers and managers willingly put in 12-hour days and work weekends. As for inflationary pressure on wages, the chief Asia-Pacific economist at Morgan Stanley notes that China's ''vast pool of surplus labor . . . keep down labor's pricing power.''

China also provides a huge and booming internal market that will further spur domestic production efficiencies. China's gross domestic product increased 9.1 percent in 2003, and the country emerged as the world's largest and most rapidly growing market for semiconductors. The existence of multiple suppliers creates intense domestic competition, further contributing to low wages and prices.

Electronics manufacturing in China began with finished consumer appliances, and now their component parts are also increasingly manufactured in China. The IC industry is one of the newer boom industries in China. A Chinese industry sources note that more than 10 fabs started operations in China in 2002.

Most of the early Chinese IC operations used the smaller 6-inch wafers, lagging the 8-inch and larger wafer technology common in the United States, Europe, and Korea. That is changing. SMIC is now at the forefront of global production technology for semiconductors by bringing a 12-inch wafer fab on line in 2004. SMIC plans four more 12-inch fabs to come on line by 2006.

The proposed equipment financing is substantial not only for SMIC but for the Chinese IC industry as well. China's 10th Five-Year Plan, which is in effect for the period 2001–2005, anticipates investments totaling $10.3 billion in new IC production lines. SMIC's new equipment purchases represent more than 10 percent of the entire amount anticipated to be invested in China over the course of 5 years.

Moreover, China's revenue from fab operations was approximately $400 million in 2002. The proposed financing is thus three times the value of fab revenues in a recent year.

In 2003, China is estimated to have spent three times the amount on new fab construction as all of North America. China accounted for about 5 percent of existing fab capacity in 2003, ranking seventh in the world; however, China accounted for fully 33 percent of fab capacity under construction in 2003, ranking first in the world. Taiwan and Korea followed somewhat distantly, accounting for 14 percent and 13 percent, respectively of fab capacity under construction the same year. In other words, China is rapidly emerging as a major semiconductor producer with some of the most modern and advanced facilities in the world. As Harvard University economist Richard B. Freeman has observed, ''China . . . can compete both with very low wages and in high tech. . . . Combine the two, and America has a problem.''

There is simply no economic need for U.S. taxpayers to be underwriting investments in the Chinese electronics industry. Every indication is that industry is booming, with investment flowing from a variety of sources. One industry source estimates that China already produces one-third of the world's electronics, and that will rise to one-half by 2010 or 2012.

CHINA OFFERS A HOST OF INCENTIVES FOR INVESTING IN THE IC INDUSTRY.

China emerged as a contender in the global electronics industry as recently as the late 1990s. One product launched during China's Ninth Five-Year Plan (1996–2000) was the 909 Project, administered by China's Ministry of Science and Technology. Investments under the 909 Project totaled over $1.2 billion. The primary beneficiary was the Shanghai Hauhong NEC Electronics Co., with was formed to design and produce both memory and logic ICs.

In advance of China's joining the World Trade Organization (which occurred in 2001), a number of investment incentives were introduced in 2000. For example, in June 2000, State Council Document 18, entitled ''Policies to Encourage the Development of the Software and IC Industries,'' established a framework to attract investment to the Chinese IC industry. These incentive applied primarily to fab operations, and were effected through the reduction of effective value-added tax (''VAT'') rates.

In December 2000, Shanghai's Document 54, entitled ''Policies and Regulations Related to the Development of the Software and IC Industries,'' expanded the Document 18 incentives to design, packaging, and test facilities. As noted further below, the U.S. Semiconductor Industry Association subsequently raised concerns that China's VAT incentives provided discriminatory treatment.

Also in 2000, the Chinese central government updated its list of industries for which foreign investment is encourages, including more advanced IC production operations. China's Ministry of Science and Technology also designated the IC industry as a high priority in its 863 Program, which supports key technologies through research and development. Within a few years, the 863 Program had provided grants to more than 100 IC design centers, which had more than 1 billion RMB in annual sales.

China ratified its Tenth Five-Year Plan in March 2001, and the government stated at that time that its goal was to invest $120 billion in the IC industry by the end of 2005. Also in 2002, State Administration of Taxation Document 70 authorized VAT reductions for the IC industry, and State Council Document 51 added incentives for venture capital investments in the same industry.

In additional to incentives from the central government, regional authorities compete to attract investment in IC facilities. The Shanghai region is a leading area for semiconductor activity. Even within this region, however, localities offer competing incentives. SMIC is located in the Zhangjiang High-Technology Park in the Pudong District. Incentives available to enterprises in Pudong include the following:

Subsidies for interest rate payments;

Investment tax credits for infrastructure expenses;

A variety of rebates of VAT taxes;

Allowance for deduction of salaries and training costs for corporate income tax purposes;

Additional subsidies allowed for new postgraduate positions created; and

Special tax incentives for fabs producing below the .25 micron level, including exemptions on any production and testing equipment.

THE U.S. SEMICONDUCTOR INDUSTRY ASSOCIATION HAS REPEATEDLY RAISED CONCERNS ABOUT CHINESE SEMICONDUCTOR INDUSTRY INCENTIVES

SIA has voiced numerous concerns about Chinese practices that discriminate against U.S. suppliers. As recently as December 21, 2004, SIA summarized its most pressing concerns in comments to the U.S. Trade Representative on foreign trade barriers. These comments highlighted the following:

China's VAT rebate scheme imposes a cost penalty on imported semiconductors. Such a scheme strongly suggests that China is not honoring the national treatment commitments required under Article III of the GATT, to which China is bound as a member of the World Trade Organization.

China had planned to implement a proprietary wireless encryption standard. According to SIA, ''It was planned for implementation even though the technical details of the Chinese requirements were not readily available to international firms. Later reports indicated that Chinese authorities would require foreign firms to engage in value-added production with a select list of local firms to obtain import permits in order to sell wireless LAN equipment in China. Products already in-country would have also required permits. If enacted, such requirements would have set a dangerous precedent by imposing technology transfer and local content requirements that China committed to eliminate with WTO accession.'' China has delayed implementation but there is still significant pressure for a unique Chinese standard.

There have been other attempts to create unique Chinese standards, including for DVDs, HDTV, RFID, digital cameras, and electronic imaging for cellular phones. According to SIA, ''Standards in China are often developed by government authorities through a nontransparent process, and without input of key stakeholders, in particular neglecting international ones. Unique Chinese requirements in many cases would require product redesign, creating additional costs to U.S. firms in development expenses and lost revenue.''

China's intellectual property laws have serious deficiencies—to the point that China's compliance with the WTO TRIPs Agreement is in question. China's legal system hampers IP enforcement by making it more difficult both to bring, and to succeed in, cases against IP violators. SIA calls on China to enact legislative reforms in this area.

SIA also notes concerns as regards transparency in China's rule-making procedures. SIA questions, for example, whether environmental regulations are not in fact more trade barriers.

In October 2003, SIA also released a comprehensive review of Chinese incentive programs benefiting semiconductor producers. SIA concluded as follows:

> Maintaining U.S. leadership in microelectronics is critically important to the economy and national security of the United States. Government policy measures in any country or region which induce significant migration of the U.S. microelectronics infrastructure—capital, enterprises, individuals—warrant careful scrutiny by U.S. policymakers. Several aspects of China's current developmental effort in microelectronics are problematic because they could erode the U.S. microelectronics infrastructure and contribute to an eventual loss of U.S. leadership in this field.

HISTORICAL IMPACT OF THE LOSS OF ELECTRONICS MANUFACTURING IN THE UNITED STATES

The U.S. electronics industry has been migrating slowly to off-shore manufacture for many years. According to a study by the Bureau of Labor Statistics, U.S. competitiveness in consumer electronics began to slip in the 1960s. Television production was one of the first industry to migrate off-shore. Jobs in the U.S. television industry dropped by half from 1971 to 1981. Innovations were increasingly introduced by foreign television makers, and this is evident in the leading position of non-U.S. brand name domination of high-definition and digital television at the present time.

According to the National Advisory Committee on Semiconductors, U.S. electronics manufacturers lost nearly 15 percent of the global market in the second half of the 1980s. This translated into more than $100 million in lost revenues for U. S. companies during that period—a loss has since grown considerably given enormous expansion in global electronics markets.

A 1997 survey of electronics manufacturing in the Pacific Rim observed that ''the rapid development of electronics manufacturing in East Asia poses a challenge to overall U.S. manufacturing competitiveness as the United States becomes increasingly dependent on Asian suppliers. . . . In this survey, China was already observed to attracting a great deal of component manufacture. Initially, China drew manufacturing from neighboring Asian countries, that could no longer compete on labor costs. U.S. electronics manufacturing has also been affected. The U.S. printed circuit board industry is losing jobs to China as U.S. producers have seen sales slump from $11 billion to less than $5 billion since 2001. Meanwhile, printed circuit board exports from China have doubled.

Semiconductor device production remained a leading U.S. electronics industry even as more labor-intensive assembly operations relocated to low-wage countries. One key has been the retention of high-value-added activities in the United States. But numerous voices are now concerned about the attraction of China for advanced electronics manufacturing.

The President's Council of Advisors on Science and Technology supports policies that encourage R&D and advanced manufacturing in the United States. A January 2004 report notes that the computer and electronics sector is a leading employer in the United States, and ranks very high in terms of value-added. The report notes as well the rise of China as an electronics producer:

. . . China's rise as a high tech manufacturer has caused increasing concerns. China is a large emerging market and its industrial and economic policies associated with expanding this sector are likely to continue indefinitely.

This report also notes the variety of Chinese programs aimed at expanding the electronics sector, including numerous tax incentives, currency valuation policies, industrial parks, and employment incentives.

The U.S. Semiconductor Industry Association shares this concern. SIA recently urged U.S. policy makers to keep chip fabrication in the United States by "insuring that the U.S. remains an attractive locations for chip manufacturing. . . . If leading edge moves offshore because foreign governments have created more attractive investment environments, over time R&D facilities for manufacturing processes are likely to follow."

SIA has documented the substantial contributions of U.S. semiconductor manufacture to the U.S. economy, in a number of reports, including as in the following illustration:

The semiconductor industry, which is the largest value-added sector in the U.S. economy, provides high quality employment to hundreds of thousands of U.S. citizens and is projected to grow at a compound annual rate of fifteen percent for the next several years. The growth will create opportunities for new applications that will spawn new industries and it will ensure the continued vitality of many of the information technology industries.

SIA officials emphasized the potential of China in particular to attract leading edge semiconductor manufacturing in recent testimony before the U.S.-China Economic and Security Review Commission:

Semiconductors are the building blocks for American competitiveness in a broad range of high technology goods—from computers to medical technology. A strong and vibrant semiconductor manufacturing industry is a key part of a healthy information technology ecosystem—it supports everything from research and development to a robust university capability in microelectronics. . . . the members of SIA also believe it is vital to retain leading edge manufacturing capability here in the United States. . . .

China is growing into a major force in the information technology arena both as a customer and as a competitor. Given the size, growth, and potential of the Chinese market, it is essential that U.S. semiconductor firms have the chance to compete fairly.

A new report prepared for the U.S.-China Economic and Security Review Commission finds that 1.5 million U.S. job opportunities have been lost as a result of the ballooning U.S. trade deficit with China. As noted at the outset in this paper, more than one-quarter of job losses during 2001–2003 were in electronics. China's higher-value electronics exports, along with other products that require more skilled labor and advanced technologies, are growing much more rapidly than are China's lower-value, labor-intensive exports. The report notes that China's exports to the United States reached $32 billion, a figure that corresponds to the entire U.S. trade deficit in advanced technology products. Indeed, the U.S. exports and imports of advanced technology products as a whole are in balance; however, the U.S. has a significant and rising trade deficit in such products with China.

U.S. TAXPAYER SUBSIDIES TO THE CHINESE SEMICONDUCTOR PRODUCERS ARE UNJUSTIFIED ON ANY GROUNDS

As discussed above, the Chinese semiconductor industry does not need U.S.-taxpayer-supported financing. The Chinese industry benefits from advantageous labor costs, a dynamic internal market, a critical mass of component and finished goods production, and a multiplicity of Chinese government supports. The industry is literally booming, with investment flowing from a multitude of sources. SMIC in particular is a formidable competitor on a global scale.

In addition, from a policy perspective, what is the U.S. interest in hastening the pace of expansion within the Chinese electronics sector? This expansion comes at considerable costs to U.S. industries. U.S. policy makers have in fact long recognized the value to the broader economy of maintaining high-value manufacturing and their associated R&D activities in the United States. This Administration has consistently been given this advice by its senior science and technology specialists.

The economic reality may be that China's electronics industry will continue to strengthen, but that outcome should be market-driven. U.S. taxpayer subsidies to enhance advanced Chinese semiconductor manufacturing capabilities are unjustified on any grounds.

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. GREEN of Wisconsin. Mr. Speaker, on rollcall No. 322 I was detained due to an aircraft malfunction.

Had I been present, I would have voted "yes."

CONGRATULATING CHRISTI LEHMAN ON HER PROMOTION TO VICE PRESIDENT AT CONNOLLY & COMPANY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Christi Lehman in gratitude for her service, respect for her work, and congratulations on her promotion to Vice President at Connolly & Company.

I am also personally indebted to Christi for her help in 2004. Christi handled media relations for me with an adept hand and a cool maturity. Her ability to generate new ideas and pitch them to the appropriate media is consistently rewarded with tremendous results.

Brought on board as a media expert for Connolly & Company in 2002, Lehman excels in public relations through her creative approach and unique style. She has coordinated numerous media events and widely covered press conferences. Recently, she has focused on companies or individuals involved in litigation—ensuring their public image and message is protected and promoted.

I am honored to recognize Christi Lehman on her promotion to Vice President at Connolly & Company. She is a gifted writer who understands the media, but most importantly, knows how to produce real results. I continue to appreciate her support on both a personal and professional level, as I congratulate Christi on her outstanding work.

TRIBUTE TO CHRISTIAN AGUIRRE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. WAXMAN. Mr. Speaker, I rise today to pay tribute to a courageous young man, Christian Aguirre, whom I am proud to represent in Congress. Christian is 12 years old and attends Christopher Columbus Middle School in Canoga Park, California.

Christian was diagnosed with Hodgkin's disease 2 years ago and has bravely undergone a series of treatments, many of them painful, since that time. Through it all, Christian has maintained his sense of humor and has met his challenge with grace and a remarkable outlook.

I know that his family, friends, doctors, nurses and teachers are delighted that Christian is doing well and has been able to return to school. The American Cancer Fund for Children recently awarded Christian with the "Courageous Kid" award. I want to congratulate him on receiving this award and ask my colleagues to join me in applauding Christian for his optimism and courageous resolve during his battle with Hodgkin's disease.

IN RECOGNITION OF TOP STUDENT HISTORIANS

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Ms. DEGETTE. Mr. Speaker, I rise to honor the top student historians in the State of Colorado. Colorado History Day, an affiliate of National History Day, is a year-long education program that engages students in grades 6–12 in the process of discovery and interpretation of historical topics. Students produce dramatic performances, museum-style exhibits, multimedia documentaries, and research papers based on their own research related to a broad annual theme. Their projects are then evaluated in a series of local and state competitions, culminating in an annual national competition. Nationwide, more than 800,000 students are involved in the National History Day program. More than 4,000 Colorado students participate in History Day activities at the local level each year, and they represent every type of Colorado community, from the cities and suburbs of the Front Range to rural plains towns and mountain communities. At the Colorado History Day State Competition

on April 23, 2005, held at the University of Colorado at Boulder, 54 students qualified to represent Colorado at the National History Day competition June 12–16 at the University of Maryland, College Park.

This year's National History Day theme, ''Communication in History: The Key to Understanding,'' encompasses endless possibilities for exploration. Students embark on journeys of discovery that teach them about various facets of world, national, regional, and local history as they produce their original research projects. By encouraging young Coloradoans to take advantage of the wealth of primary historical resources available to them, students gain a richer understanding of historical issues, ideas, people, and events. Students in this program learn how to analyze a variety of primary sources such as photographs, letters, diaries, magazines, maps, artifacts, sound recordings, and motion pictures. This significant academic exercise encourages intellectual growth while helping students to develop critical thinking and problem-solving skills that will help them manage and use information, now and in the future. For more than 25 years the National History Day program has promoted systemic educational reform related to the teaching and learning of history in America's schools. The combination of creativity and scholarship built into the NHD program anticipated current educational reforms, making National History Day a leading model of performance-based learning.

These impressive students represent educational excellence in America, Every student in Colorado should have the opportunity to participate in this enriching program.

These students' teachers also deserve our respect. They are fine examples of the best in the teaching profession. Their encouragement and dedication has encouraged these students to strive for excellence and be successful in their endeavors.

The winners from Colorado's First Congressional District are Bryon Christman, Jacob DeCroce, Zander Chanin, Shannon Desmond, Tracy Fielder, Riley Price, Chloe Armao, Nyasha James-Davis, Aura Cruz, Jaqueline A. Meraz, Eboni Coleman, Faryn Tobler, Brigitte Siller, Norah Kissell, Jon Shockness, Akil Lugman, Nick Thorne, Alisha McKenzie, Jake Mundel, Kelsey E. Isberg, Annie Woodward, Ryan Brown, Kara Miller, Sarah Goode, Lila Creighton, Gabe Stein, Avery Colomb, Aaron Bernhardt, Adrian Leanzu, Brian Lays, Meera Rao, Laura King, Kira Newman, Adrienne Russman, David Schneider, John Stanford, Natalie Lays, Christie Collins, Madeleine Winslow, Chelsea Proctor, Cassie Cherry, Elliott Collins, Scott Sigman.

MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

SPEECH OF

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. GUTIERREZ. Mr. Speaker, I strongly support the Military Personnel Financial Services Protection Act, H.R. 458. We passed this bill last year, and it is designed to prevent predatory companies from using the imprimatur of the U.S. Military to prey on financially vulnerable service members by selling them insurance and investment products with little or no value. During consideration of this bill in the Financial Services Committee, I offered an amendment to extend these protections to abusive lenders who prey on our troops, such as payday lenders. These payday loans are the most abusive financial product being offered to our troops today, and, according to military personnel, payday loans threaten troop readiness. The New York Times and other news outlets have reported extensively on this problem.

Noncommissioned officers at the Army base in Fort Bragg, North Carolina, say they counsel two to three soldiers per week who are indebted to payday lenders. ''It's legalized thievery,'' says Sgt. 1st Class Andrew Perrin, a member of the XVIIIth (18th) Airborne Corps at Fort Bragg.

These companies put pressure on soldiers because they can be discharged if they default on too much debt, Perrin says. Staff Sgt. Carlton Brown says soldiers become distracted from their duties as they struggle to make payments and avoid disciplinary action. ''It affects a soldier's mission readiness, and that can affect a whole unit, big time,'' Brown says.

The amendment I offered in Committee drew on the idea of my colleague SAM GRAVES, who introduced legislation capping interest rates on payday loans for service members. During that markup, Chairman OXLEY agreed to work with me to include provisions regarding abusive lending in the manager's amendment for floor consideration. I am very pleased that our work has resulted in the inclusion of some basic, but important protections for our troops, against payday lenders and other abusive lenders who target our troops. I want to thank him and his staff for the countless hours they spent working to hammer out this compromise. I also want to thank Ranking Member FRANK, Congressman DAVIS and their staffs for their hard work bringing this to fruition. Under this legislation, lenders (of both payday and other small loans) who target the military can no longer continue a number of egregious practices, including: requiring the involuntary assignment of military wages to secure payment of a loan; contacting, or threatening to contact the borrower's commanding officer or others in the military chain of command in effort to collect a loan; requiring the borrower to waive any rights under Federal or State law, including the Servicemembers Civil Relief Act; or using any words or symbols that create the impression that any department of the military endorses the lender or any service or product of the lender. I am sorry to say that all of these unconscionable practices are currently used by certain payday or short term lenders.

In addition, extremely high cost loans must be accompanied by a disclosure notice that informs the consumer of these protections and that there are other options available including grants or interest free loans from the military relief societies in the case of a family or other emergency.

This may not sound like a lot, and I do wish that it contained additional limitations on the loan amount and the number of turnovers by payday lenders, similar to legislation recently enacted in my home State of Illinois, but this is a good start, since many of these payday and other short term lenders completely evade regulation by the States and Federal Government. I look forward to continuing to work on this issue.

The Navy's senior enlisted Sailor, Master Chief Petty Officer of the Navy Terry Scott testified earlier this year in front of the House Appropriations Committee about the pernicious nature of these payday loans. Scott characterized the industry as one ''that has made it a practice to prey upon our Sailors.'' Payday loan outlets, he said, often are found within a short walk outside the gates in the communities that surround Navy homeports, offering easy loans but with very high interest rates as compared to commercial lenders. He told the subcommittee that many who turn to these payday loan outlets end up far worse off than before.

''It is not being dramatic to state these payday loans to our troops could be a threat to their military readiness,'' he said.

Payday loans are the most abusive financial product preying on consumers today, but service members, who can lose their job or even be court-martialed if they are in too much debt, suffer disproportionately. Those who claim to support the troops should agree to restrict the worst financial product out there. Once again, I thank my colleagues for their help in securing these provisions and look forward to working with them in the future.

150TH ANNIVERSARY OF TAWAS CITY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. STUPAK. Mr. Speaker, I rise today to honor a community in my district that is celebrating its 150th anniversary as a city. On Thursday, June 30, 2005 the residents of Tawas City, Michigan celebrate their history that 150 years ago began a rollercoaster of triumphs and tribulations. From fishing to lumber to railroad to a military base, this city has adapted to each new opportunity resulting in a rich history and growth.

In the early days of what is now known as Tawas Bay, the fish rich area was difficult to traverse because of the seafaring dangers. A lighthouse was constructed in 1853 attracting the first of the English settlers including Oakland County Judge Gideon O. Wittmore, founder of Tawas City. Whitmore was drawn to the increasingly valuable endless supply of timber in the area. Timber was in great demand as new settlements were established in the Midwest region. Whitmore constructed the first sawmill, Whitmore and Company, and platted the city in 1855 as Tawas City. The city was named after the local Native American Indian tribe the Ottawas.

Just 15 years after becoming an official village, the rough waters of Tawas Bay had brought sand and sediment unto Tawas Point rendering the lighthouse useless to mariners. Almost immediately, work began on a replacement lighthouse that was completed in 1876 and is still in use today. This lighthouse, the Tawas Point Lighthouse, was recognized in 1984 in the National Register of Historical Places.

Throughout the late 1800's, the lumber boom had become a major facet in the local

economy as the home for sawmills and the historic Detroit and Mackinac Railroad. It also provided many tales of great lumberjacks from the Michigan lumber camps. Some local residents believe that many stories we tell today about the great Paul Bunyan originated from that area. However, by the 1890's the lumbering boom had dwindled from depleted resources and the immense damage to the forests. The land resembled that of a wasteland and farming quickly took over as a top industry alongside fishing. However, with the invention of the automotive assembly line, young sons of farmers headed downstate to make quick money leaving hundreds of family farms vacant.

With its natural resources exhausted, young people left the Tawas area. The once beautiful landside was left naked, polluted and over fished. Tawas thought it had seen the worst but, on July 11, 1911 a fire leveled communities of neighboring Oscoda and AuSable with five dead and 2,000 homeless. Tawas area residents took in survivors and helped the two devastated communities rebuild. In the process of rebuilding the communities, they had the opportunity to establish six hydroelectric dams in the AuSable River that are still in use today.

It was around that time that Tawas City would see nearly 70 years of revitalization and economic opportunity come to the area. In the 1920's the United States Army Air Corps began a flight training program that would evolve into Wurtsmith Air Force Base. From the mid 1920's to the 1950's the Civil Conservation Corps planted nearly 500 million trees to restore much of the area ravaged during the lumber years. In 1937, the Tawas Post of the Michigan State Police became a permanent part of the Tawas community. Even during the war years, Tawas played an important role in protecting America and its soldiers from poisonous attacks with the Tawas plant, staffed by women, producing up to 42,000 gas masks a day. In 1965, Tawas Point State Park was created and provided 175 acres of camping sites, picnic areas, beaches and the lighthouse area which attracts over 250,000 people per year.

In the 1990's Tawas City would see another great challenge with the closure of the Wurtsmith Air Force Base. However, after nearly a century and a half of rising to meet challenges in the past, the local community partnered with State, local and Federal resources to turn the base into a thriving opportunity. The Wurtsmith redevelopment was so successful in turning the economy around they were cited as an example throughout the country on how small towns can overcome the hardships of military base closures.

Mr. Speaker, the history of Tawas City is made up of the tales of brave fishermen, innovative entrepreneurs, legendary lumberjacks, dedicated neighbors, hardworking farmers, courageous soldiers, devoted workers, and All-American families. The values that extend from each industry, every challenge, and every triumph have added to the fabric of this community. I applaud the people of Tawas—past and present—for advancing this city to be the outstanding place it is today. Furthermore, I ask the United States House of Representatives to join me in congratulating Tawas City and its residents on their first 150 years and in wishing them well through the next century.

HONORING KEISHA CASON OF BROOKSVILLE, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Keisha Cason of Brooksville, Florida.

Keisha Cason is a high school senior, who was recently recognized by the National Federation of Independent Business (NFIB) as a 2005 NFIB Free Enterprise Scholars Award recipient.

Created in 2002, the award identifies high school seniors from all around the country who demonstrate scholarship and entrepreneurial achievement. From the 2,100 applicants nominated by NFIB members, an independent selection committee selected 378 rising scholars to each receive a $1,000 scholarship.

Keisha Cason represents the future voice of small business in America. As one of these gifted youth, she has displayed a sense of understanding of free enterprise far beyond her years. As she makes the transition to college, she will continue to perform at the highest standards.

Mr. Speaker, ambitious young men and women like Keisha Cason should be congratulated for their accomplishments. It is truly a privilege to honor Keisha Cason for her achievement as a National Federation of Independent Business Free Enterprise Scholar.

IN MEMORY OF WESLEY SCOTT

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to honor and celebrate the life of an esteemed advocate for equality, Mr. Wesley Scott. Mr. Scott, a longtime leader in the civil rights movement in Milwaukee, died May 28, 2005, at the age of 88.

The oldest of 18 children, Wesley Scott came of age in an impoverished community of West Virginia coal miners. After earning his B.A. from Xavier University in New Orleans in 1942, Mr. Scott went on to serve his country, fighting in the South Pacific during WWII. Upon returning home he continued his education, receiving his Masters degree from Ohio State University in 1950. By 1951, he was serving as Executive Director of the Massillon, Ohio, Urban League.

In 1958, Mr. Scott assumed the position of deputy executive director of the Milwaukee Urban League. Within a year he was promoted to executive director, a position he held for 23 years. At the helm of the Milwaukee Urban League, Mr. Scott distinguished himself with a dynamic yet dignified style of leadership. His contemporaries lauded his unflagging commitment to the advancement of African-Americans and poor people. He is credited with building bridges between white and black communities, seeking out opportunities for progress in a very difficult and often turbulent environment. Under his leadership, the Milwaukee Urban League became a premier organization in the fight for civil rights.

Even after leaving the Milwaukee Urban League, Mr. Scott continued to work for racial equality. As an advisor to the Metropolitan Milwaukee Association of Commerce, he helped open new doors for African-Americans in the corporate world, ensuring the development of a new class of African-American professionals in Milwaukee. He also worked on behalf of African-American businesses, advocating for stronger mechanisms to ensure that disadvantaged business enterprises would benefit from the construction of Miller Park.

Throughout his life, Wesley Scott was a tireless advocate for equality. Earlier this year, the Milwaukee Urban League announced plans to honor his legacy by transforming its headquarters into the Wesley L. Scott Senior Living Community. I rise today, Mr. Speaker, to salute Mr. Scott for his commitment to advancing equality and to celebrate the life he dedicated to serving our community.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. GUTIERREZ. Mr. Speaker, due to a family emergency, I was absent from this Chamber on June 24, 2005.

I would like the record to show that, had I been present, I would have voted "nay" on rollcall votes 308, 312, 313, 315, 317 and 321. I would have also voted "aye" on rollcall votes 309, 310, 311, 314, 316, 318, 319 and 320.

PERSONAL EXPLANATION

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. BISHOP of New York. Mr. Speaker, due to a personal conflict on Monday, June 27, I was not present in the chamber to cast my vote on rollcalls 322 and 323.

Please indicate in the appropriate place in the RECORD that had I been present, I would have voted "aye" on both measures.

INTELLECTUAL PROPERTY AND THE GROKSTER DECISION

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 27, 2005

Mr. HOYER. Mr. Speaker, I rise today in support of the Supreme Court's decision on Monday, June 27 in Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd.

In a rare 9–0 decision, the Court found "that one who distributes a device with the object of promoting its use to infringe copyright, as shown by clear expression or other affirmative steps taken to foster infringement, is liable for the resulting acts of infringement by third parties."

Grokster and other companies that proactively enable the theft of creative and

other protected works should immediately cease this activity.

MGM Studios v. Grokster is much more than a legal battle involving movie studios, record labels and the technology community. Grokster is fundamentally about ensuring that the creative and copyrighted works of millions of Americans who enrich our lives—including songwriters, musicians, screen writers and other artists—are appropriately protected in this era of rapid technological advancement.

I acknowledge that artists, as well as movie studios and record labels, have been the beneficiaries of the same creative energy of the technology community that has given consumers new products, such as DVD players and portable music devices. Clearly, technological advancements have fostered the enjoyment of these creative works.

There must be a balance between protecting the copyrighted works of artists and ensuring technological innovation. However, the unbridled theft of copyrighted works must be stopped, as the Supreme Court has so clearly repudiated this activity. The Court struck the right balance in protecting copyrighted material and innovators in the technology community. It is time for those who created a business model dependent upon infringement to adjust to this new legal standard.

RECOGNIZING MISS ALYSSA WILSON

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Miss Alyssa Wilson, from Altoona Pennsylvania, as one of twenty national winners in a new award program called The Alexander Hamilton Citizenship Achievement Award. The award is sponsored by a new 501 (c)3 non profit organization, The Alexander Hamilton Friends Association (AHFA) of Seattle, Washington. Fourteen States were represented and amongst the twenty winners, Pennsylvania had three, all whom happened to be from Altoona Area High School. Over 200 candidates were considered for the award and it is a remarkable achievement for these three students and the Altoona Area school district.

The Alexander Hamilton Friends Association is a non profit organization incorporated under the laws of the State of Washington. The AHFA's goal is to preserve Alexander Hamilton's legacy by recognizing and honoring young people who share Hamilton's strong sense of integrity, achievement, pragmatism, and service. For a student to win the award the student needs to exhibit a high degree of personal integrity and receive an outstanding rating in two of the five areas, which are: community service, school-related extracurricular activity, entrepreneurial skill, scholastic record, and personal achievement. George Cox, president of AHFA said, ''The key question we asked ourselves, was this: If a young Alexander Hamilton were placed in a situation like this student, would he have responded in a similar manner? In the case of our winners, we think the answer is yes.''

Miss Alyssa Wilson is a junior at Altoona High School and has organized several charitable events including the MS Walk, and the Heart Disease Walk. She is involved in the student council and through it she has helped organize student functions such as the spring musical dance and is involved in peer mediation. She participates in marching band, concert band, and jazz band. She is also a member of the school drama team and is active at her church where she teaches at Vacation Bible School.

Mr. Speaker, we would like to congratulate Miss Alyssa Wilson on her outstanding achievements in community service and we are proud to have her as one of our constituents.

100TH ANNIVERSARY OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. STUPAK. Mr. Speaker, I rise today on behalf of the Michigan Congressional Delegation consisting of Senators CARL LEVIN and DEBBIE STABENOW, Congresswomen CAROLYN CHEEKS KILPATRICK and CANDICE MILLER, and Congressmen DAVE CAMP, JOHN CONYERS, JOHN DINGELL, VERNON EHLERS, PETER HOEKSTRA, DALE KILDEE, JOE KNOLLENBERG, SANDER LEVIN, THADDEUS MCCOTTER, MIKE ROGERS, JOE SCHWARTZ, FRED UPTON and me. We pay tribute today to an agency in Michigan that has spent the last 100 years improving the means by which those in the far reaches of our beautiful peninsulas utilize our most well-known state product, the automobile. Today, we in the Michigan Congressional Delegation would like to honor the 100th Anniversary of the Michigan Department of Transportation also known as MDOT.

It all began with the innovative spirit of a bicycle enthusiast and entrepreneur, Horatio ''Good Roads'' Earle, when he became Michigan's first highway commissioner. He began a movement by aligning the professional road builders and engineers to improve road transportation throughout the state. On July 1, 1905, the voters in the State of Michigan overwhelmingly approved state spending for roads making Michigan the 18th state in the Union to establish an agency to oversee transportation. Since that day that the State Highway Department was established, Michigan has not only led the world in automotive advancements but has achieved many firsts in the state, country and world for transportation initiatives.

There were many transportation firsts in Michigan including the construction of the first international underwater railroad tunnel (Port Huron-Sarnia Tunnel) in 1891; the first international underwater automobile tunnel (Detroit-Windsor Tunnel) in 1930; and the first freeway-to-freeway interchange on Jan. 18, 1955 at I–94 (Edsel Ford) and M–10 (John Lodge) in Detroit, permitting motorists to make turns ''simply by moving in the direction they wish to go.'' Both the Ambassador Bridge in Detroit in 1929 and the Mackinac Bridge in 1957 were the world's longest suspension bridges when they were built. The world's largest automobile tire, utilizing the Ferris wheel ride from the World's Fair in New York from 1964, can be found next to eastbound I–94 just east of the M–39 (Southfield Freeway) interchange in Allen Park. MDOT was also the World's first transportation agency to automate management and processing of construction products from the construction site through contractor payment, saving taxpayers more than $20 million per year in 1993.

The national innovations are endless but include some of the most significant to our everyday living like the nation's first mile of concrete highway built by the Wayne County Road Commission on Woodward Avenue between 6 and 7 Mile roads in Detroit in 1909, the first painted centerline in 1911 and the first state trunkline in the nation to sport a centerline from Marquette to Negaunee Road (now US 41/M 28) in 1917. The nation's first highway materials testing lab was at the University of Michigan in 1912 and the nation's first four way red/yellow/green electric traffic light was at the comer of Woodward and Michigan Avenues in Detroit as the invention of Detroit Police Officer William Potts in 1918.

Other national firsts include the first roadside park on US–2 in Iron County, completed in 1919; the first practical highway snowplow was built in Munising in 1922; and the first ''super highway'' was an eight-lane divided highway with a 40–foot median built in 1923 along Woodward Avenue between Detroit and Pontiac. MDOT was the first highway department to use yellow centerlines to designate ''no passing'' zones in 1927. Michigan has the nation's first state operated information center which opened in 1935 near New Buffalo. Michigan was the nation's first state to complete a toll free border-to-border interstate on I–94 running 205 miles from Detroit to New Buffalo in 1960. In 1977 US–31 in Oceana County won the national ''most beautiful highway'' by the U.S. Department of Transportation. The nation's largest concrete segmental bridge opened up in 1988 when the Zilwaukee Bridge opened carrying I–75 over the Saginaw River. Recently, in 2003, Gloria Jeff was named the director of MDOT becoming the first female and African American State Transportation director in the nation.

Mr. Speaker these are only a few of the facts, figures and historical moments that are seemingly infinite examples that mark the significant influence this agency has had on transportation in our country and the world. In fact much of this information and a detailed outline of MDOT's history can be found through the resources of MDOT's centennial website at www.michigan.gov/mdot100. However, the greatness and innovation displayed by MDOT throughout this past 100 years is not limited to our history and evolution as a modern state. The recent state accomplishments and the goals laid out for the future show the numerous advancements this department continues to make on behalf of it residents.

Horatio ''Good Roads'' Earle would be proud of the efforts to make our roads, highways and bridges better each year. According to MDOT, since 1999, they have completed more than 93 percent of the road and bridge preservation programs announced in the fiveyear program making 88 percent of the vehicle miles traveled on Michigan freeways done so on good pavement. In the last three years, the capitol preventative maintenance program increased the life span of 3,710 miles of highway by up to seven years with a special treatment. Additionally, MDOT has made

significant improvements to trunkline bridges through the state due to strategic planning as well as opening almost 80 miles of widened roadways and passing relief lanes to relieve congestion, reduce delays and improve safety. Other program successes have been in overall safety, economic development projects, parking, roadside programs, and environmental quality.

Mr. Speaker, on June 30th, a special ceremony to celebrate the 100th Anniversary of the Michigan Department of Transportation will be held at the Mackinac Bridge in my district, one of the world's largest suspension bridges that connects the Upper and Lower Peninsulas with five miles of concrete and steel innovation. Friday, July 1st, the department's employees will also celebrate the anniversary in Lansing, Michigan. Celebrating this milestone year at the Mackinac Bridge is most appropriate because of the symbolism the Mighty Mac shares with that of this accomplished state department. MDOT has connected people from Copper Harbor to Coldwater, has set a number of firsts in national accomplishments, and continues to look ahead at ways to improve transportation for Michigan residents and visitors. Since its inception by Mr. Earle, MDOT has focused on the quality of its services and resources, the effectiveness of their work, the dedication to the needs of their travelers, the integrity to improve transportation the right way the first time, and the pride of being the best as what they do. I ask the United States House of Representatives to join the Michigan Congressional Delegation in congratulating the Michigan Department of Transportation on its first 100 years and even better success through the next century.

CONGRATULATING THE PHOENIX COMPANIES

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. LARSON of Connecticut, Mr. Speaker, I rise today to congratulate The Phoenix Companies on its active commitment to Connecticut's capital of Hartford. Phoenix restated that commitment today with the celebration of three events significant to the city where it has operated since its founding in 1851. In that time, the Phoenix has evolved into a leading financial services company specializing in life insurance, annuities and asset management.

The company has returned all of its Connecticut operations to Hartford, and today welcomes back 450 employees who have relocated there. In February, the Phoenix's distinctive two-sided headquarters that is a signature of Hartford's skyline was added to the National Register of Historic Places. Considered a classic example of Modernist architecture, the building was designed in the early 1960s by Max Abramovitz, who is widely acclaimed for his role in designing the United Nations and Lincoln Center. The Phoenix is undertaking a major $25 million renovation to update its landmark boatshaped building into a state-of-the art office building while maintaining its exceptional architectural integrity.

As The Phoenix renovates its home, it has also reached out to help the citizens of Hartford become home-owners. Its philanthropic arm, The Phoenix Foundation Inc., is providing a $100,000 grant to The Neighborhoods of Hartford, Inc., which is responsible for implementing Mayor Eddie Perez's homeownership initiative. The Foundation's grant will reinforce and extend the initiative, providing funding for additional projects designed to tip transition neighborhoods into healthy ones. Last year, The Foundation's grants totaled $1.36 million, almost all of which went to Hartford-area organizations.

The Phoenix's investments and active participation in the city is admirable, and its embrace of its community roots is to be applauded.

HONORING OLEE LEWIS FOR HER SERVICE TO HENRY COUNTY

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. TANNER. Mr. Speaker, I rise today to pay tribute to a great Tennessean and a dear friend of mine, Mrs. Olee Lewis of Paris, Tennessee. Olee recently completed her 38th year of serving our community at the Henry County Northwest Tennessee Economic Development Council.

As a daughter of a local tobacco farmer, Olee dreamed of being a missionary or a nurse, and as an adult, she made her dreams come true. Olee received her nurse's aide certification after high school and then began training at National Baptist Missionary Training School in Nashville. She had to leave missionary school before she was finished but still jumped into a life of missionary work back home.

Olee has directed the Henry County Northwest Tennessee Economic Development Council and has helped many people throughout her years there. One of Olee's greatest accomplishments is the ''Sister to Sister and Brother to Brother'' club, which organizes black men and women to meet the needs of the community. ''Sister to Sister'' has been so successful there is now a ''Sister to Sister II.''

She has also found the time to organize the SHARE program, serve as Secretary of the Tennessee Baptist Missionary and Education Ushers Department, and serve as a director of many different projects in her local church. For her extraordinary work in the community, Olee has received the Personalities of the South Award, was appointed to the important Families First Committee and was named a Kentucky Colonel. Married to the late Charles Wesley Lewis, Olee has been a wonderful mother to four foster children and also has five grandchildren and one great-grandchild.

Throughout her life, Olee has contributed much to our community, our state and our nation. She has never shied away from work when her skills and efforts were needed and could make a difference. Mr. Speaker, please join me as I recognize Olee's many achievements and contributions, and to say thanks to her for all she has done through the years to make the city of Paris, Henry County, and the State of Tennessee a better place to live.

TRIBUTE TO IRMA VELASQUEZ

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. LANTOS. Mr. Speaker, it is with great honor that I rise today in recognition of the extraordinary achievements of Irma Velasquez, who was recently awarded the Thomas Jefferson Award for Public Service for her creation of a school for autistic children in my district. With her son as inspiration, Ms. Velasquez started Wings Learning Center five years ago so children with autism would have the tools to excel in the face of even the toughest disabilities.

The Thomas Jefferson Award for Public Service has been nationally administered since 1972 by the American Institute for Public Service. The award is given to those who are committed to making a difference in their community. Ms. Velasquez was given her award by the San Francisco Chronicle for her tireless pursuit in search of techniques to let autistic children flourish.

Mr. Speaker, her son Aaron was diagnosed with autism at the age of three. Having received her bachelor's degree in Economics and Business Administration from San Francisco State University and working as an accountant, she was ill-prepared for the diagnosis. Ms. Velasquez knew little about how to help her son with his disability and how to interact with him in daily life. She searched for the right education that could help her son while at the same time she educated herself about autism. Not satisfied with the special education disabled students were receiving at the schools in her district, she and her husband, Sherman Chan, started a unique school for her son.

Wings Learning Center, in San Mateo, California, maintains a team approach in the classroom and creates play groups that focus on social and motor skills. In addition to a dedicated set of teachers, the staff also consists of speech and occupational therapists. Today this primary school has 14 students enrolled from all over the Bay Area with more students starting in the fall of 2005. Ultimately Wings Learning Center hopes to find enough space to expand into a high school and provide training and support programs for educators.

Mr. Speaker, I believe Irma Velasquez deserves more recognition. What started as love for her child and a drive to understand his world quickly turned into an opportunity to help other children and offer resources for parents in a similar situation. I urge my colleagues to join me in paying tribute to Irma Velasquez, and wish her well on a promising future as a provider of special education for autistic children.

BRAZILIAN GOVERNMENT'S DECISION TO ISSUE A COMPULSORY LICENSE FOR LOPINAVIR/RITONAVIR

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. WAXMAN. Mr. Speaker, Brazil's HIV/AIDS program has been recognized by the

United Nations AIDS program as one of the best in the world in both treatment and prevention. Working alongside nonprofit organizations, the government has aggressively fought the disease by offering universal antiretroviral treatment. Many of the first-line antiretroviral drugs used in Brazil are locally produced by generic companies, allowing the country to afford to treat tens of thousands of patients.

But other second-line antiretroiviral drugs like the lopinavir/ritonavir combination, efavirenz, and tenofovir have been sold by their brand name producers at a high cost. These three drugs alone consume 70% of Brazil's AIDS budget. According to Brazilian Health Minister Humberto Costa, the Brazilian government pays more than $2,600 annually per patient to purchase doses of lopinavir/ritonavir.

Some who oppose Brazil's action have claimed that it violates trade rules. In fact, the World Trade Organization's 1994 Agreement on Trade Related Aspects of Intellectual Property specifically permits compulsory licensing. The 2001 Doha Declaration reaffirmed this option, stating, "Each member has the right to grant compulsory licenses and the freedom to determine the grounds upon which such licenses are granted."

As a signatory of the Doha Declaration, the United States should respect the rights of other nations to address important health problems.

MEETING BLAIR'S G–8 AFRICA GOALS—PROGRESS, BUT FAR FROM FINISHED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. RANGEL. Mr. Speaker I rise to discuss the ongoing progress towards meetings the objectives of Prime Minister Blair's G–8 objectives. The announcement of a tentative debt relief agreement for certain developing countries, mostly in Africa, is an extremely promising development for Africa that is long overdue. The recent agreement on 100 percent debt relief will initially benefit 14 nations in Africa, and is largely based on the Heavy Indebted Poor Country (HIPC) Program, which already offers some debt relief to the world's poorest nations.

Several countries not included in the initial package are still technically eligible. An additional 9 African countries could qualify for full debt cancellation in the next 12 to 18 months, and a further 9 countries in Africa may potentially benefit from the agreement sometime in the future, if they continue to progress in meeting HIPC objectives, such as tackling corruption. But these additional countries are by no means guaranteed debt relief.

The current $40 billion debt relief package must be commended. It is by far the most significant and comprehensive debt relief package ever given to Africa. However, a recent article entitled "Plan That Falls Far Short of Global Needs" in the publication CaribNews suggests that the plan must be closely scrutinized. One glaring issue is that the current package at most cancels only one-sixth of Africa's $295 billion debt and leaves out several countries such as Nigeria and Kenya.

Nigeria, despite having a per capita GDP in line with HIPC eligible countries, and a staggering $36 billion debt, is not currently included in the deal, though G–8 representatives say that some type of Nigeria specific arrangement is in the works. As a leader in West Africa, if not the entire continent, its fate is closely linked to that of the region. As such, the inclusion of Nigeria in a debt relief package is crucial.

In addition to debt relief, the issue of increased assistance must be addressed. This was reiterated in a recent Op-Ed release by Bernice Powell Jackson, Executive Minister of the Justice and Witness Ministries of the United Church of Christ, which calls on the U.S. to do more to help Africa. President Bush has so far rejected Blair's call to double aid to Africa, as well as establish the UN sanctioned benchmark which calls on developed countries to devote 0.7 percent of their gross national income to overseas development assistance by 2015. Of the G8 countries, France, Germany, Italy and Britain, have all pledged to hit the 0.7 percent target in the allotted period. The European Union also a collective body has also agreed to the benchmark.

In 2004, the United States, the largest economy in the world, was second to last among industrialized nations in the amount of development assistance it gave as a percentage of Gross National Income—it was dead last in 2003. In sheer volume the U.S. gives the largest total amount of foreign development aid, but as a proportion of national income only 0.16 percent goes to aid, far short of the 0.7 percent UN target.

While we claim to be the leader of the free world, small countries such as Norway and Denmark dwarf us in the percentage of their national income dedicated to development. Indeed, these countries have long exceeded the 0.7 percent aid target that the U.S. has yet to adopt. In addition, a recent report released by the Brookings Institute argues that the extent of U.S. assistance in recent years is not as large as the Administration has asserted.

Lastly, the issue of trade liberalization must be tackled if Africa is to experience real and sustainable development. Africa has a population of 860 million, accounting for 13.6 percent of the world's population, yet it only accounts for only two percent of global trade volume—down from 6 percent in the 1980's.

This is compounded by industrialized countries' usage of unfair trading mechanisms, such as subsidies, which have prevented African farmers and firms from competing on an equal footing with other nations. While industrialized nations battle with each other over increasing the $50 billion they give in annual development assistance, they continue to spend over $300 billion on domestic agricultural subsidies.

For its part, the U.S. gives billions of dollars annually in subsidies to a very small group of largescale agricultural producers—while compelling poor countries to further open up their markets. The World Bank has estimated that an end to Western agricultural subsidies would allow developing countries to earn hundreds of billions—on their own. Concessions on trade may prove to be the hardest sell in Blair's G–8 agenda, but his agenda is one the world cannot afford to ignore.

HELPING THE LEAST OF THESE: CANCEL AFRICA'S DEBT AND SHARE THE WEALTH

(By Bernice Powell Jackson)

If you were only to read most of the newspaper headlines, you'd think that the U.S. government is being quite generous to the world's poorest continent, Africa, but it just ain't so. In fact, we're being awfully stingy and while President Bush is trying to put a happy face on his meetings with British Prime Minister Tony Blair, Mr. Blair must be pretty disappointed at how little he is coming away with for Africa.

The truth is that 34 of the world's 48 poorest nations are in Africa, which is also facing a rampant AIDS epidemic, where thousands die every day. Moreover, a number of African nations are still recovering from civil wars and/or enormous national debts, many of which were incurred by unscrupulous dictators and illegitimate governments who never used the funds for the hospitals and schools for which they were intended. The truth is that Africa is a continent whose natural resources of gold, diamonds, oil, chromium and other much-needed minerals have been ravaged by much of the rest of the world. Moreover, tens of millions of its most precious resource—human beings—died or were stolen in the African slave trade a century ago. I remember being on a World Council of Churches panel in 1998 in Zimbabwe, where an African leader reminded us that when you count the billions of dollars lost to Africa through these ways, "we don't owe Europe and America anything. You still owe us," he said.

The truth is that for many of the poorest nations, paying back these huge national debts is not only burdensome, it is impossible. For most, they will never be able to pay off the principle, while the interest costs continue to mount. But many of these nations are forced to make these interest payments, which means that they cannot put funds into health care and education, which are critical to their national survival.

Even the new World Bank President, Paul Wolfowitz; has said that a case can be made for more funds going to development in Africa. President Bush, however, doesn't seem to agree with his protégé, Mr. Wolfowitz. In his meetings with Prime Minister Blair, President Bush has expressed an openness to canceling debts, but he has refused to increase substantially U.S. foreign aid to Africa. Instead, he has agreed to use $674 million already allocated by Congress for emergency famine relief to a few African countries.

The extra $25 billion a year for Africa sought by Mr. Blair, are not budgeted President Bush replied. Nevermind that almost the entire $220 billion allocated for the wars in Iraq and Afghanistan have been unbudgeted by this same administration.

Many Americans believe that we spend about 25 percent of our Federal budget on foreign aid to poor nations when we actually spend about 1 percent. Many Americans believe the headlines when our government agrees to fund programs like the $15 million announced for AIDS in Africa. The reality is that little of that money has been sent. Similarly, three years ago the U.S. signed onto the United Nation's Millennium Project. In it, the world's riches nations agreed to increase their aid to .7 percent by 2015 to the poorest nations. Two weeks ago the European Union agreed to double their aid by 2015. But, it seems the President Bush has told Mr. Blair that we won't be doing the same. It's the old story of the check is in the mail.

In a recent editorial, the New York Times pointed out that .7 percent of the American economy would equal about $80 billion. That's roughly equivalent to the amount the

Senate approved for additional military spending in Iraq and a little more than half of the corporate tax cut last year.

Three hundred million Africans live on less than $1 a day on a continent trapped in $300 billion in foreign debt. If we're serious about fighting the war on terrorism and serious about living out the moral values we're so quick to talk about, then we must not only cancel the debt of Africa's poorest nations, but we must also substantially increase our foreign aid to Africa.

You can write or call President Bush and tell him so. You can write or call your Senator. You can ask others to join you—it's up to us, all of us.

PLAN THAT FALLS FAR SHORT OF GLOBAL NEEDS

Now that the euphoria of the G–8 debt deal to help poor Africa, Caribbean and Latin American states has died down the reality of the situation is hitting home.

And it is painfully obvious that what was initially sold as a dream scheme isn't what it was cracked up to be.

Promoted as a plan designed to ease the financial pain of high debt inflicted on some of the world's poorest countries by the World Bank and the International Monetary Fund in particular the $40 billion debt write off scheme approved by many of the world's richest nations—the U.S., Britain, France, Japan, Germany, Italy, Russia and Canada—falls very short of what is really needed.

It's true that the deal is an important first step but it's far from the generous package, which countries and commentators would have us believe.

Some figures underscore the need for the industrialized world to give more money to the designated beneficiaries and also to expand the list of highly indebted nations, which are crying out for help.

It's important that we bear in mind that when the figures, which are being tossed around in a vain attempt to highlight the generosity of the developed states, are looked at carefully, the actual amount and how it is parceled out is a drop in the bucket of requirements.

In today's money, according to Gary Duncan, Economics Editor of the Times of London, the value of the recent write-off is ''only about $17 million for the 18 countries to enjoy immediately.''

Actually, as Duncan pointed out in well-reasoned analysis, the amount that Tanzania, Guyana, Honduras and the other 15 beneficiaries would save in debt payment, which can then be ploughed back into education, health, roads and infrastructural development, is chicken feed. The relatively small amount of $1.5 billion in annual savings ''is a fraction of the $50 billion a year needed to double annual aid flows,'' which Britain's Prime Minister, Tony Blair, and his Chancellor of the Exchequer, Gordon Brown, insist is needed to help Africa and other countries turn the corner by reducing poverty.

It is estimated that Britain's commitment under the deal calls for its taxpayers to provide $100 million a year for up to a decade, a sum that the United Kingdom can meet without breaking a sweat. The annual charge to the U.S. treasury is close to $175 million a year. That's not enough to pay for the public information system of the U.S. Justice Department. For Germany the bill would amount to about $50 million a year for the first three years. The sums get even smaller when we look at France's annual commitment of about $30 million.

It's obvious, then that we are not talking about large sums of money. Instead, the funds that don't even begin to scratch the surface of need in Africa, the Caribbean and Latin America. It's also clear that advocates of debt relief for the world's poor were right when they called for a broader debt relief and aid package.

For instance, Romilly Greenhill of Action Aid, raised question marks about the scheme when he called the plan very good short term news for the 18 countries that will benefit but complained that overall ''it will do little to immediately help millions in at least 40 countries that also need 100 per cent debt relief. What is disappointing is the lack of any substantial concrete commitment on aid.''

You can say that again.

What has hit home is that at a time when the United Nations Millennium Goals are coming up for review, the United States, the wealthiest of the wealthy, is unwisely opposing the International Finance Facility which the British Chancellor is seeking to establish to offer a greater helping hand to the poor by using bonds to raise billions of dollars. Washington's opposition is undermining efforts to boost aid and in the end is likely to cause greater suffering.

To make matters worst, Germany has made it clear that it doesn't intend to out up any new money to pay for the debt write-off. Instead it will use existing aid funds to finance its share of the deal, something that makes the whole thing laughable. In essence, then, we shouldn't be expecting any significant changes unless and until there is a substantial change in attitude towards the poor.

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

SPEECH OF

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 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. GOODLATTE. Mr. Chairman, I rise today in support of the colloquy between the gentleman from Pennsylvania (Mr. ENGLISH) and Chairman REGULA that highlights the importance of restoring funding for the Community Service Block Grant Program.

Mr. Chairman, while I certainly understand the difficult work of the Appropriations Committee as it strives to keep the 2006 budget process under strict allocations, it is my hope that we can somehow find additional funding for the C–S–B–G Program. While the President sought to consolidate the program in his 2006 budget to the Congress, I was pleased to support language in the House-passed budget package, which states that:

> Community Service Block Grants provides invaluable assistance to low-income families and communities. These funds are used to build healthy and stable communities. Due consideration should be given to this program before Congress implements any changes.

Mr. Chairman, thousands of community action agencies provide services that help low-income individuals: Train for gainful employment, obtain quality living environments and generally move toward self-sufficiency. One of those agencies is ''Total Action Against Poverty,'' in my congressional district, which has provided much-needed services to the Roanoke Valley and southwest Virginia for nearly 30-years.

I Believe a major reason for the effectiveness of organizations like ''Total Action Against Poverty'' are that they are locally controlled. Rather than seeking guidance from a know-it-all bureaucracy in Washington, DC, community action agencies can resolve community problems with community solutions. These organizations are grassroots-based, and are led by local boards and volunteers, with diverse memberships and strong roots in their communities. By nature, these groups are invested in their communities—and have the ability to leverage C–S–B–G funds with significant resources from private organizations including corporations and foundations with a stake in promoting the wellness of their neighborhoods, rather than pleasing constituencies in Washington.

Mr. Chairman, it is my belief that C–S–B–Gs are the kind of good-government programs that Congress should continue to support. I hope that conferees can support the C–S–B–G program.

SOUTHERN ALAMANCE WINS 3–A CROWN

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. COBLE. Mr. Speaker, as baseball fans across America anxiously wait to see who will win this year's World Series, the Sixth District of North Carolina waits no longer for one of its champions to be crowned. On June 4, 2005, the Southern Alamance Patriots captured the North Carolina Class 3–A state baseball championship by defeating Northwest Cabarrus two games to one at Doak Field on the campus of North Carolina State University. This year, Southern Alamance captured its first state title since 1988 and its third in school history.

With the series tied at one in the third game of the series, the Patriots scored an unprecedented eight runs in the first inning. This was an anomaly after the Patriots were held to only three hits in game two. The (Burlington) Times-News reported that the Patriots learned from their mistakes and took advice from their coach Jason Smith when he told them to not try to, ". . . lift and hit it out. In this big park it is not going to happen." The players kept the ball on the ground and prevailed in what proved to be an exhilarating game.

Northwest Cabarrus went into game three on a ''high'' after beating the Patriots in game two. The game winning ''high'' was soon replaced with a ''low'' after the Trojan's starting pitcher, Robbie Gurley, walked two people and gave up a single in the first inning. Gurley was pulled and replaced by Joe Hubbard. After Hubbard could not get the job done and was replaced by a third hurler, the Patriots were confident after gaining an eight-run lead in the first inning. Among those who scored in the first were Thomas Sappelt, Michael Parker, Roy Albright, Brent Haynes, Jonathan Shields,

and Brad Thornburg. Northwest Cabarrus coach Joe Hubbard was quoted in the Times-News saying, "We couldn't stop the first inning; it just snowballed on us."

The series' Most Valuable Player Brent Haynes stepped up to the plate in the bottom of the fifth inning with runners on second and third. Haynes hit a ground ball down the first base line and accumulated a RBI as Brad Thornburg whisked across home plate. Much to the dismay of the Northwest Cabarrus fans, the game ended under the 10-run rule.

After the dominating victory imposed by the Patriots, Coach Smith should be credited for much of the team's success. After coming off of a tough loss in game two, Coach Smith encouraged the players to play smart baseball instead of imitating the starlike swings of Barry Bonds or Sammy Sosa. Smart baseball for this team was to hit ground balls, which proved to payoff. Coach Smith had a strong coaching staff behind him that consisted of Eddie Wood, Paul Bishop, Nathan Holcomb, and Andrew Thomas.

Although the players' hard work and commitment to team excellence helped them succeed, they would be the first to tell you that the key to their success was impeccable leadership. We congratulate the players: Jimmy Robbins, Michael Pernell, Dave Sappelt, John Crawford, Jonathon Thrasher, Jonathan Shields, Michael Parker, Brad Thornburg, Jay Liddle, Reid Straughan, Richard Allred, Roy Albright, Brent Haynes, Thomas Sappelt, Gabe Shoffner, Cale Rogers, Zach Robinson, Luke Vandall, score keeper Stephanie Smith, and team manager Holden Walker. Each member of the team played a valuable role in their commendable season, which ended with a 27–5 record and a state title.

This 3–A state baseball championship brings pride back to the baseball program at Southern Alamance, and we congratulate Principal Kent Byrd, Athletic Director David Vaughn, the community of the Southern Alamance Patriots and most importantly the team and coaching staff for a job well done.

GOOD ADVICE ON HURRICANE PREPARATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. RANGEL. Mr. Speaker, as the people of the Caribbean prepare for another chaotic hurricane season, I rise today to bring to the attention of my colleagues some important advice on the preparation and prevention efforts in the region. During last summer's hurricane season the small island nations of Grenada, Jamaica, and Haiti were severely impacted with terrible destruction of essential infrastructure and significant loss of life. This catastrophe caused the Members of the last Congress to include $100 million in relief assistance in the supplemental appropriations bill for Florida.

Our neighbors in the Caribbean were harder hit than even Florida. Homes, lives, and economic prospects were destroyed in the wake of hurricanes that beat down on the island nations of the Caribbean and the United States southern coastline. Many were shocked and surprised by the destructive force of these natural phenomena. Many felt the devastating blows of the hurricane splitting and eroding homes, towns, and communities. Others witnessed the indiscriminate winds that ripped roofs from homes, merchandise from store fronts and children from homes.

Hurricane season routinely strikes the Caribbean harder than the U.S. The fragile economies of these noble neighbors too often succumb to the might and power of these natural disasters. As staples of their economy, tourism and agriculture suffer significantly in the wake of the floods, winds, and aftermath of a destructive hurricane. The effect of hurricanes on the United States alone is often breathtaking and requires a mammoth community mobilization and effort of the surrounding states. Imagine its impact on the Dominican Republic, Jamaica, and St. Vincent.

As we enter this annual season of threat in 2005, this Congress should take the lead in preparing our Caribbean neighbors for the events to come. We should be ensuring that the resources are available to meet the humanitarian needs of the region. We should be securing the supplies and gear necessary for recovery. We should be certain that the regional infrastructure can handle the health and welfare needs that will arise.

CaribNews recently hosted a Caribbean conference in the Bronx on the subject of disaster preparedness. They focused on the planning and preparation of the region for the next major natural disaster. In a recent article, they established some important steps that should be taken to ensure that the region is prepared and ready to deal with the consequences of this year's hurricane season.

I submit for the RECORD the following editorial from the CaribNews on their conferences and recommendations for addressing the challenges of hurricane preparation.

WE NEED TO BE READY FOR THE CONSEQUENCES

Preparation, they say, is the mother protection. In this case, we are talking about protecting lives, property, and in many ways the future against the ravages of Mother Nature.

In the Caribbean and the South and the southwest of the United States, the need is to prepare against the often-ferocious high winds and the rain of hurricanes. And now that we are into hurricane season, and with the experts predicting some of the strongest weather patterns in recent years, it's important that the U.S. and the Caribbean nations be ready for what may befall us.

Just the other day, Adolfo Carrion, the Bronx Borough President, and this newspaper focused the city's spotlight on disaster preparedness. That was done at a highly successful Caribbean conference in the Bronx and participants in a panel discussion emphasized that we can't wait until a hurricane or other natural disasters strike and then respond.

After all, the geological and geographic features of the Caribbean archipelago almost guarantee that a hurricane can strike at any time during the second half of the year. While we can prevent trade conflicts, end political rows or avoid military adventures, there is precious little we can do to stop hurricanes, earthquakes, or floods from hitting us, affecting all those who live in a particular country or the region.

Last year's devastation in Grenada brought on by Hurricane Ivan was a case in point. Not only was it unstoppable but its effects will be felt for many years to come. The floods, which took thousands of lives in the Dominican Republic and Haiti, could not have been thwarted by human effort but the pain and suffering was prolonged by the inability to respond effectively once the tragedy had occurred.

Similarly, the damage caused by Ivan and other hurricanes in the Bahamas, Jamaica, Puerto Rico, Florida, St. Vincent and the Cayman Islands spoke more of the resilience of these countries to bounce back and the relatively good fortune that prevented them from being struck a mightier blow than to anything else.

We shouldn't forget too that Dominica was hit but spared extensive damage when an earthquake shook the Caribbean island. Unlike hurricane warnings, earthquake prediction didn't have any value in Dominica's case.

That's why the meeting in the Bronx was of such significance and why Caribbean nations, the international community and immigrant groups in New York, Miami, Boston, Hartford, and elsewhere must plan ahead in case the vulnerability of the small islands are exposed once again.

For as 2004 showed us, the twinkling of the proverbial eye and the decades long effort to build a country and put it in very good shape to propel living standards forward can be undone in a matter of hours.

Clearly, because natural disasters are inevitable, the emphasis must be placed on minimizing damage and responding to the needs of those affected.

To begin with Caribbean and U.S. governments must take measures to lessen pain, suffering and damage. Mutual assistance and self-help scheme at the institutional and individual levels are vital and must be integrated into sound natural disaster strategies. Building codes must be enacted and enforced to limit the effects of the troubles we have seen in recent years, not simply in the Caribbean but in the U.S. as well when entire villages come tumbling down.

It's incumbent upon home owners and business places whose structures were built several years ago or even recently to check to see to what extent their buildings can resist hurricane force winds, floods, or even seismic shocks.

Although Caribbean governments are already strapped for cash, they should consider providing tax incentives to property-owners to promote disaster mitigation. The tax system can be an important tool to achieve the goal of increasing the number of buildings that can withstand the winds and the rains spawned by hurricanes.

As for the Diaspora and the international community, not to mention local and state governments in New York State and other parts of the country, they must extend their disaster preparations schemes to include the Caribbean. After all, in places such as New York where hundreds of Caribbean immigrants live the inevitability of natural disasters is of great concern to many. So they must be included in the planning and the response.

Caribbean immigrants have in the past responded well and with alacrity to disasters in their respective homelands and in the region as a whole. But there is also an urgent need for a greater coordinated approach to relief.

The counterparts of the Bronx Borough President in Brooklyn, Queens and Manhattan should also consider the approach he adopted recently when he brought people and institutions together to consider the problem before it occur again. Assembling folks to discuss the potential perils ahead and putting mechanisms in place can go a long way in bringing relief after disaster has struck.

BIRTHDAY WISHES TO ROBERT ''CY'' LAUGHTER

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. BURTON of Indiana. Mr. Speaker, I rise today to express my congratulations and best wishes to one of my dearest friends, Robert ''Cy'' Laughter, on the upcoming occasion of his 80th birthday on July 26, 2005. As birthdays are often a time for reflection, I think it is fitting to pause and pay tribute to this truly remarkable man, and share some of his more memorable exploits. As a devoted husband, a father, grandfather and great-grandfather, industrious businessman, philanthropist, and veteran of World War II, Cy has truly led a full and distinguished life.

A life-long native of Dayton, Ohio—but to me an Honorary Hoosier—Cy is probably best known to his friends and neighbors as an industrialist and founder of the famous Bogie Busters Golf Tournament. Held for over 35 years in Dayton Ohio this charity tournament always drew a distinguished list of participants including a few former U.S. Presidents and Vice-Presidents, Cabinet members, Members of Congress, governors, athletes, celebrities and national business leaders. Numerous organizations, including the Multiple Sclerosis Society, the Johnny Bench Scholarship Fund, the Dayton's Children's Medical Center, and the City of Dayton itself received invaluable financial support and recognition through the Bogie Busters Tournament thanks to Cy's extraordinary efforts.

Over the years, Cy has given of himself in other ways, most notably by serving on the board of directors of Wendy's International, and as a trustee for Sinclair Community College and Wright State University of Dayton Ohio. And when President George Herbert Walker Bush called, Cy did not hesitate to answer that call to duty and service on the Federal Home Loan Board and the Battlefields and Monument Commission; just as Cy did not hesitate to answer his Nation's call to service during World War II in which he served as a U.S. Army light infantry foot soldier, and was awarded the Purple Heart for serious injuries sustained in combat during the legendary Battle of the Bulge. Cy recently came to Washington, D.C., to celebrate the 60th anniversary of the D-day invasion and listening to him talk about his experiences during the war it was obvious how profoundly he was changed by those events and how proud he is to have been a small part of saving the world from oppression and tyranny.

Mr. Speaker, I am deeply honored to consider Cy Laughter one of my dearest friends, and I respectfully ask my colleagues to join me in honoring Cy's lifetime of service to our Nation. I'm sure that Cy's family, longtime friends and colleagues will also join me in wishing him many more years of happiness. Happy birthday, Mr. Laughter.

RECOGNIZING ASTELLAS PHARMA ON OPENING ITS NORTH AMERICAN HEADQUARTERS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. KIRK. I would like to recognize a very positive and significant development in the continuing growth of the biotech industry in Illinois. On April 1, 2005, Astellas Pharma U.S., Inc. officially opened its North American headquarters in my home Congressional district of Deerfield, Illinois.

Astellas Pharma U.S., Inc. is a new global company created by the merger of two leading pharmaceutical firms. Fujisawa Healthcare, Inc., based in Deerfield, and Yamanouchi Pharma America, Inc., based in New Jersey, merged their North American headquarter operations at Fujisawa's former headquarters in Deerfield, Illinois. This merger resulted in the creation and retention of a significant number of biotech industry related jobs for the State of Illinois and the 10th Congressional District. The merger of these two international pharmaceutical entities creates a global company with the mission of improving healthcare around the world through the provision of innovative and reliable pharmaceutical products.

In the past, this Deerfield based company has been an excellent corporate citizen and served the local healthcare community well. In addition to developing pharmaceutical therapies, Fugisawa's philanthropic activities included a large endowment to the Pediatric Dermatologic Research conducted through the Children's Memorial Institute for Education and Research. This particular act of philanthropy was the largest gift ever made to Children's Memorial Hospital by a corporation.

As the Co-Chair of the Congressional Kidney Caucus, I am aware of some of the life-saving therapies that Fujisawa and Yamanouchi already pioneered in areas such as solid organ transplantation, immunosuppression and urology. I look forward to working with the global firm of Astellas as it continues to tap the potential of the life sciences and support healthy living for people around the world. I congratulate the people of Astellas and wish them well in their efforts to make contributions to health and employment in Illinois.

ENSURING THE WELL-BEING OF VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. FILNER. Mr. Speaker and colleagues, I rise today to urge support for two bills that I have introduced that address the needs of our veterans. We have recently celebrated Flag Day, and I believe an appropriate way to celebrate Flag Day is to introduce bills that will help veterans in pursuing their education and gaining admission to state veterans homes.

My bill, H.R. 2365, the ''Montgomery GI Bill Flexibility Act'', improves education benefits. An important piece of the Fiscal Year 2003 Defense Authorization bill that Congress passed was a provision that extends the time limit from 10 to 14 years for members of the Selected Reserve to use their GI Bill education benefits. Life in 2005 can make it difficult to finish an education in 10 years. Many times, veterans with families, work commitments, and economic difficulties are unable to fulfill all their requirements to receive a degree or certification within the 10-year period, and Congress recognized this difficulty for members of the Selected Reserve. It is time to extend the number of years for all participants of the Montgomery GI Bill.

A veteran who is interested in seeing H.R. 2365 pass writes: ''I served 8 years of active duty in the Army, including the Persian Gulf War. I am also a family member of an active duty service member. In support of my husband's military career, I have moved six times, currently planning move number 7, in the past 9 years. That, coupled with three babies, has made it difficult for me to use my GI Bill benefits.'' H.R. 2365 will ensure that more veterans are able to avail themselves of the educational opportunity that they have earned.

I have also introduced H.R. 3009, ''A Guaranteed Home For Our Veterans Act'', to address a problem that has been called to my attention by my constituents. One was told by his state veterans home in California that if he chose to transfer to his home state of Minnesota, he would have to wait a year in order to establish state residency before being accepted. Veterans should be able to transfer to any other state veterans home on a space-available basis. H.R. 3009 would make that change to save veterans from severe hardships if they want to move to be closer to their families.

Better Long Term Care and Education Benefits for our nation's veterans! I urge my colleagues to support these veterans' bills.

CONGRATULATING DR. GILBERTO VELEZ AND PASTOR SAMUEL RODRIGUEZ FOR THEIR LEADERSHIP IN THE HISPANIC CHURCH

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Dr. Gilberto Velez and Pastor Samuel Rodriguez for their leadership in the Hispanic Church.

Dr. Gilberto Velez, Policy Director for the National Hispanic Christian Leadership Conference, was recently recognized by the Assemblies of God as one of America's premiere Pastors. Gilberto began what would eventually become the Iglesia Cristiana Misericordia through a home Bible study in Laredo with a handful for people, in March of 1995. Just last week, the Iglesia Cristiana Misericordia celebrated their 10th anniversary with a brand new 3,300 seat facility.

Because of its growth and vision, National Hispanic Christian Leadership Conference President Samuel Rodriguez has chosen the Iglesia Cristiana Misericordia as the Evangelical Hispanic Church of the Year, a role model for other Hispanic Churches and Pastors to follow.

Through the National Hispanic Christian Leadership Conference, Pastor Rodriguez

serves 15 million Evangelical/Born Again Christians in America, and helps advocate for family, socio-economic, and political empowerment for some 40 million Hispanics worldwide.

Samuel's efforts cross ethnic and denominational lines, preaching to all people regardless of culture or creed.

I am honored to recognize Samuel Rodriguez and Dr. Gilberto Velez. Their commitment to faith and the empowerment of the Hispanic community has set an example that we should all be proud of.

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

SPEECH OF

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 23, 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. MORAN of Kansas. Mr. Chairman, I rise to voice my opposition to the existing law that provides an automatic annual cost-of-living pay increase for Members of Congress.

While I appreciate the hard work of my colleagues on this bill, I object to the process and believe it should be reformed. Failure to allow an up or down vote on this issue only serves to increase cynicism towards the political process and confirms the feeling of many voter that their representatives are out of touch. The American public deserves better. Members of Congress should be on record with our constituents as to whether we believe an increase in our salary is justified. Given the opportunity, I would vote "no".

Fiscal discipline must start with Members of Congress. While our nation's economy continues to improve, our national debt remains at unprecedented levels and many rural Americans are struggling. Struggling to put food on the table. Struggling to make their farms and businesses profitable. Struggling to pay skyrocketing medical costs. Struggling to educate their children. Struggling to save for retirement. The people we represent deserve responsible government and Congress should not receive an automatic cost-of-living increase during these challenging economic times.

CONGRATULATIONS TO CHARLOTTE LATIN SCHOOL

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mrs. MYRICK. Mr. Speaker, I would like to extend my congratulations to Charlotte Latin School, a 3A private school in Charlotte, North Carolina, for being awarded the Wachovia Cup for the 2004–2005 athletic year. The Wachovia Cup is awarded to the school that boasts the best overall year in varsity athletics. The Charlotte Latin "Hawks" won the state championship in soccer (the school's second straight state championship), volleyball, wrestling (the school's third consecutive championship), and lacrosse (the school's first state championship). Again, I congratulate them on this fabulous achievement, and look forward to their continued success in the 2005–2006 athletic year.

HONORING CRAIG NOEL—A SAN DIEGO TREASURE!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. FILNER. Mr. Speaker, I rise to honor San Diego's own living treasure, Craig Noel—the founding director of the Old Globe Theater.

Born in New Mexico in 1915, Craig came to San Diego as a child and made his Globe debut as a 20-year old actor in 1937. According to Craig, "it's been a long tenure. You know, it took me 70 years to accomplish what anyone else could have done in 10—but then this is San Diego. Everything takes longer here. But the important thing is we've been able to keep it going."

Craig has enriched the quality of life in San Diego through visionary dreams that became reality. He has worked to improve the larger community through his support and encouragement of playwrights, actors and theatre artists and through the nurturing generations of citizens who have become today's theatregoers and arts supporters.

Craig established the world-renowned Shakespeare Festival at the Globe in 1949. He guided the theatre's transformation to professional status in 1959, establishing it as the oldest continuing, professional not-for-profit theatre in California.

Craig created an audience for new works through his early '60s spring seasons at the La Jolla Museum of Contemporary Art, where he introduced the works of Beckett, Ionesco, Anouilh, Pirandello, Brecht, Behan, Giraudoux and Albee to San Diegans. Their response was so enthusiastic that Craig instituted seasons of such works at the Falstaff Tavern, which was later remodeled and renamed the Cassius Carter Centre Stage (1969). Among Craig's other innovations are Globe Educational Tours and the Play Discovery Program, which began in 1974.

To fulfill his long-held dream of a theatre that would extend across the border to enrich artists and audiences of Southern California's two neighboring cultures, Craig instituted the Globe's bilingual theatre component, Teatro Meta, in 1983. Teatro Meta administers an award-winning, bilingual in-schools theatre program.

Craig's most recent world-premiere productions include Lillian Garrett-Groag's "The White Rose" and Reuben Gonzalez's "The Boiler Room." He also directed the U.S. premiere of Alan Ayckbourn's "Mr. A's Amazing Maze Plays" and "Intimate Exchanges."

Today, Craig, not willing to rest on his many past achievements, is in rehearsal for the Globe's upcoming production of "Moonlight and Magnolias."

In addition to his work at the Globe, Craig was the founder of the California Theater Council and a former vice-president of the California Confederation of the Arts. Craig has been recognized with many awards to include inclusion by the San Diego Union-Tribune on a list of 25 persons who shaped the city's history, the Governor's Award for the Arts and the University of Arizona Alumni Association's Outstanding Citizen for his contribution to their fine arts department.

Craig has had a distinguished 68-year career and staged over 225 productions of all styles and periods. Under Craig's devoted but demanding care, the Old Globe has developed into a major player in the world of theater and a training ground that has nurtured dozens and dozens of Broadway and Hollywood luminaries.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 6, Energy Policy Act.

The House passed H.R. 3057, Foreign Operations, Export Financing, and Related Programs Appropriations Act for FY 2006.

Senate

Chamber Action

Routine Proceedings, pages S7451–S7541

Measures Introduced: Nine bills and two resolutions were introduced, as follows: S. 1318–1326, and S. Res. 182–183. **Page S7520**

Measures Passed:

Energy Policy Act: By 85 yeas to 12 nays (Vote No. 158), Senate passed H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy, as amended. **Pages S7451–77**

Migratory Bird Commission: Senate agreed to S. Res. 183, recognizing the achievements and contributions of the Migratory Bird Commission on the occasion of its 72nd anniversary and the first day of sale of the 2005–2006 Migratory Bird Hunting and Conservation Stamp. **Pages S7539–40**

National Mammography Week: Committee on the Judiciary was discharged from further consideration of S. Res. 154, designating October 21, 2005, as "National Mammography Day", and the resolution was then agreed to. **Page S7540**

National Veterans Awareness Week: Committee on the Judiciary was discharged from further consideration of S. Res. 155, designating the week of November 6 through November 12, 2005, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country, and the resolution was then agreed to. **Page S7540**

Interior Appropriations: Senate continued 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, taking action on the following amendments proposed thereto: **Pages S7477–S7512**

Adopted:

Burns (for Frist/Reid) Amendment No. 1022, to provide for Congressional security relating to certain real property. **Pages S7477, S7480**

Burns (for Bond) Modified Amendment No. 1040, to set aside funds for the University of Missouri-Columbia to establish a wetland ecology center of excellence. **Pages S7477, S7480**

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. **Pages S7478, S7480**

Dorgan (for Byrd) Modified Amendment No. 1044, to set aside funds for the White Sulphur Springs Fish Hatchery. **Pages S7478, S7480**

Dorgan (for Reed) Amendment No. 1036, to modify certain administrative provisions relating to the brownfield site characterization and assessment program. **Pages S7477, S7480**

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. **Pages S7477, S7480**

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. **Pages S7477, S7480**

Dorgan (for Conrad) Modified Amendment No. 1045, to set aside funds for a brownfields assessment of the Fortuna Radar Site. **Pages S7478, S7480**

Byrd/Cochran Amendment No. 1053, to provide funds for the Memorial to Martin Luther King, Jr. **Pages S7478–80, S7497**

Kyl Modified Amendment No. 1049, to provide certain earmarks for State and tribal assistance grant funds. **Pages S7478, S7511–12**

Dorgan (for Landrieu) Modified Amendment No. 1060, to make certain funding revisions relating to Historically Black Colleges and Universities, and Department of the Interior administrative expenses. **Pages S7478, S7511–12**

Dorgan (for Bingaman) Modified Amendment No. 1055, to provide for the consideration of the effect of competitive sourcing on wildland fire management activities. **Pages S7478, S7511–12**

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. **Pages S7478, S7511–12**

Dorgan (for Bingaman) Modified Amendment No. 1030, to modify a provision relating to funds appropriated for Bureau of Indian Affairs postsecondary schools. **Pages S7477, S7511–12**

Burns (for Coburn) Modified Amendment No. 1020, to express the Sense of the Senate that defense spending should not be underfunded to support increases in non-defense spending. **Pages S7478, S7511–12**

Dorgan (for Bingaman) Amendment No. 1031, to set aside additional amounts for Youth Conservation Corps projects. **Pages S7477, S7511–12**

Dorgan (for Bingaman) Amendment No. 1058, to provide a substitute for title V, Facility Realignment and Enhancement Act of 2005. **Pages S7478, S7511–12**

Rejected:

By 33 yeas to 59 nays (Vote No. 160), Burns (for Coburn) Amendment No. 1003, to require conference report inclusion of limitations, directives, and earmarks. **Pages S7477, S7497–98, S7500–01**

Withdrawn:

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. **Pages S7477, S7488–89**

Dorgan (for Kerry) Amendment No. 1029, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration. **Pages S7477, S7489**

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. **Pages S7477, S7491**

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. **Pages S7477, S7491, S7498**

Salazar Amendment No. 1038, to provide additional funds for the payment in lieu of taxes program, with an offset. **Pages S7471, S7511**

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 S7477, S7512**

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. **Pages S7477, S7512**

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 S7477, S7512**

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 S7478, S7512**

Kyl (for Inhofe) Amendment No. 1051, to encourage competition in assistance agreements awarded by the Environmental Protection Agency. **Pages S7478, S7512**

Dorgan (for Bingaman) Amendment No. 1054, to set aside additional amounts for Youth Conservation Corps projects. **Pages S7478, S7512**

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. **Pages S7478, S7512**

Dorgan (for Bingaman) Amendment No. 1057, to extend the Forest Service conveyances pilot program. **Pages S7478, S7512**

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. **Pages S7478, S7512**

Pending:

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. **Page S7477**

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. **Page S7477**

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 S7477, S7501–09**

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 S7478

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 S7478**

Byrd (for Murray) Amendment No. 1052, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration.

Pages S7478, S7486–87, S7489–91, S7498–S7500, S7509–11

Dorgan Amendment No. 1059, to facilitate family travel to Cuba in humanitarian circumstance.

Page S7478

During consideration of this measure today, the Senate also took the following action:

By 17 yeas to 75 nays (Vote No. 159), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to 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. Subsequently, the point of order that the amendment would provide spending in excess of the subcommittee's 302(b) allocation was sustained, and the amendment thus fell.

Pages S7477–78, S7491, S7495–97, S7500

A unanimous-consent time agreement was reached providing for consideration of certain amendments, with votes to occur in relation to the amendments, with no second-degree amendments in order to the amendments prior to the votes; provided further, that following disposition of the amendments, the bill be read a third time and the Senate then vote on final passage of the bill. **Page S7512**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m. on Wednesday, June 29, 2005. **Page S7540**

Nominations Received: Senate received the following nominations:

Phillip Jackson Bell, of Georgia, to be Deputy Under Secretary of Defense for Logistics and Materiel Readiness.

Ronald M. Sega, of Colorado, to be Under Secretary of the Air Force.

David H. McCormick, of Pennsylvania, to be Under Secretary of Commerce for Export Administration.

Darryl W. Jackson, of the District of Columbia, to be an Assistant Secretary of Commerce.

Susan P. Bodine, of Maryland, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

John Hillen, of Virginia, to be an Assistant Secretary of State (Political-Military Affairs).

Josette Sheeran Shiner, of Virginia, to be an Under Secretary of State (Economic, Business, and Agricultural Affairs).

Gillian Arlette Milovanovic, of Pennsylvania, to be Ambassador to the Republic of Macedonia.

Michael Retzer, of Mississippi, to be Ambassador to the United Republic of Tanzania.

Eric M. Thorson, of Virginia, to be Inspector General, Small Business Administration.

2 Air Force nominations in the rank of general.

Navy nomination in the rank of admiral.

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Messages From the House: **Page S7519**

Measures Referred: **Page S7519**

Executive Communications: **Pages S7519–20**

Additional Cosponsors: **Pages S7520–23**

Statements on Introduced Bills/Resolutions: **Pages S7523–39**

Additional Statements: **Pages S7517–19**

Amendments Submitted: **Page S7539**

Authority for Committees to Meet: **Page S7539**

Privilege of the Floor: **Page S7539**

Record Votes: Three record votes were taken today. (Total—160) **Page S7477, S7500–01**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 9:02 p.m. until 9:30 a.m., on Wednesday, June 29, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S7540–41.)

Committee Meetings

(Committees not listed did not meet)

FEDERAL CROP INSURANCE

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine the implementation of the Agricultural Risk Protection Act of 2000 and related crop insurance issues, after receiving testimony from Keith Collins, Chief Economist, and Ross J. Davidson, Jr., Administrator, Risk Management Agency, both of the Department of Agriculture; Ron Brichler, Great American Insurance Company, Cincinnati, Ohio, on behalf of the American Association of Crop Insurers; Norman A.

Nielsen, Associated Insurance Counselors, Inc., Preston, Iowa, on behalf of the Independent Insurance Agents and Brokers of America; Billy Rose, Crop 1 Insurance, Urbandale, Iowa; Bert Little, Tarleton State University Center for Agribusiness Excellence, Stevenville, Texas; Bruce A. Babcock, Iowa State University Center for Agricultural and Rural Development, Ames; Mike Clemens, Wimbledon, North Dakota, on behalf of the National Sunflower Association, U.S. Canola Association, and the American Soybean Association; and Ray Buttars, Weston, Idaho, on behalf of the National Association of Wheat Growers.

OVERSEAS BASING COMMISSION REPORT

Committee on Appropriations: Subcommittee on Military Construction and Veterans' Affairs concluded a hearing to examine the Commission on the Review of Overseas Military Facility Structure of the United States (Overseas Basing Commission) Report on the U.S. overseas military basing posture, after receiving testimony from Al Cornella, Chairman, Major General Lewis E. Curtis III, USAF (Ret.), Vice Chairman, and Vice Admiral Anthony A. Less, USN (Ret.), Brigadier General Keith Martin, Pennsylvania ARNG (Ret.), and Lieutenant General H.G. Taylor, USA (Ret.), each a Commissioner, all of the overseas Basing Commission; Philip W. Grone, Deputy Under Secretary for Installations and Environment, and Ryan Henry, Principal Deputy Under Secretary for Policy, both of the Department of Defense; and Rose Likins, Acting Assistant Secretary of State, Bureau of Political-Military Affairs.

LAND BILLS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing 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, after receiving testimony from Donald W. Murphy, Deputy Director, National Park Service, Department of the Interior; Mayor Tom Miller, Franklin, Tennessee; Elizabeth Archuleta, Coconino County Board of Supervisors, Flagstaff, Arizona; Gary Kleinknecht, Ice Age Floods Institute, Kennewick, Washington; and Larry Snead, Arizona Trail Association, Phoenix.

BUSINESS MEETING

Committee on Finance: Committee met to begin markup of 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, but did not complete action thereon, and will meet again on Wednesday, June 29, 2005.

MEDICAID

Committee on Finance: Committee held a hearing to examine problems that threaten the long term sustainability of Medicaid, focusing on the incidence of Medicaid waste, fraud and abuse, receiving testimony from Daniel R. Levinson, Inspector General, and George M. Reeb, Assistant Inspector General, Centers for Medicare and Medicaid Services Audits, and Dennis G. Smith, Director, Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services, all of the Department of Health and Human Services; Leslie G. Aronovitz and Kathryn Allen, each a Director, Health Care, both of the Government Accountability Office; Massachusetts Assistant Attorney General Nicholas J. Messuri, Boston, on behalf of the National Association of Medicaid Fraud Control Units; Barbara C. Edwards, Ohio Department of Job and Family Services, Columbus; Timothy W. Westmoreland, Georgetown University, and James W. Moorman, Taxpayers Against Fraud, both of Washington, D.C.; and Charles J. Milligan, Jr., University of Maryland Center for Health Program Development and Management, Baltimore.

Hearing will continue tomorrow.

DEPARTMENT OF DEFENSE SECURITY CLEARANCE PROCESS

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing 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, after receiving testimony from Derek B. Stewart, Director, Defense Capabilities and Management, Government Accountability Office; Kathy L. Dillaman, Deputy

Associate Director for Human Resource Products and Services, Center for Federal Investigative Services, Office of Personnel Management; and Heather Anderson, Director, Strategic Integration, Office of the Deputy Under Secretary of Defense, Counterintelligence and Security, and Acting Director, Defense Security Service.

INDIAN GAMING

Committee on Indian Affairs: Committee concluded an oversight hearing to examine regulation of Indian gaming, after receiving testimony from Vivian Juan-Sanders, Tohono O'odham Nation, Sells, Arizona; Dallas Massey, Sr., White Mountain Apache Tribe, Whiteriver, Arizona, on behalf of Arizona Indian Gaming Association; Deron Marquez, San Manuel Band of Mission Indians, Patton, California; Joseph A. Pakootas, Colville Business Council, Nespelem, Washington, on behalf of the Confederated Tribes of the Colville Reservation; James "JC" Crawford, Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, Agency Village, South Dakota; James W. Ransom, Saint Regis Mohawk Tribe, Akwesasne, New York; and Doreen Hagen, Prairie Island Indian Community, Welch, Minnesota.

VA'S MEDICAL CARE BUDGET

Committee on Veterans' Affairs: Committee concluded a hearing to examine budget forecasting and finances of the Veterans Health Administration, focusing on project resource requirements for the health care needs of veterans, current status of resources, and the budget formulation process and current budget status, after receiving testimony from R. James Nicholson, Secretary, and Jonathan Perlin, Under Secretary for Health, both of the Department of Veteran Affairs.

MEDICAID

Special Committee on Aging: Committee held a hearing 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, receiving testimony from Pamela S. Hyde, New Mexico Human Services Department, Santa Fe; Diane Rowland, The Henry J. Kaiser Family Foundation, Howard Bedlin, National Council on the Aging, and Jeffrey S. Crowley, Georgetown University, all of Washington, D.C.; and Sister Karin Dufault, Catholic Health Association of the United States, Seattle, Washington.

Hearings recessed subject to call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 19 public bills, H.R. 3081–3099; and 1 resolution, H. Con. Res. 194, were introduced. **Page H5361**

Additional Cosponsors: **Page H5362**

Reports Filed: No reports were filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Jindal to act as speaker pro tempore for today. **Page H5255**

Chaplain: The prayer was offered today by Dr. Ruffin Snow, Senior Pastor, Tri-City Baptist Church in Conover, North Carolina. **Pages H5257–58**

Recess: The House recessed at 9:23 a.m. and reconvened at 10 a.m. **Page H5237**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Junk Fax Prevention Act of 2005: S. 714, to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions—clearing the measure for the President; and **Pages H5262–65**

Military Personnel Financial Services Protection Act: Debated on June 27: H.R. 458, amended, to prevent the sale of abusive insurance and investment products to military personnel, by a 2/3 yea-and-nay vote of 405 yeas to 2 nays, Roll No. 324. **Pages H5273–74**

Agreed to amend the title so as to read: to prevent the sale of abusive insurance and investment products to military personnel. **Pages H5273–74**

Foreign Operations, Export Financing, and Related Programs Appropriations Act for FY 2006: The House passed H.R. 3057, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September

30, 2006, by a yea-and-nay vote of 393 yeas to 32 nays, Roll No. 335. **Pages H5281–H5300, H5302–55**

Agreed to limit further amendments made in order and the time for debate on such amendments. **Pages H5301–02**

Agreed to:

Hooley of Oregon amendment that increases funding for International Narcotics Control and Law Enforcement; **Page H5296**

King of Iowa amendment that reduces, and then increases by the same amount, funding for the Global HIV/AIDs Initiative at the Department of State; **Pages H5306–07**

Royce amendment (No. 4 printed in the Congressional Record of June 27) that increases funding for Nonproliferation, Anti-Terrorism, Demining, and Related Programs, and reduces it by the same amount; **Pages H5317–18**

Schiff amendment that increases funding for Democracy Programs; **Page H5323**

Lee amendment that prohibits the use of funds for International Narcotics Control and Law Enforcement to transfer excess property of a U.S. Government agency to the Government of Haiti; **Pages H5340–41**

Bradley amendment that prohibits the use of funds for Assistance for Eastern Europe and the Baltic States to assist Romania under the Support for Eastern European Democracy Act of 1989; **Pages H5341–42**

Garrett of New Jersey amendment that prohibits the use of funds to send or otherwise pay for the attendance of more than 50 employees of a Federal department or agency at any single conference outside of the U.S.; **Page H5343**

Bonilla amendment that limits the funds for the Export-Import Bank while there is a vacancy in the position of the head of the Office of the Inspector General of the Bank; **Pages H5344–45**

Beauprez amendment that prohibits the use of funds to provide assistance to foreign countries that refuse to extradite to the U.S. individuals accused of killing a law enforcement officer (by a recorded vote of 327 ayes to 98 noes, Roll No. 330); **Pages H5331–32, H5351**

Weiner amendment that prohibits the use of funds to finance any assistance to Saudi Arabia (by a recorded vote of 293 ayes to 132 noes, Roll No. 331); **Pages H5332–35, H5351–52**

Sanders amendment that prohibits the use of funds by the Export-Import Bank to approve an application for a long-term loan or loan guarantee with respect to a nuclear project in the People's Republic of China (by a recorded vote of 313 ayes 114 noes, Roll No. 332); and **Pages H5335–38, H5352**

Deal of Georgia amendment that prohibits the use of funds to provide assistance to any country with whom the U.S. as an extradition treaty and whose government has notified the State Department of its refusal to extradite certain accused criminals (by a recorded vote of 294 ayes to 132 noes, Roll No. 333). **Pages H5339–40, H5352–53**

Rejected:

Pitts amendment that sought to increase funding for the U.S. Agency for International Development Child Survival and Health Programs fund (by a recorded vote of 87 ayes to 326 noes, Roll No. 326; **Pages H5297–H5300**

McGovern amendment (No. 6 printed in the Congressional Record of June 27) that sought to reduce funding for the Andean Counterdrug Initiative (by a recorded vote of 189 ayes to 234 noes, Roll No. 329); and **Pages H5307–17, H5350**

Hefley amendment that sought to reduce total appropriations in the bill by 1% (by a recorded vote of 117 ayes to 309 noes, Roll No. 334). **Pages H5347–48, H5353–54**

Withdrawn:

Otter amendment that was offered and subsequently withdrawn that sought to insert a new section regarding limitation on assistance for Palestinian Authority and the Palestinian People; **Page H5335**

Inslee amendment that was offered and subsequently withdrawn that sought to put a limitation on the use of funds by the Export-Import Bank; **Page H5345**

Jackson-Lee amendment that was offered and subsequently withdrawn that sought to prohibit the use of funds to return displaced persons from Chad to Sudan; **Pages H5345–47**

Loretta Sanchez of California amendment that was offered and subsequently withdrawn that sought to prohibit the use of funds for International Military Education and Training to provide assistance for Vietnam; and **Pages H5348–49**

Jackson-Lee amendment that was offered and subsequently withdrawn that sought to prohibit the use of funds for International Military Education and Training or the Foreign Military Financing Program in contravention of the child soldiers protocol to the Convention on the Rights of the Child. **Pages H5349–50**

Point of Order sustained against:

Lee amendment that sought to provide emergency funding to the Global Fund to Fight AIDs, Tuberculosis and Malaria; **Pages H5303–04**

Portion of section 565, beginning with the word "or" on page 113 line 26 through page 114 line 10, regarding Authority to Reduce Debt; **Page H5331**

Waters amendment that sought to express the sense of Congress that national elections should not be held in the Republic of Haiti until conditions have been established to ensure that the elections will be free and fair; and **Pages H5342–43**

Capuano amendment that sought to authorize the President to use all necessary means to stop genocide in Darfur, Sudan. **Pages H5343–44**

H. Res. 341, the rule providing for consideration of the bill was agreed to by voice vote, after agreeing to order the previous question by a recorded vote of 217 ayes to 189 noes, Roll No. 325.

Pages H5265–73, H5274

Departments of Transportation, Treasury, and Housing and Urban Development, The Judiciary, District of Columbia, and Independent Agencies Appropriations Act for FY 2006—Rule for Consideration: The House agreed to H. Res. 342, the rule 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, by a recorded vote of 219 ayes to 193 noes, Roll No. 328, after agreeing to order the previous question by a yea-and-nay vote of 263 yeas to 152 nays, Roll No. 327.

Pages H5275–81, H5300–01

National Council on the Arts—Appointments: The Chair announced the Speaker's appointment of the following Members to the National Council on the Arts: Representatives McKeon and Tiberi.

Page H5355

Read a letter from the Minority Leader wherein she appointed Representative McCollum to the National Council on the Arts. **Page H5355**

Board of Trustees of the John F. Kennedy Center for the Performing Arts—Appointment: The Chair announced the Speaker's appointment of Representative Kennedy of Rhode Island to the Board of Trustees of the John F. Kennedy Center for the Performing Arts. **Page H5355**

Private Calendar: Agreed that the call of the Private Calendar be in order tomorrow, June 29.

Page H5355

Senate Message: Message received from the Senate today appears on page H5258.

Senate Referrals: S. 260 was referred to the Committee on Resources; and S. 1316 was held at the desk. **Page H5360**

Quorum Calls—Votes: Three yea-and-nay votes and nine recorded votes developed during the proceedings of today and appear on pages H5273, H5274, H5299–H5300, H5300–01, H5301, H5350, H5351, H5351–52, H5352, H5353, H5353–54, and H5354–55. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 11:10 p.m.

Committee Meetings

VETERANS AFFAIRS

Committee on Appropriations: Subcommittee on Military Quality of Life, and Veterans Affairs, and Related Agencies held a hearing on Veterans Affairs. Testimony was heard from the following officials of the Department of Veterans Affairs: R. James Nicholson, Secretary; Jonathan B. Perline, M.D., Under Secretary, Health; and Tim S. McClain, General Counsel; and Stephen L. Jones, Principal Deputy Assistant Secretary, Health Affairs, Department of Defense.

AIR FORCE ACADEMY—RELIGIOUS CLIMATE

Committee on Armed Services: Subcommittee on Military Personnel held a hearing on the religious climate at the U.S. Air Force Academy. Testimony was heard from LTG Roger A. Brady, USAF, Deputy Chief of Staff, Personnel, Department of the Air Force; and public witnesses.

PRIVATE SECTOR AID TO HIGH SCHOOLS

Committee on Education and the Workforce: Subcommittee on Education Reform held a hearing entitled "How the Private Sector is Helping States and Communities Improve High School Education." Testimony was heard from public witnesses.

HEALTH CARE CHOICE ACT OF 1995

Committee on Energy and Commerce: Subcommittee on Health held a hearing on H.R. 2355, Health Care Choice Act of 2005. Testimony was heard from public witnesses.

D.C. GUN BAN

Committee on Government Reform: Held a hearing entitled "Under Fire: Does the District of Columbia's Gun Ban Help or Hurt the Fight Against Crime?" Testimony was heard from the following officials of the District of Columbia: Anthony Williams, Mayor; and Charles H. Ramsey, Chief of Police, Metropolitan Police Department; and public witnesses.

MANUFACTURING REGULATION IMPACT

Committee on Government Reform: Subcommittee on Regulatory Affairs held a hearing entitled "The Impact of Regulation on U.S. Manufacturing: Spotlight on Department of Labor and Department of Transportation." Testimony was heard from Veronica

Stidvent, Assistant Secretary, Policy, Department of Labor; Jeffrey A. Rosen, General Counsel, Department of Transportation; and public witnesses.

FISSILE MATERIALS SECURITY ABROAD

Committee on Homeland Security: Subcommittee on Prevention of Nuclear and Biological Attack held a hearing entitled "Pathways to the Bomb: Security of Fissile Materials Abroad." Testimony was heard from public witnesses.

LEGAL SERVICES CORPORATION: LEASING CHOICES AND LANDLORD RELATIONS

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on the Legal Services Corporation: A Review of Leasing Choices and Landlord Relations. Testimony was heard from the following officials of the Legal Services Corporation: Frank B. Strickland, Chairman, Board of Directors; and R. Kirk West, Inspector General; and a public witness.

PATENT AND TRADEMARK FEE MODERNIZATION ACT; INTELLECTUAL PROPERTY JURISDICTION CLARIFICATION ACT

Committee on the Judiciary: Subcommittee on Courts, the Internet and Intellectual Property approved for full Committee action 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.

ALIEN GANG REMOVAL ACT

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims held a hearing on H.R. 2933, Alien Gang Removal Act of 2005. Testimony was heard from Representative Forbes; and public witnesses.

FUTURE OF NASA

Committee on Science: Held a hearing on The Future of NASA. Testimony was heard from Michael D. Griffin, Administrator, NASA.

SMALL BUSINESS INNOVATION AND RESEARCH

Committee on Science: Subcommittee on Environment, Technology, and Standard held a hearing on Small Business Innovation and Research: What is the Optimal role of Venture Capital?" Testimony was heard from Representative Graves; and public witnesses.

CLEAN AIR ACT/AUTO REPAIR

Committee on Small Business: Subcommittee on Workforce, Empowerment and Government Programs held a hearing entitled "How the Clean Air Act Affects Auto Repair," focusing on H.R. 2048, Motor Vehicle Owners' Right to Repair Act of 2005. Testimony was heard from Representative Barton of Texas; and public witnesses.

MULTI-EMPLOYER PENSION PLAN RULES

Committee on Ways and Means: Subcommittee on Select Revenue Measures held a hearing on Funding Rules for Multiemployer Defined Benefit Plans in H.R. 2830, Pension Protection Act of 2005. Testimony was heard from Douglas Holtz-Eakin, Director, CBO; and public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 29, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs, business meeting to mark up proposed legislation making appropriations for fiscal year 2006 for the Department of State and foreign operations, 10:30 a.m., SD–116.

Committee on 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 Legislative Affairs, and James A. Rispoli, of Virginia, to be Assistant Secretary of Energy for Environmental Management, 9:30 a.m., SD–106.

Full Committee, to hold a closed briefing regarding detention operations and interrogation procedures at Guantanamo Bay, 3:30 p.m., SR–222.

Committee on Commerce, Science, and Transportation: Subcommittee on Disaster Prevention and Prediction, to hold hearings to examine national weather service-severe weather, 2:30 p.m., SR–253.

Committee on Finance: business meeting to continue markup of 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 continue hearings to examine threatening the health care safety net regarding Medicaid waste, fraud and abuse, 10 a.m., SH–216.

Committee on 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, 2:30 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: business meeting to consider S. 1317, 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, and the nomination of Tom Luce, of Texas, to be Assistant Secretary of Education for Planning, Evaluation, and Policy Development, 9:50 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine vulnerabilities in the United States passport system, 9:30 a.m., SD–562.

Committee on Indian Affairs: business meeting to consider 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.J. Res. 15, to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States, S. 113, to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust, S. 881, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, S. 449, to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and eligible persons born after December 18, 1971, H.R. 797, to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians, S. 623, to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah, S. 598, to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing, S. 1239, to amend the Indian Health Care Improvement Act to permit the Indian Health Service, an Indian tribe, a tribal organization, or an urban Indian organization to pay the monthly part D premium of eligible Medicare beneficiaries, S. 1231, to amend the Indian Self-Determination and Education Assistance Act to modify provisions relating to the National Fund for Excellence in American Indian Education, an S. 1312, to amend a provision relating to employees of the United States assigned to, or employed by, an Indian tribe, 9:30 a.m., SR–485.

Select Committee on Intelligence: to hold a closed briefing regarding certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Armed Services, hearing on detainee operations at Guantanamo Bay, 9 a.m., 2118 Rayburn.

Subcommittee on Tactical Air and Land Forces and the Subcommittee on Projection Forces, joint hearing on Small Business Technologies, 2 p.m., 2118 Rayburn.

Committee on Education and the Workforce, to mark up H.R. 2830, Pension Protection Act of 2005, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, to mark up the following: H.R. 2491, International Solid Waste Importation and Management Act of 2005; H.R. 1065, United States Boxing Commission Act; and the Drug Free Sports Act, 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled "Legislative Solutions for the Rating Agency Duopoly," 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled "To Lead or To Follow: The Next Generation Internet and the Transition to IPv6," 2 p.m., 2154 Rayburn.

Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing entitled "Interrupting Narco-terrorist Threats on the High Seas: Do We Have Enough Wind in Our Sails?" 2 p.m., 2247 Rayburn.

Subcommittee on Energy and Resources, hearing entitled "The Next Generation of Nuclear Power," 2 p.m., 2203 Rayburn.

Subcommittee on Federal Workforce and Agency Organization, hearing entitled "Yucca Mountain Project: Digging for the Truth," 10 a.m., 2154 Rayburn.

Committee on Homeland Security, Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity, hearing entitled " Improving Pre-Screening of Aviation Passengers against Terrorist and Other Watch Lists," 10 a.m., 210 Cannon.

Subcommittee on Management, Integration, and Oversight, hearing entitled "Transforming the Department of Homeland Security Through Mission-based Budgeting," 3 p.m., 210 Cannon.

Committee on House Administration, to mark up H.R. 513, 527 Reform Act of 2005, 1 p.m., 1310 Longworth.

Committee on International Relations, briefing and hearing on The Global Water Crisis: Evaluating U.S. Strategies to Enhance Access to Safe Water and Sanitation, 10:30 a.m., 2172 Rayburn.

Subcommittee on the Middle East and Central Asia, hearing on Iraq's Transition to Democracy, 2 p.m., 2172 Rayburn.

Subcommittee on the Western Hemisphere, to mark up the following measures: H.R. 611, Haiti Economic and Infrastructure Reconstruction Act; H.R. 953, Social Investment and Economic Development Fund for the Americas Act of 2005; H.R. 1213, Caribbean Basin Trade Enhancement Act of 2005; and H. Con. Res. 175, Acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of Afro-descendant communities in Latin American and the Caribbean, 2 p.m., 2200 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 184, Controlled Substances Export Reform Act of 2005; H.R. 869, to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices; H.R. 3020, United States Parole Commission Extension and Sentencing Commission Authority Act of 2005; and H.R. 1442, To complete the codification of title 46, United States Code ''Shipping,'' as positive law, 10 a.m., 2141 Rayburn.

Committee on Rules, to consider H.R. 2864, Water Resources and Development Act of 2005, 2:30 p.m., H–313 Capitol.

Committee on Science, Subcommittee on Research, hearing on Nanotechnology: Where Does the U.S. Stand? 10 a.m., 2318 Rayburn.

Subcommittee on Space, to mark up H.R. 3070, National Aeronautics and Space Administration Authorization Act of 2005, 2 p.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Rural Enterprises, Agriculture and Technology, hearing entitled ''Different Applications for Genetically Modified Crops,'' 2 p.m., 311 Cannon.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on the Implementation of the Maritime Transportation Security Act, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, oversight hearing on the Transition Assistance and Disabled Transition Assistance Programs (TAP/DTAP), 2 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Oversight, hearing to Examine Tax Fraud Committed by Prison Inmates, 2 p.m., 1100 Longworth.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine the ongoing crisis in Uzbekistan and its implications for the United States, 2 p.m., SD–124.

Next Meeting of the SENATE

9:30 a.m., Wednesday, June 29

Senate Chamber

Program for Wednesday: After transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of H.R. 2361, Interior Appropriations, and vote on, or in relation to, certain amendments.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Wednesday, June 29

House Chamber

Program for Wednesday: Begin consideration of H.R. 3058, Departments of Transportation, Treasury, and Housing and Urban Development, The Judiciary, District of Columbia, and Independent Agencies Appropriations Act for FY 2006 (open rule, one hour of general debate).

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