He and his wife Emily have two daughters, Carolyn and Catherine, and the Lovell women are here today in the gallery.

Arnold Lovell is a patriotic American, a leader in both Tennessee and the Nation, and I am fortunate to have him as a friend and as guest chaplain in the United States House of Representatives today.

This afternoon at 3:51 on the east coast, the space shuttle Discovery, carrying as it will two women, five men, and the ancient hopes of an entire planet, will keep that promise by rocketing out of our atmosphere and into history.

Commander Eileen Collins and her crew, James Kelly, Andrew Thomas, Wendy Lawrence, Charles Camarda, Stephen Robinson, and Soichi Noguchi will pilot the safest, most sophisticated, and reliable spacecraft ever built back into low earth orbit to begin NASA’s historic work realizing President Bush’s bold new vision for space exploration.

That mission will command the physical and intellectual energies of some of America’s brightest and bravest for years to come. The men and women of
NASA, some of my constituents and some of my heroes, who devote their lives to doing the impossible for our Nation and our world, will spend the next decade and more on a technological and visionary quest: To send and return the shuttle fleet into space to complete the International Space Station; to examine with unprecedented vigor and precision in the galaxy’s preeminent laboratory the long-term exposure of the human body to microgravity and radiation; to design and construct the next generation of American spacecraft; to return to the moon; and to plot and endeavor a manned mission to Mars.

The exploration of the unknown is one of the innate motivating forces of our species. That universal and ancient yearning will be satisfied today by NASA’s heroic “corps of discovery” in a mission not to conquer space, but to conquer human ignorance. The darkness will be lighted, and this afternoon seven heroes will carry the torch of human discovery into the void.

Our future in space is still unknown and unknowable: The station remains incomplete, the moon is still years away, and Mars is still a red speck in the night sky, but today’s launch is a step toward our destiny.

And like all steps into the unknown, the voyage of Discovery, T-minus 5 hours and 40 minutes, will prove the next giant leap in “the most hazardous and dangerous and greatest adventure on which man has ever embarked.”

VETERAN FUNDING SHORTFALL

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

Mr. SALAZAR. Mr. Speaker, as a veteran, I have made a pledge to serve my country, and because of my desire to defend the ideals of democracy that I still cherish.

As part of our commitment, the Army promised all veterans a variety of benefits. In the past several years, I have seen some of those promises turn from honored commitments to veterans and their families to empty words that seem to be worth nothing more than the paper they are written on.

Mr. Speaker, 2 weeks ago, we were informed the Veterans Administration would fall short by more than a billion dollars of what is needed to provide critical services to veterans. I was angered and dismayed at this gross negligence and oversight and spoke before this very House in strong support of the emergency spending bill passed 2 weeks ago.

We will soon be seeing another request from the President to complete the needed funding for the health care of our Nation’s veterans. I will support this measure too because I support our veterans, but it is absurd and it is a crying shame that the health of veterans boils down to bitter partisan fights.

As Democrats, we have repeatedly demanded full funding for our veterans’ needs. It is our duty to fully fund the Veterans Administration and do it right the first time, not after three or four attempts.

WELCOMING ELIZABETH ALEXANDER

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

Mr. POE. Mr. Speaker, birth is a happy event for all peoples. We rejoice because we hope that child will make the world better. Every time a child is born, the Good Lord is making a bet on the future of mankind. We do not pick our parents, and we do not get to pick to the country of our birth. And who were born in the U.S.A. are the most fortunate of all people in the history of the world.

Last night in Waco, Texas, about the time the sun was going down, 8:29 p.m., Elizabeth Lenna Alexander was born, 7 pounds 3 ounces, July 12, 2005. The world she has been born into is full of good and the not so good.

Our country must always be willing to protect the greatest resource, the innocent of our country, the soul of our future, our children.

It is my hope that her parents, Kara and Shane Alexander, will raise Elizabeth with a sense of justice and compassion, community, courage, and a deep sense and concern for liberty.

So Elizabeth, as your grandfather, I welcome you to the U.S.A. Make it a better place, a place of more freedom.

URGING CANDOR ON IRAQ

(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, you cannot solve a problem if you do not acknowledge that you have a problem. In that light, I appreciate and applaud the comments of outgoing Under Secretary of Defense Doug Feith made to the Washington Post concerning the costly mistakes made in Iraq.

During a recent interview, Mr. Feith said, “It is an extremely complex judgment to know whether the course that we chose with its pros and cons was more sensible.”

Further, he noted the transfer of power to Iraqis did not happen fast enough and that we were not able to train the Iraqis.

Mr. Feith’s comments stand in contrast to the President’s inability and unwillingness to acknowledge any errors made in the Iraq war effort.

The administration did a great job planning for a quick victory on the battlefield and for occupation, yet things turned out as planned. Some of today’s challenges are a direct result of those mistakes made by the administration.

After 1,800 American lives, more than 10,000 wounded American GIs and $340 billion with no end in sight, now is the time to level with the American people. If we are going to be successful, we must work together, and to work together, you must be frank and honest.

Mr. Feith, thank you for your recent candor. Mr. President, we can do it. We are here to help, but it starts with truth and candor.

UTILIZING THE MISSISSIPPI RIVER

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

Mr. SHIMKUS. Mr. Speaker, how do you haul corn, soybeans, fertilizer, petroleum products, coal and rock from Chicago, Illinois, to the port of New Orleans, or from the port of New Orleans to Chicago, Illinois, without taking 870 tractor-trailer trucks over our highway system? That is 870 trucks that burn diesel fuel, 870 trucks that clog our interstate highway system, 870 trucks that made some of our roads less safe.

Mr. Speaker, you do it by the river, by the Mississippi River system. That is one of the best ways in which we can be an environmental steward, by getting all of these trucks off the road. That is one of the best ways that we can improve our transportation system. That is one of the best ways that we get a better return on investments and lower price fuels is by doing that.

The Water Resources Development Act, which we will take up on the floor this afternoon and tomorrow, is the best way to be a good environmental steward, energy security, and promote the well-being of all Americans. I ask Members support for passage.

VALERIE PLAME’S IDENTITY

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

Mr. McGOVERN. Mr. Speaker, when news broke early this week that Karl Rove was involved in the outing of CIA agent Valerie Plame, it was clear that either Karl Rove had been withholding information from this House, or that the White House knew of his involvement and falsely allowed the public to believe he had no role in the scandal.

This Congress should be outraged by Mr. Rove’s involvement and should be demanding answers from both him and the White House. I would like to know when exactly, if ever, President Bush was told of Mr. Rove’s involvement. If the President did indeed know, that means that the White House knew of his involvement and falsely allowed the public to believe he had no role in the scandal.

Mr. Rove’s actions are a major abuse of power. Valerie Plame was a covert
There is a line in the Bible which says, “That which is crooked cannot be made straight.” Think about that line when you think about Social Security privatization.

AMERICA’S FLOURISHING ECONOMY

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

Mr. WILSON of South Carolina. Mr. Speaker, Fridays are turning out to be a great day for American workers. In 2004, 3.7 million jobs were created. This year, the Administration predicts that our deficit may fall to under $325 billion. Friday’s job reports continue to bring positive news for American families and prove that President Bush’s tax cuts are moving the economy forward.

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

VETERANS HEALTH CARE FUNDING

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

Mr. BUYER. Mr. Speaker, I would say that my good friend from Texas’s 1-minute is very unfortunate because, Chuck, you and I are working together. We are working with your colleague, Chairman WALSH, to find the right number. And so to try to say that, gee, there is a bogeyman, there is a bad person here, that is false. What we are looking for, CHET, is to get the right number.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members that they should address their remarks to the Chair and not to other Members either in the second number or by given name.

Mr. BUYER. I can address the Chair, but I think we know who we are talking to.

I am hopeful, Mr. Speaker, that the gentleman who just spoke will be very careful, because we are trying to work together to get the right number. I think it is an embarrassing moment when we ask the administration for the number, they testify to a number, and then we find that it is not right potentially? We are trying to get the number right and to make sure that veterans are served properly on a bipartisan basis. Please, let us erode that.

VA FUNDING SHORTFALL

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

Mr. EVANS. Mr. Speaker, 2 weeks ago the administration told Congress that the VA health care system did not need any more money. Then, feeling the heat, they said they needed an additional $975 million. Just yesterday, the Bush administration conceded that it had made another mistake. Now they say they need another $300 million. It is clear that either the administration cannot get it right or does not want to get it right. The nearly $1.3 billion that the administration now admits is necessary this year is the amount Democrats have been working hard for this last year. The Republican leadership has consistently fought adequate increases in the VA health care budget. Now, more than 50,000 veterans are coming to health care appointments and being denied care. It is time to stop nickel-and-diming veterans health care and give the veterans of this country what they need and deserve.

POSITIVE ECONOMIC NEWS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute.)
Mrs. BLACKBURN. Mr. Speaker, there is great economic news for American workers. The reason this economy is growing is because of small business. That is why we are celebrating Small Business Week. We found out from the Bureau of Labor Statistics last week, 25 months of consecutive economic growth, 146,000 jobs in June. We have unemployment at near historic lows. We are going to see the deficit $100 billion less than projected. The reason that is happening, the reason we have steady economic growth, is because the tax reductions are working. The tax reductions are working, and we are seeing higher Federal revenues.

We are going to continue with this. It shows that the agenda laid forth by the majority leadership has worked for all Americans, and we are going to continue to work to reduce Federal regulations like the bills we did in dealing with OSHA to make the environment more friendly for small business for what they do best, create those jobs. We look forward to continuing to create the environment for a great competitive American workplace.

WHITE HOUSE STONEWALLING ON ROVE

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

Ms. SCHAKOWSKY. Mr. Speaker, it has now been 2 days since we discovered Karl Rove told a Time magazine reporter that Joseph Wilson’s wife was a CIA agent, and what is the response from the White House? Silence.

White House press secretary Scott McClellan has refused to take questions from reporters for the last 2 days on Karl Rove, citing an ongoing Federal investigation. However, McClellan had no trouble spreading erroneous information about Rove’s supposed innocence.

On October 1, 2003, McClellan was asked about Rove’s involvement; and after first stating that there was an ongoing investigation taking place, McClellan continued by stating, “It’s simply not true that he was involved in leaking classified information.”

Nine days later in reference to another question about Rove, McClellan began by reminding reporters of an ongoing investigation, but then continued by stating that Rove had assured him he was not involved. It now turns out that everything the White House was saying was false. Mr. Speaker, the ongoing investigation is not what is keeping the Bush White House from commenting. They are stonewalling because they cannot explain these falsehoods away. It is time for the stonewalling to end.

THE ECONOMY

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

Mr. CHOCOLA. As we have heard, Mr. Speaker, last week our country did receive more good economic news. The jobless rate fell to 5 percent in June, the lowest rate since September of 2001. Economic growth has continued to average 4 percent. The deficit is down by over $100 billion to its lowest point in 3 years. And tax receipts have skyrocketed this year.

That news should send a clear signal to Members of this body, it is time to give the tax cuts of 2003 the credit that they deserve. Time and again we have learned that the best way to achieve growth and create jobs is for hard-working people to keep more of their own money in their own pockets.

Mr. Speaker, I urge my colleagues to help sustain this growth and help eliminate the deficit by controlling spending and making the 2003 tax cuts permanent.

VA BUDGET SHORTFALL

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

Ms. BERKLEY. Mr. Speaker, once again the administration is forced to admit that it failed to acknowledge the full extent of the VA’s budget shortfall. In June, the administration submitted a request for $975 million to keep the VA ship afloat. This number was a joke. Democrats, myself included, protested that at least $1.3 billion would be required to meet the VA’s obligation to our Nation’s veterans.

Former VA Secretary Anthony Principi, then Chairman Chris Smith and Ranking Member EVANS, the Independent Budget, the American Legion, and countless veterans wrote Members of Congress and warned us that the VA could not operate with the budget request submitted by the administration. As usual, the administration stubbornly clung to its ridiculously low figure. Once again, the administration was wrong.

Now that the administration acknowledges its billion-dollar shortfall, let us make sure our veterans are provided for and that no veteran in this country goes without the best health care we can provide to these great Americans.

NEED TO MONITOR FEMA

(Ms. GINNY BROWN-WAITE of Flor- ida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE. Mr. Speaker, I rise today to express my condolences to Floridians in the wake of Hurricane Dennis. Hurricane Dennis blasted into Florida as a category 3 storm and is estimated to have caused about $1 billion worth of damage and the loss of seven lives. I share Floridians’ anguish over their losses. This hurricane unfortunately is just the first of many that will assail Florida’s coasts.

Last year, FEMA bungled cleanup efforts in the aftermath of four terrifying hurricanes by refusing to pay for debris removal on private roads, slow reimbursement, and exorbitant over-payments in the Miami-Dade area. Our flood assistance program is $1 billion less than projected, so FEMA should respond quickly to this latest hurricane so that the 2004 debacle is not repeated.

ROVE NEEDS TO BE STRAIGHT-FORWARD ABOUT HIS INVOLVE- MENT IN VALERIE PLAME SCAN- DAL

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

Ms. WATSON. Mr. Speaker, Karl Rove needs to stop hiding behind his attorney and be straightforward with the American people about his involvement in the Valerie Plame scandal. Whether or not Karl Rove is the only administration official who leaked information to reporters remains to be seen. What is clear today is that Karl Rove has not been up-front with the American people. He has consistently denied any involvement in the case despite the revelation on Monday from his attorney that he did indeed tell a Time magazine reporter that Joseph Wilson’s wife was a CIA agent. This is a serious breach of trust on Karl Rove’s part. Truth and trust are demanded when this happens.

Larry Johnson, a former CIA operative who worked with Plame, explained how serious Rove’s actions were, and I am quoting: “The fact that she’s been undercover for 3 decades and has been divulged is outrageous because she was put undercover for certain reasons. One, she works in an area where people she meets with overseas could be compromised.” He needs to step down.

LONDON BOMBING

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

Mr. GINGREY. Mr. Speaker, I rise today to offer my deepest condolences to our friends in London who suffered a heinous attack of terrorism last week when several bombs tore through their public transit system. Events like the London bombing remind us how absolutely important it is to stand firm against terrorism wherever it rears its hideous head. We must never let down our guard.

Next week, the House is slated to take up legislation to reauthorize 16 provisions in the PATRIOT Act. Those in Congress acted quickly in the wake of September 11 to get this strong legislation passed to help safeguard our Nation from the agony of another terrorist attack.

So far, we have been successful. The PATRIOT Act has helped our intelligence and law enforcement officials
prevent another attack from occurring on American soil. But last week’s London bombings remind us that we are still in the middle of a fierce battle. Our safety depends on our intelligence and law enforcement officials having the tools they need to track terrorists and prevent terrorism, at home and abroad. Indeed, this is not the time to let down our guard.

SUPPORT THE FLAKE-BLUMENAUER AMENDMENT TO ENSURE THAT THE UPPER MISSISSIPPI RIVER LOCK AND DAM EXPANSION IS JUSTIFIED

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

Mr. BLUMENAUER. Mr. Speaker, we heard earlier today that there is a need to have a massive investment in the lock system in the Mississippi River to avoid having product move up and down in trucks. That is not the issue.

The problem we are facing now is that more and more of the grain and other agricultural product are being shipped by truck and rail because it needs to get to locations not served by the Mississippi River system. This has been shown by the Congressional Research Service and the National Academy of Science.

The bill that is coming before us for a vote next week would be the Nation’s most expensive waterway project and would siphon off 10 to 15 percent of all core construction funding for years, perhaps decades, to come, for an area where the barge traffic is actually going down.

I strongly urge my colleagues to support the amendment that the gentleman from Arizona (Mr. FLAKE) and I are offering that would allow the project to go forward only if the minimum standards that make it economically viable are, in fact, met over the next 3 years.

TAXES AND BUDGET

(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, since President Bush took office in January 2001, America has seen a recession that began before the administration was really up and running, the worst terror attacks in the history of the world, scandals that rocked the Fortune 500 companies and our financial markets, a war in Afghanistan, a war in Iraq, and the highest energy prices in recent memory.

We have faced enormous economic challenges that we have decently tackled, the United States; but, instead, we have seen 4 years of economic growth, the best housing market in American history, all more evidence that tax relief benefits the economy. And getting the government off the backs of the taxpayers actually helps our economic engine.

The 2001 tax cuts and the 2003 cuts on capital gains and dividends have been the linchpin to our economic rebound. Federal tax receipts are up this year. State tax receipts are up this year. The economy is turning around, and we have reduced the deficit by $100 billion this year alone, all the work of tax relief and tight budgets, what we as Republicans believe, what we are fighting for, and they work.

TRUTH, TRUST, AND ACCOUNTABILITY

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

Mr. MORAN of Virginia. Mr. Speaker, truth, trust, and accountability should be the defining characteristics of the American Presidency.

President Bush’s press secretary, in October of 2003, Scott McClellan, told the White House press corps and, through them, the world at large that Karl Rove and two other high-level administration officials had assured him that they were not involved in outing CIA covert agent Valeria Plame. He said that unequivocally.

Now we find that Karl Rove has sat back in timid silence while he has watched two reporters go through the costly, torturous experience of legal prosecution, all to protect his identity.

Mr. Speaker, the 41st President of the United States, George Bush, for whom the CIA headquarters is named, said that what Karl Rove did was an act of treason. Mr. Speaker, it is time to hear from the President of the United States.

STOPPING THE SPREAD OF TERROR

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

Ms. FOXX. Mr. Speaker, I rise today in support of the pledge made by Prime Minister Tony Blair. He said that we must “defeat terror and emerge from this horror with our values, our way of life, our tolerance and respect for others undiminished.” I support that pledge.

The attacks on London show that the war on terror is not over, nor is it confined to a specific geographical domain. Securing our homeland is only one facet of the war. Spreading democracy in the savage lands where terrorism is allowed to propagate is another.

In the face of terrorism, a united front is one of the strongest weapons. A terrorist network that believes a nation so tested will fold under pressure of a few horrifying acts may capture its attention, but will not achieve its submission. The terrorists who attacked Great Britain have underestimated the resolve of an alliance that shares the ideals of freedom and democracy.

Those of us who thought the threat of terrorism receded with time now look no further than the horror visited on our closest allies. Complacency only allows the waves of terror crashing on the Western World to mount.

None of us in either country should be content to live under this constant threat. We must instead insure ourselves against such terror by allowing democracy to spread and flourish.

VETERANS HEALTH CARE

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

Mr. DeFAZIO. Mr. Speaker, talk is cheap, but health care is very expensive; and for the last 5 years, the Bush administration has offered our veterans empty rhetoric while denying them access to needed health care.

As veterans groups and Democrats fought to increase the veterans budget for the last 3 years, the Republican majority and the White House have been in deep denial. But I get weekly requests from my veterans rep who tells me that people’s treatment has been delayed, denied, people who cannot even get in the door for 6 months.

Now, 2 weeks ago, the administration admitted, well, I guess we need another $1 billion for health care for veterans this year. Today they said it is $3 billion more; but they say, oh, you know, we just could not have known, we could not have anticipated there would be veterans coming home from Iraq or Afghanistan who are wounded and injured and need services. They did not know there was a war going on. And they also said they could not anticipate the aging of the World War II and Korean veterans. They did not build that into the budget. They just did not know.

But they had a chairman on that side for a couple of years who told us he did know. He told us we needed more money, and they fired him from that job. At least a few Republicans are standing up for what is right.

TIME FOR KARL ROVE TO COME CLEAN

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

Mr. PALLONE. Mr. Speaker, I guess the Republican leadership is now condoning Karl Rove’s behavior, but think about what the previous President Bush said about this.

On September 30, 2003, and I am quoting President Bush, “If there is a leak out of my administration, I want to know who it is, and if the person violated the law, the person will be taken care of.”

Well, that was nice talk then, but now it appears that it was all talk. The
Republican leadership has no problem condoning Karl Rove’s behavior and his leak. On Monday we learned that Karl Rove leaked Valeria Plame’s identity, an act that Bush’s father called treasonous. Rove’s actions were an outrageous abuse of power, but the longer President Bush allows him to remain on the job, the more it looks like the President is condoning activity that his own father called treasonous. It is amazing to me that the Republican leadership is now so afraid to come to the floor and say that that is okay. It is outrageous.

Listen to what the previous President Bush said: “Don’t let this stone-wall continue on the part of the White House.” It is time that Karl Rove come clean. It is time that the President force him to resign.

ECONOMY AND JOBS
(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, thanks to President Bush’s economic growth plan passed by Republicans in Congress, I am very pleased to relay even more good news about America’s expanding economy, growing jobs gains, and shrinking Federal deficit.

First, our economy grew at 3.8 percent in the first quarter. This is the 14th consecutive quarter of growth and one of the strongest growth performances in years. Secondly, a recent Congressional Budget Office report shows yet another decline in the Federal deficit due to this economic growth. The deficit is down about $100 billion. More good news. The unemployment rate has now declined to 5 percent, the lowest level since that tragic day on 9/11.

Over the last 2 years, more than 3.7 million new jobs for the future have been created in America. These encouraging reports show once again that the tax relief for families and small businesses which President Bush and the Republican Congress passed is paying dividends: more jobs, higher incomes, and a lower deficit.

THE BUSH LEGACY: LARGEST NATIONAL DEBT IN HISTORY
(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, today the administration is telling us that the Federal budget deficit for this year will not be as large as they were predicting it would be back in January. Some are taking this as evidence of some type of supply-side miracle, but nothing could be further from the truth.

As analysts at Goldman Sachs have pointed out today, this year’s large increase in tax receipts stems from temporary factors that are unlikely to be repeated, and some short-term improvement does not change the big picture.

The Bush administration has given us a record: the largest national debt in history, over $7 trillion; and they have raised the ceiling, the debt ceiling three times. This breaks a promise to each citizen; a pledge being over $260,000. And they still have a record trade deficit, another record: the largest in history.

The administration may have another excuse to ignore the long-term structural budget problems of this Nation. However, I believe the American people deserve to know the truth: $7 trillion, a debt that our children will have to pay.

TIME FOR THE WHITE HOUSE TO CLEAN UP ITS HOUSE
(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, raising questions about national security is not partisanship; it is patriotism. Now that we know that Karl Rove, the Deputy Chief of Staff at the White House outed a CIA agent, Republicans have begun to try to forgive the unforgivable, to explain the inexplicable. And to suggest that Karl Rove was simply trying to set a news story straight as a reason for outing a CIA agent is unacceptable.

CIA agents operate in secret so they can protect America from its enemies, from terrorism here at home. When their identity is revealed, not only are they put at risk, but America is also put at risk.

Whether Karl Rove violated the law or not is a question for the special prosecutor; but the White House said they had a higher standard, and it is the standard that should be enforced with Mr. Rove.

Former CIA agents have said that if this is not treacherous, it might very well be treasonous. Either way, it is time for the White House to clean up its house.

FUNDING FOR VETERANS
(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, the cornerstone at the Department of Veterans Affairs from the time of Abraham Lincoln has read: “To care for them who shall have borne the battle, their widows, and their orphans.” Why can this administration not keep that promise?

Veterans who have served our country and are now coming home, and the World War II, Korean, Vietnam and Persian Gulf War vets who are aging, are lined up, over 50,000 currently waiting to get into the system. Our doctors and nurses are stretched to the limit.

We know we need $1 billion additional funds for veterans health care. We seem to be able to find money for everything else in the world, but the administration cannot get it right, or does not want to get it right on veterans care. A couple of weeks ago they said they did not need any more money. Then, yesterday, they said, oh, wait, maybe we need $300 million, when their own chairman that they took off the committee 2 years ago, robbing him of his distinguished career here in public service to veterans, told us we needed $1 billion, and they ripped him off the committee. That is really wrong. It is not meeting our commitments to those on whose freedom rests. And do my colleagues know what? It is having a major impact on our ability to recruit our Guard, Reserve and Army, because they do not believe that this country will keep the promise that we have had enshrined since Lincoln . . . to care for those who have borne the battle.

VETERANS HEALTH CARE SHORTFALL
(Ms. HERSETH asked and was given permission to address the House for 1 minute.)

Ms. HERSETH. Mr. Speaker, I rise today to express my concern shared by many of my colleagues this morning regarding the veterans affairs health care budget shortfalls. I am afraid this shortfall is further evidence that the misgivings many Members of Congress, veterans, and veterans service organizations have had about the VA health care budget have been justified.

The bottom line, in recent years veterans health care has not been given sufficient consideration when it comes to time to write the budget. Providing the benefits earned by veterans, yesterday’s heroes and today’s, is part of the Federal Government’s responsibility to provide for the common defense, a responsibility that should direct our funding priorities.

The necessity to reprogram $1.27 billion to the medical services account for fiscal year 2005 and possibly up to $1.7 billion, not factoring in $600 million for enrollment fees and increased co-payments that will not be accepted by Congress, over the President’s request for fiscal year 2006 is an obvious signal that VA health care is not suitably funded to meet the needs of our veterans.

However, this is not the first indication that the problem existed. It is not a problem that has crept into the system in the last few months. It is a problem that has existed for many years. I am pleased that we are now working to solve the shortfalls of fiscal years 2005 and 2006 so that we ensure effective methodologies that can produce reliable projections regarding adequate levels of funding in the future.

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

Mr. FARR. Mr. Speaker, the President asked this Nation to fly the flag for our troops over the Fourth of July holiday. But while the Nation supports the army, navy and women in uniform serving in harm’s way, the President is shortchanging the soldiers who are now serving and will be veterans in the future.

Mr. Speaker, I serve on the appropriations subcommittee most ably led by the ranking member, the gentleman from Texas (Mr. EDWARDS), who has led the battle of pointing out the underfunding of the Veterans Administration for health care. We now see it is a fact.

Both the Republican leadership in the House and the Senate made a quick fix. The Democrats have said this fix is not enough, claiming that we will have a greater shortfall as the veteran soldiers from Iraq come home.

If you truly want to honor those serving, you have to pledge to honor them in the future. Fully funding veterans health care is the most patriotic for them in the future. Fully funding veterans health care is the most patriotic. Again, the Democrats have said this fix is a low-band-aid and not enough.

We now see that it is a fact.

Mr. FARR. Mr. Speaker, I can report that the Republicans, I think, and the new leadership in the Senate made a quick fix. The Democrats have said this fix is not enough, claiming that we will have a greater shortfall as the veteran soldiers from Iraq come home.

If you truly want to honor those serving, you have to pledge to honor them in the future. Fully funding veterans health care is the most patriotic way we can honor our troops, all of whom will some day be veterans.

SUPPORT OUR TROOPS—GIVE VETERANS BETTER HEALTH CARE

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

Mr. FILNER. Mr. Speaker, this morning in “CQ Today” we see: “Shortfall in Veterans Funds Widens.”

The chairman of our committee says, well, we have to find the right number somewhere; we have to find the right number.

Well, I tell you, we had a process where we had to find the right number. The veterans service organizations through this Independent Budget said exactly what was needed and what we should have both for this year and for the coming year. But did we listen to them? No.

The Democrats on the Committee on Veterans’ Affairs, the Democrats on this floor tried to amend the appropriations bill where we got the money that veterans need. They were voted down by a strict party-line vote: all the Democrats voting for the veterans, all the Republicans voting against us.

We are at war, Mr. Speaker. The way that we win a war is to make sure that the troops when they come home have sufficient funding for health care. I have a thousand veterans on the waiting list at my veterans hospital in San Diego. The brave young men and women who are returning from Iraq and Afghanistan will have a high probability of having post-traumatic stress disorder, PTSD.

Will they get the treatment they need? No. Will they have to wait a year for a treatment? Yes.

Let us support our troops by supporting them when they come home with proper VA health care funding.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken tomorrow.

VETERANS’ COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2005

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1220) to increase, effective as of December 1, 2005, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes as amended.

The Clerk read as follows:

H.R. 1220

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 “Veterans’ Compensation Cost-of-Living Adjustment Act of 2005”.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2005, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DISABILITY RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1114(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 111a(t)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amounts in effect under section 111a(f) of such title and paragraph (1) of section 1114(f) of such title (as redesignated by subsection (e) of this section).

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 111a(e) and 1114(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1131(a) and 1114 of such title.

(c) DETERMINATION OF INCREASE.—

(1) BASE FOR INCREASE.—The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2005.

(2) PERCENTAGE OF INCREASE.—Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2005, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) ROUNDING.—Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-457 (72 Stat. 561) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i) of the Social Security Act (42 U.S.C. 415(i)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2006, the Secretary of Veterans Affairs shall publish in the Federal Register the rates specified in subsection (b) of section 2, as increased pursuant to that section.


(a) VETERANS’ DISABILITY COMPENSATION.—

Section 1114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking "$106" and inserting "$108";

(2) in subsection (b), by striking "$205" and inserting "$210";

(3) in subsection (c), by striking "$316" and inserting "$324";

(4) in subsection (d), by striking "$545" and inserting "$466";

(5) in subsection (e), by striking "$646" and inserting "$663";

(6) in subsection (f), by striking "$817" and inserting "$839";

(7) in subsection (g), by striking "$1,029" and inserting "$1,056";

(8) in subsection (h), by striking "$1,195" and inserting "$1,227";

(9) in subsection (i), by striking "$1,344" and inserting "$1,370";

(10) in subsection (j), by striking "$2,229" and inserting "$2,299";

(11) in subsection (k), by striking "$3,292" both places it appears and inserting "$3,357"; and

(B) by striking "$2,785" and "$3,907" and inserting "$2,860" and "$4,012", respectively;

(12) in subsection (l), by striking "$2,785" and inserting "$2,860";

(13) in subsection (m), by striking "$3,073" and inserting "$3,153";

(14) in subsection (n), by striking "$3,496" and inserting "$3,590";

(15) in subsections (o) and (p), by striking "$3,564" and inserting "$3,590";

(16) in subsection (q), by striking "$1,677" and "$2,497" and inserting "$1,722" and "$2,564", respectively;

(17) in subsection (s), by striking "$2,506" and inserting "$2,573";

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(i) of such title is amended—

(1) in subparagraph (A), by striking "$127" and inserting "$130";

(2) in subparagraph (B), by striking "$219" and inserting "$224" and "$66", respectively;

(3) in subparagraph (C), by striking "$86" and "$85" and inserting "$88" and "$66", respectively;

(4) in subparagraph (D), by striking "$103" and inserting "$105";

Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1220) to increase, effective as of December 1, 2005, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes as amended.
SEC. 5. DEMONSTRATION PROJECT TO IMPROVE BUSINESS PROCESSES OF VETERANS HEALTH ADMINISTRATION.

(a) Demonstration Project Required.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a demonstration project under this section for the improvement of business practices of the Veterans Health Administration.

(b) Performance-Based Contract.—To carry out the demonstration project, the Secretary shall enter into a performance-based contract for a contractee to carry out the functions specified in subsection (e).

(c) Cost Limitation.—The total amount paid to the contractor under the contract may not exceed $10,000,000.

(d) Selection of Contractor.—The Secretary shall select the contractor to carry out the demonstration project on a competitive basis.

(2) Purpose.—The demonstration project shall be designed to enhance and improve business practices of the Veterans Health Administration.

(e) Duration of Project.—The demonstration project shall be conducted for a period of not less than 18 months.

(f) Reporting Requirements.—The Secretary shall submit to Congress reports on the implementation of the demonstration project.

(g) Funding.—The Secretary shall submit to Congress requests for funding to implement the demonstration project.

(h) Evaluation.—The Secretary shall conduct an evaluation of the demonstration project and submit the results to Congress.

(h) Implementation.—The Secretary shall implement the demonstration project in accordance with this section.

(2) Reporting.—The Secretary shall submit to Congress reports on the implementation of the demonstration project.

(i) Authorization of Appropriations.—The Secretary shall be authorized to use any funds appropriated for the conduct of the demonstration project under this section.

SEC. 6. PERSPECTIVE DISEASE RESEARCH, EDUCATION, AND CLINICAL CENTERS.

(a) Research Centers.—The Secretary shall conduct research centers to advance the understanding and treatment of perspective diseases.

(b) Education.—The Secretary shall conduct education programs to increase awareness of perspective diseases.

(c) Clinical Centers.—The Secretary shall establish clinical centers to provide care for patients with perspective diseases.

SEC. 7. VETERANS HEALTH ADMINISTRATION.

(a) Authorization of Appropriations.—The Secretary shall be authorized to use any funds appropriated for the Veterans Health Administration to carry out the demonstration project.

(b) Demonstration Project.—The Secretary shall conduct a demonstration project to improve business practices of the Veterans Health Administration.

(c) Reporting.—The Secretary shall submit to Congress reports on the implementation of the demonstration project.
§7329. Parkinson’s Disease research, education, and clinical centers

(a) The Secretary, upon the recommendation of the Under Secretary for Health and pursuant to the provisions of this section, shall designate six Department health-care facilities as the locations for centers of Parkinson’s Disease research, education, and clinical activities and (subject to the appropriation of sufficient funds for such purpose) establish and designate such centers at such locations in accordance with this section.

(b) In designating locations for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall—

(1) designate each Department health-care facility that as of January 1, 2005, was operating a Parkinson’s Disease research, education, and clinical center unless (on the recommendation of the Under Secretary for Health) the Secretary determines that such facility does not meet the requirements of subsection (c) or has not demonstrated effectiveness in carrying out the established purposes of such center or the potential to carry out such purposes effectively in the reasonably foreseeable future; and

(2) assure appropriate geographic distribution of such facilities.

(c) The Secretary may not designate a health-care facility as a location for a center under subsection (a) unless (1) the Secretary determines that the facility meets the highest competitive standards of scientific and clinical merit, and the Secretary (upon the recommendation of the Under Secretary for Health) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

(1) An arrangement with an accredited medical school which provides education and training in Parkinson’s Disease and with which such facility is affiliated with under which residents receive education and training in innovative diagnosis and treatment of chronic neurodegenerative diseases and movement disorders, including Parkinson’s disease.

(2) The ability to attract the participation of scientists who are capable of ingenuity and creativity in research efforts.

(3) A policymaking advisory committee composed of appropriate health-care and research representatives of the facility and of the affiliated school advising the Secretary on such facility and such center on policy matters pertaining to the activities of such center during the period of the operation of such center.

(4) The capability to coordinate, as part of an integrated national system, education, clinical, and research activities within all facilities with such centers.

(5) The capability to jointly develop a consortium of providers with interest in treating neurodegenerative diseases, including Parkinson’s Disease, and other movement disorders, at facilities without such centers in order to enable better access to state-of-the-art diagnosis, care, and education of neurodegenerative disorders throughout the health care system.

(6) The capability to develop a national repository for the collection of data on health services research seeking to improve care in neurodegenerative diseases, including Parkinson’s Disease, and other movement disorders in the health care system.

(d) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of new centers under this section.

(2)(A) The membership of the panel shall consist of experts in neurodegenerative diseases, including Parkinson’s Disease, and other movement disorders.

(B) Members of the panel shall serve as consultants to the Department for a period of no longer than three years, except in the case of panelists asked to serve on the initial panel as specified in subparagraph (C).

(C) In order to ensure panel continuity, half of the members of the first panel shall be appointed for a period of three years and half for a period of two years.

(3) The panel shall review each proposal submitted to the panel by the Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

(4) The panel shall not be subject to the Federal Advisory Committee Act.

(e) Before providing for the operation of any such center at a health-care facility other than a health-care facility designated under subsection (b)(1), the Secretary shall assure that the center at each facility designated under such subsection is receiving adequate funding to enable such center to function effectively in the areas of Parkinson’s Disease research, education, and clinical activities.

(f) There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established under subsection (a). The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

(g) Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible for the award of funds from funds appropriated generally for the Department medical and prosthetics research account and shall receive priority in the award of funding from such account insofar as such funds are awarded to projects for research in Parkinson’s disease and other movement disorders.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7328 the following new item:

“7329. Parkinson’s Disease research, education, and clinical centers.”

(b) EFFECTIVE DATE.—Section 7329 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 2005.

The SPEAKER pro tempore. Pursuant to the rules of the House, Mr. BUYER and Ms. BERKLEY of Nevada are jointly submitting the following:

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

Mr. Speaker, I would like to thank the gentleman from Indiana (Mr. BUYER) for his help and his work on this bill. As the ranking member, the gentleman from Illinois (Mr. EVANS), as always; and subcommittee chairman, the gentleman from Florida (Mr. MILLER), for their continued efforts to ensure the value of veterans benefits does not erode as the cost of living increases.

Mr. Speaker, H.R. 1220, as amended, will also authorize a demonstration project to improve the ability of the Veterans Health Administration to collect funds from third party insurance companies. Under certain circumstances, the VA may charge for the treatment of conditions that are not a result of injuries or illnesses incurred or aggravated during military service. Despite improvements, weaknesses in VA’s billing and collection process still result in many dollars rightfully owed to the VA and not collected is a dollar lost to veterans care.

We are working to ensure the VA can accurately forecast health care demand. We must also ensure that the system is able to collect a just debt.

I expect that all revenue collected from the project will be returned to the VA medical center where the patient occurs and not be subjected to appropriations outside.

Finally, the bill would permanently authorize six Parkinson’s disease research, education, and clinical centers. Parkinson’s disease affects as many as 1.5 million Americans. While treatment exists, there are still no cures.

Currently, the VA has six of these centers. They provide researchers the ability to see results rapidly and put their knowledge to use in helping patients. These centers, working with over 1,500 VA clinicians, treat tens of thousands of veterans with Parkinson’s disease. This section will ensure that the VA continues this invaluable research and treatment.

Mr. Speaker, I yield the remainder of my time.
Mr. Speaker, I support this legislation and am a proud cosponsor of the bill because it is an important way we can keep our Nation’s promise to the veterans who have served. This legislation is aimed at improving the quality of life for disabled veterans and their families whose sacrifices and contributions to our great country should not be forgotten. I believe the way we treat our veterans is a moral issue and we need to do the right, moral, honorable thing with respect to disabled veterans and their families.

There are more than 3,000 veterans in my home State of South Dakota who received disability compensation last year, and tens of thousands more nationwide who rely on this annual cost of living increase to help support a dignified quality of life. With wounded young servicemen and women returning home by the thousands from battlefields in Iraq and Afghanistan, we know there is a new and growing generation that is equally deserving of this modest increase to reflect a rising cost of living. It is imperative we work to provide this newest generation of heroes and their families with the benefits they have earned and deserve.

This bill will provide continuing assistance for these brave men and women who will forever live with the scars of their sacrifice. We must honor their service by considering veterans’ care to be an ongoing cost of war.

I would like to thank the gentlewoman from Nevada (Ms. BERKLEY) for her efforts to include a provision to improve benefits that I have been working on since I became a Member of Congress.

Last Congress in response to the VA evaluation, we passed legislation to provide an increase of $250 to the monthly DIC benefits for surviving spouses with children under 18 years of age for the first 2 years of eligibility. While I believe that we should make this benefit permanent, especially in light of our brave men and women giving their lives in Afghanistan and Iraq, the provision in today’s bill is extremely important and will ensure that this benefit maintains its value over time.

Finally, I am pleased that this legislation will allow the VA to continue its important work on Parkinson’s disease research. I would like to thank the chairman, the gentleman from Indiana (Mr. BUYER), and the ranking member, the gentleman from Illinois (Mr. EVANS), for their leadership in this very important legislation.

This is a good bill to help veterans and their families across the country. I urge my colleagues to support it.

Ms. HERSHEY. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in support of H.R. 1220, the Veterans’ Compensation Cost-of-Living Adjustment Act, which authorizes the annual cost-of-living adjustment for disabled veterans and their survivors.

I would like to thank the chairman, the gentleman from Indiana (Mr. BUYER), and the ranking member, the gentleman from Illinois (Mr. EVANS), for their leadership on the full committee and for their good work in shepherding this bill to the floor today.

I would like to thank the gentleman from Florida (Mr. MILLER) and the ranking member, the gentlewoman from South Dakota (Ms. HERSHEY), for their support of the subcommittee on Disability Assistance and Memorial Affairs, for their hard work and bipartisan leadership.

Ms. BERKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the gentlewoman for yielding me time and for her leadership in this effort.

Mr. Speaker, I rise in strong support of H.R. 1220, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2005. I believe that this is a good bipartisan bill. Each year we pass the COLA for veterans. This ensures that veterans benefits maintain their value as the cost of living goes up. These benefits were earned by our men and women who have served our country and their families, and they should not be allowed to diminish.

These benefits are critical to helping many veterans and their families make ends meet. I would also like to thank the gentlewoman from Nevada (Ms. BERKLEY) for her efforts to include a provision to improve benefits that I have been working on since I became a Member of Congress.

I am particularly pleased that the bill contains an amendment I was pleased to offer to include the transitional DIC benefit in the COLA. Without the amendment, the value of the $250 transitional benefit paid to surviving spouses with minor children for their first 2 years of eligibility would have eroded in value by 2006.

Mr. Speaker, this is the least we can do for our Gold Star wives and their children.

I am also pleased to note that the bill contains authority for six VA Parkinson’s disease centers. I believe that the research conducted at those centers will improve the lives not only of the veterans suffering from Parkinson’s, but of many thousands of other Americans.

Veterans in Las Vegas are already reaping the benefits of the local VA’s affiliation with the Southwest Center in West Los Angeles. I want to thank the gentleman from Illinois (Mr. EVANS) in particular for bringing this to our attention and making sure that it was a top priority for the VA committee.

The bill also contains provisions for a demonstration project to improve VA’s procedure for collecting money owed by third parties such as insurance companies when VA provides medical care for veterans with nonservice-connected conditions.

H.R. 1220 will receive my full support.

It deserves the full support of all Members of this House.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans’ Affairs.

Mr. EVANS. Mr. Speaker, I am proud that H.R. 1220, in addition to providing veterans with needed health care, includes a living adjustment for disabled veterans as well. This will permanently authorize VA Parkinson’s centers as well. Some 42,000 veterans with Parkinson’s receive care at the VA.

In 5 years, an estimated 39,000 older veterans will have the disorder. Treatments exist for Parkinson’s, but research continues to improve treatments and to search for a cure.

VA is on the cutting edge of research and treatment because of these centers. Veterans service organizations and Parkinson’s advocates all support the permanent authorization of these centers.

While the bill does not also authorize VA’s two multiple sclerosis centers, I continue to support the centers and hope they can work so we can get them properly authorized.

Authorizing the centers will make sure that the VA will continue to be a model of innovation in the delivery of health care and research for this chronic disease. This bill offers hope to veterans and others with Parkinson’s. I ask my colleagues for their support.

Ms. BERKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the gentlewoman for yielding me time and for her leadership in this effort.

Mr. Speaker, I rise in strong support of H.R. 1220, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2005. I believe that this is a good bipartisan bill. Each year we pass the COLA for veterans. This ensures that veterans benefits maintain their value as the cost of living goes up. These benefits were earned by our men and women who have served our country and their families, and they should not be allowed to diminish.

These benefits are critical to helping many veterans and their families make ends meet. I would also like to thank the gentlewoman from Nevada (Ms. BERKLEY) for her efforts to include a provision to improve benefits that I have been working on since I became a Member of Congress.

Last Congress in response to the VA evaluation, we passed legislation to provide an increase of $250 to the monthly DIC benefits for surviving spouses with children under 18 years of age for the first 2 years of eligibility.

While I believe that we should make this benefit permanent, especially in light of our brave men and women giving their lives in Afghanistan and Iraq, the provision in today’s bill is extremely important and will ensure that this benefit maintains its value over time.

Finally, I am pleased that this legislation will allow the VA to continue its important work on Parkinson’s disease research. I would like to thank the chairman, the gentleman from Indiana (Mr. BUYER), and the ranking member, the gentleman from Illinois (Mr. EVANS), for their leadership in this very important legislation.

This is a good bill to help veterans and their families across the country. I urge my colleagues to support it.

Ms. BERKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from South Dakota (Ms. HERSHEY).

Ms. HERSHEY. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in support of H.R. 1220, the Veterans’ Compensation Cost-of-Living Adjustment Act, which authorizes the annual cost-of-living adjustment for disabled veterans and their survivors.

I would like to thank the chairman, the gentleman from Indiana (Mr. BUYER), and the ranking member, the gentleman from Illinois (Mr. EVANS), for their leadership on the full committee and for their good work in shepherding this bill to the floor today.

I would like to thank the gentleman from Florida (Mr. MILLER) and the ranking member, the gentlewoman from South Dakota (Ms. HERSHEY), for their support of the subcommittee on Disability Assistance and Memorial Affairs, for their hard work and bipartisan leadership.

Ms. BERKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the gentlewoman for yielding me time and for her leadership in this effort.

Mr. Speaker, I rise in strong support of H.R. 1220, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2005. I believe that this is a good bipartisan bill. Each year we pass the COLA for veterans. This ensures that veterans benefits maintain their value as the cost of living goes up. These benefits were earned by our men and women who have served our country and their families, and they should not be allowed to diminish.

These benefits are critical to helping many veterans and their families make ends meet. I would also like to thank the gentlewoman from Nevada (Ms. BERKLEY) for her efforts to include a provision to improve benefits that I have been working on since I became a Member of Congress.

Last Congress in response to the VA evaluation, we passed legislation to provide an increase of $250 to the monthly DIC benefits for surviving spouses with children under 18 years of age for the first 2 years of eligibility.

While I believe that we should make this benefit permanent, especially in light of our brave men and women giving their lives in Afghanistan and Iraq, the provision in today’s bill is extremely important and will ensure that this benefit maintains its value over time.

Finally, I am pleased that this legislation will allow the VA to continue its important work on Parkinson’s disease research. I would like to thank the chairman, the gentleman from Indiana (Mr. BUYER), and the ranking member, the gentleman from Illinois (Mr. EVANS), for their leadership in this very important legislation.

This is a good bill to help veterans and their families across the country. I urge my colleagues to support it.

Ms. BERKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from South Dakota (Ms. HERSHEY).

Ms. HERSHEY. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in support of H.R. 1220, the Veterans’ Compensation Cost-of-Living Adjustment Act, which authorizes the annual cost-of-living adjustment for disabled veterans and their survivors.

I would like to thank the chairman, the gentleman from Indiana (Mr. BUYER), and the ranking member, the gentleman from Illinois (Mr. EVANS), for their leadership on the full committee and for their good work in shepherding this bill to the floor today.

I would like to thank the gentleman from Florida (Mr. MILLER) and the ranking member, the gentlewoman from South Dakota (Ms. HERSHEY), for their support of the subcommittee on Disability Assistance and Memorial Affairs, for their hard work and bipartisan leadership.
This bill would also codify the current amounts of disability compensation and dependency and indemnity compensation. More than 2.6 million American veterans are receiving service-connected disability compensation. Many of them reside in my Congressional District. These benefits vary monthly and range from $108 per month for a 10 percent disability to $2,290 for a 100 percent disability.

Additional monetary benefits are available for our most severely disabled as well as those who have dependents. Spouses of veterans who died on active duty or as a result of a service-connected disability likewise are entitled to monetary compensation. Additional amounts are paid to survivors who are housebound or who have minor children.

Currently, more than 336,000 surviving spouses and children are receiving survivor benefits. The administration’s fiscal year 2006 budget projects a 2.3 percent cost-of-living increase, but it may be higher or lower, depending on changes in the Consumer Price Index. The exact percentage will be calculated as of September 30 of this year.

I certainly want to thank the subcommittee’s chairman and ranking member, the gentleman from Florida (Mr. MILLER), and the gentlewoman from Nevada (Ms. BERKLEY), respectively. I also want to commend the chairman of the committee, the gentleman from Indiana (Mr. BUYER), and ranking member, the gentleman from Illinois (Mr. EVANS) for their leadership in bringing the bill to the floor today, as well as the subcommittee staff on both sides of the aisle for their hard work on this issue.

Mr. Speaker, I urge my colleagues to support H.R. 1220, as amended.

Ms. BERKLEY. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from Nevada has 12 minutes remaining.

Ms. BERKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her outstanding, consistent leadership on behalf of our veterans. It is incredibly important.

I rise in full support of this increase of benefits and in support of cost-of-living adjustment, but I rise particularly to speak about the authorization for the permanent Parkinson’s disease research education. As the founder and co-chair of the Parkinson’s Task Force, this is critically important. Many of our cases of exposure to toxic elements, suffer from Parkinson’s. This research is important. Some of their breakthroughs in these veterans’ research facilities have led to cures.

Mr. Speaker, we are being irresponsible by not approving an adequate health care budget for our veterans. While today, we approve the Disability Compensation COLA, we are still leaving our veterans health care short by billions of dollars, both in this year’s and next year’s budget.

And for those who say, well, we did not know about it, or it was a bad mathematical model was used, these are rather ridiculous statements. The Independent Budget, which has been formulated by our veterans’ service organizations in a very professional manner, forecast the exact amount that we would need in the health care budget. While the chairman of our committee is going around searching for a right number, the number was right here in the independent budget.

And, in fact, Mr. Speaker, the Democrats in this House tried to get this budget number into our budget. But were we allowed to? No, we were not allowed to vote on it in our committee. We were not allowed to vote on it on the floor. There were attempts to do that by the gentleman from Texas (Mr. EDWARDS) and the gentlewoman from Oregon (Ms. HOOLEY). I had an amendment on the floor to put the required money in the budget that we were lacking for our veterans, and I was ruled out of order. Out of order to help our veterans? I will tell you what was out of order, and that was the process that the majority party set up.

Mr. Speaker, I have a thousand veterans in San Diego, California, who are on a waiting list to get into the VA health system. Does that sound like we were adequately funding our health care? We will have thousands of returning veterans from Iraq and Afghanistan, many with PTSD, post-traumatic stress disorder, who will not be able to get the required counseling at our VA centers. They will have to wait a year for a dental appointment. Is this supporting our troops? Is this showing how much we care about them?

Mr. Speaker, the way to show that we support our troops is to treat them well when they return home. We already have unsettling reports of veterans from Iraq and Afghanistan. We have reports of veterans who suffer from PTSD probably, who are committing domestic violence, who have not gotten help from the VA and who may be on the streets already. We know what happens to the troops when they do not get the proper help. Half of the homeless on the streets today are Vietnam vets. That is a tragedy, that is a disgrace, and an incredible immoral act that we allow this to happen again, to put our veterans on the streets. But the same thing is going to happen again. The same thing is going to happen again if we do not adequately fund this budget.

The House voted a week ago to put $900 million into this year’s budget. The Senate appropriated 1.5 billion. And the Veteran’s Committee chairman said, oh, I do not know how they got their number. Well, that is the right number. We could vote for the right number. We can get this passed for veterans immediately, and then we can fix the 2006 budget in our regular appropriations process.

And for those who say, well, we did not know about it, or it was a bad mathematical model that was used, these are rather ridiculous statements. The Independent Budget, which has been formulated by our veterans’ service organizations in a very professional manner, forecast the exact amount that we would need in the health care budget. While the chairman of our committee is going around searching for a right number, the number was right here in the independent budget.
Mr. Speaker, when the President says support our troops, support our troops, support our troops, and then does not provide the adequate funding when those troops come home, we are not doing the job that we should be doing to thank the veterans for their service. It is time to adequately fund the health care budget. It is time to listen to the Independent Budget. It is time for the chairman to listen to those who have been saying this for years. It is time to show proper respect for the veterans who have given us our freedom.

Ms. BERKLEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would urge everybody to support H.R. 1220, everyone in this body. I do not think there is a reason why anybody should be voting against it. It is a very important piece of legislation. But I would like to echo what the gentleman from California (Mr. FILNER) has so eloquently stated in his floor remarks.

When I go home and talk to my veterans, they look to me for my help and my support in providing the health care that they so justly deserve and are entitled to. This Congress needs to step up to the plate and do what we know is right. We cannot continue short-changing our veterans. We cannot continue low-balling them, taking the lowest number that we know is the highest number that will barely suffice to provide for the health care needs of our veterans.

Our older veterans, Vietnam, Korea, World War II, some left in World War I, these men and women age, and they are continuing to age. We will have hundreds of thousands of veterans from our latest operations across the globe. Let us be farsighted. Let us be prepared for what is coming. And let none of us, none of us, have the temerity or the audacity to state that we did not know what the needs of the veterans were or what they will be confronted with in the near future. Let us all be on the same page, work in a bipartisan way, and let us do what is right for our veterans. And let us pass unanimously H.R. 1220.

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

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

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

Mr. BUYER. Mr. Speaker, I want to thank the ranking member of the committee, the gentleman from Illinois (Mr. EVANS), for his work and cooperation on this legislation. I also would like to say to him that he is a champion of Parkinson’s Disease, and I am proud of his leadership by example and I am proud of his spirit to live and equally am proud to call him my friend.

I also commend the gentleman from Florida (Mr. MILLER) and the gentlewoman from Nevada (Ms. BERKLEY), the chairman and ranking member on the Subcommittee on Disability Assistance and Memorial Affairs, for their timely work concerning H.R. 1220, ensuring that disabled veterans and their survivors receive their COLA.

I would also like to thank the gentlewoman from Florida (Ms. BILIRAKIS) and the gentleman from Ohio (Mr. STRICKLAND), the chairman and ranking member of the Subcommittee on Oversight and Investigations, for their hard work on reaching a compromise on the authorization of the demonstration project.

I am equally appreciative of the hard work of the staff directors of the majority and the minority, Art Wu and Len Sistek for their work to improve the bill.

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Mr. Speaker, I urge my colleagues to support the Veterans Cost-of-Living Adjustment Act of 2005.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 1220, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2005.

All too often, our veterans and their dependents are forced to pay unexpected medical fees and sometimes forced to juggle their finances just to make ends meet. By increasing the COLA we would help ease these burdens forced upon our veterans and their dependents. Our veterans deserve and need this assistance now.

This legislation is especially important to me because my Congressional District of El Paso, Texas is home to nearly 60,000 veterans.

These brave men and women have made tremendous sacrifices for our freedom, just as our servicemembers are currently doing in Iraq and Afghanistan. It is our responsibility as Members of Congress to take care of our Nation’s heroes so that we can fulfill our promises to our veterans after their service to our country.

Mr. Speaker, my colleagues and I on the House Veterans’ Affairs Committee favorably passed H.R. 1220 and I would urge all my colleagues to do the same on the House floor.

Mr. Speaker, my colleagues and I on the House Veterans’ Affairs Committee favorably passed H.R. 1220 and I would urge all my colleagues to do the same on the House floor.

Mr. Speaker, I am pleased that the amended bill also incorporates six Parkinson’s Disease Research Education and Clinical Centers with the VA.

I urge my colleagues to support H.R. 1220.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 1220, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, H.R. 1220, as amended, passed.

A motion to reconsider was laid on the table.
To make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program, as amended. 

The Quarterly Financial Report Program (QFR) provides comprehensive source of data on corporate financial activity. The Federal Reserve Chairman Greenspan is on record stating that if anything, it would be desirable to expand the program to more sectors of the economy.

The QFR program affects everyone from the Secretary of Commerce to develop the all-important gross domestic product. The Federal Reserve uses the QFR program for comprehensive source of data on corporate financial activity. Federal Reserve Chairman Greenspan is on record stating that if anything, it would be desirable to expand the program to more sectors of the economy.

Secondly, like any survey, the Quarterly Financial Report imposes a certain burden on those who provide the information to the government. The Census Bureau is one of the few mandatory data collections authorized by Congress. The decennial census is mandatory, and is required by our Constitution. The Census Bureau also conducts the American Community Survey as a mandatory survey asking questions not only about income but also about employment, education, housing, and other aspects of our lives.

Many public and private organizations rely on QFR data to make economic decisions based on quality information. For example, the Commerce Department uses QFR data to develop the all-important gross domestic product, and the Treasury Department uses QFR data to estimate corporate tax liability. And the Census Bureau, through the American Community Survey, relies on QFR data to develop economic policy proposals.

In summary, the QFR program affects everyone from Wall Street to Main Street. The QFR program is our Nation’s most comprehensive source of data on corporate financial activity. For the past 58 years, QFR data has been the basis for estimating the gross domestic product and the national income accounts. Consequently, countless public and private organizations rely on QFR data to make informed economic policy decisions every day.

Since 1983, the U.S. Census Bureau has successfully executed this valuable program. The Census Bureau has put forth laudable efforts to improve the process that provides the timely data. Specifically, the Census Bureau has significantly reduced time required for reporting the data by making it possible for companies to submit surveys electronically by sending out filing reminders and providing help via the Census Website. 

Mr. Speaker, on behalf of the Committee on Government Reform, H.R. 2385 as amended. This bill will reauthorize the Quarterly Financial Report Program through 2015. The purpose of this bill is to ensure uninterrupted continuation of this well-established and indispensable program. I urge my colleagues to support this important legislation.

Mr. TURNER. Mr. Speaker, I urge my colleagues to pass this legislation.

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

Mr. TURNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. DENT). 

Mr. DENT. Mr. Speaker, on behalf of the Committee on Government Reform, I rise in favor of H.R. 2385, a bill that reauthorizes the Secretary of Commerce to conduct the Quarterly Financial Report program through the year 2015.

This important program provides data essential to calculating all aspects of national economy. Along with the gentleman from Ohio (Mr. TURNER), the chair of the Subcommittee on Federalism and the Census, I urge support of this necessary legislation.

Mr. Speaker, this is a noncontroversial bill to reauthorize the Quarterly Financial Report Program through 2015. The Quarterly Financial Report Program through 2015.

It is unfortunate that the administration has not joined with Congress to make this authorization for 10 years without the same vigorous debate. When we reauthorized this program in 1998, it was for 7 years. I appreciate the chair’s willingness to make this authorization for 10 years rather than a permanent authorization. I believe our committee should regularly review programs that place mandatory burdens on the public.

Mr. Speaker, I urge my colleagues to pass this legislation.

Mr. Speaker, I yield the balance of my time.
The Census Bureau has done an exceptional job conducting this survey for the Secretary of Commerce. That fact notwithstanding, it is the responsibility of Congress to reauthorize this program after a period of 10 years pending a thorough review on the condition that the Census Bureau continues to effectively administer this necessary economic survey.

Mr. Speaker, this is, in fact, a non-controversial bill to reauthorize the time-tested Quarterly Financial Report Program. Passage of this legislation will ensure an uninterrupted continuation of this program.

I thank the gentleman from Ohio (Chairman TURNER) and the gentleman from Virginia (Chairman Tom DAVIS) for moving this bill through the subcommittee and full committee. I am pleased to be an original cosponsor of H.R. 2385 and urge its passage.

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

Mr. Speaker, I strongly support this legislation and the census in general. It is not only a foundation of facts on which our government and the private sector formulate public policy, it keeps our government fair.

Every 10 years, based on census numbers, we redistribute power among the States in order to have a fair representation based on the numbers of people in our country, and it tells us who we are. It tells us about our diversity, it tells us about our growth. It is literally a portrait of our country every 10 years.

This particular report, the Quarterly Financial Report, is a very important part of that portrait. So I rise very strongly in support of this bill and the census in general. I thank the gentleman from Ohio (Chairman TURNER) for moving this bill so quickly.

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

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

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

There was no objection.

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

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

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2113.

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

There was no objection.

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

Mr. Speaker, H.R. 2113 introduced by the gentleman from Illinois (Mr. WELLER) names this Post Office in Joliet, Illinois, as the John F. Whiteside Joliet Post Office Building. All 18 Illinois colleagues of the gentleman from Illinois (Mr. WELLER) have cosponsored this bill, and I am pleased to participate in this bill's consideration today.

John Whiteside was a long time opinion writer for the Herald News. Upon graduation from Northern Illinois University in 1971, he was hired by the Herald News which was the only newspaper he ever worked for. For the first decade of his career, he worked as a beat and general assignment reporter. But in 1981, he began writing a daily column in the paper each weekday that became beloved by readers of the Herald News.

Mr. Whiteside wrote the vast majority of his columns on local matters. The most frequent and passionate topic on which he opined were matters of importance to the veterans and law enforcement officials. An Air Force veteran himself, Whiteside correctly viewed all of our Nation's military service veterans as American heroes.

He, likewise, had tremendous respect for police officers, once championing an attempt to raise funds for a police memorial in Joliet, among other efforts. For his eloquent advocacy over many years, it appears safe to say his subjects admired him, too.

Mr. Speaker, unfortunately, after battling cancer for 18 months, John Whiteside passed away on January 22, 2005. He was 61 years old. Days after he died, the front page of the Sunday Herald News carried one final John Whiteside column. It was a posthumous article full of life's lessons that he had written in anticipation of his death. It was a touching end to a meaningful career that was cut short by a struggle with cancer.

This struggle was all the more touching because Whiteside had shared tales of his battle with melanoma with his readers from October 2003 through his passing in January 2005. On a personal note, my own father-in-law passed away from that same disease in January of this year, so I have some understanding of what Mr. Whiteside and his family went through. My sympathies go out to his family.

Mr. Speaker, John Whiteside was indeed a memorable resident of Joliet. Readers of the Herald News have spent a few moments with John every Monday through Friday for nearly a quarter of a century. For these reasons, it is fitting that the House would pass this bill to name a post office in his honor in his hometown of Joliet. I urge all my colleagues to join me in support of H.R. 2113.

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

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

Mr. Speaker, as a member of the Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 2113, legislation naming a postal facility in Joliet, Illinois, after the late John Whiteside. This measure was introduced by my friend, the gentleman from Illinois (Mr. WELLER), on May 5, 2005, and unanimously reported by the Government Reform Committee on June 16, 2005. H.R. 2113 enjoys the support and cosponsorship of the entire Illinois State delegation.

John Whiteside worked at the Herald News, a suburban Chicago newspaper, for 34 years as a reporter and columnist. He was well respected in his community as someone who fought for the rights of veterans. As a veteran, one of his most notable achievements was to increase the number of honor guard volunteers for the Abraham Lincoln National Cemetery in Elwood, Illinois.

Sadly, John Whiteside passed away in January of cancer. Mr. Speaker, I commend my friend and colleague for renaming the Joliet post office after Mr. Whiteside and urge support for this measure.

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

Mr. DENT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, today I rise in support of H.R. 2113, legislation in tribute to John Whiteside which names the Joliet post office in his honor. John Whiteside was a citizen...
and a local hero from the congressional district that I have the opportunity to represent, a man who touched so many lives through his daily commentary with the Herald News in Joliet, Illinois. John F. Whiteside inspired countless readers through his 34 years of service with the newspaper.

Let me begin by thanking Government Reform Committee Chairman Tom Davis; my friend Mr. DENT of Pennsylvania; my very, very good friend Mr. DIS of Illinois for joining me here to honor the floor today; and the support of the Government Reform Committee for this legislation, because today the House will be voting on legislation that I along with the entire delegation of Illinois, all 19 Republicans and Democrats, have cosponsored, legislation naming the Joliet post office the John F. Whiteside Joliet Post Office Building. I would note that this post office building is on McDonough Avenue just a few short blocks from the Joliet Herald News offices where he put in so many hours and so many days over the years. I ask my colleagues to support this legislation today.

John Whiteside started his career with the Joliet Herald News in 1971 as a beat reporter and became a true storyteller in 1981 when he started his own personal daily column. Many of his columns focused on the good nature of people, and he especially loved writing about police officers and veterans because he thought police officers and veterans as his heroes. Readers appreciated his dedication and his advocacy for veterans. John himself was a United States Air Force veteran and wrote thousands of stories about the concerns of local veterans.

One of the biggest veterans accomplishments for John, something he was so proud of and something he invested so much time and personal effort in, was helping organize the honor guard unit of the Joliet veterans at the Abraham Lincoln National Cemetery located outside of Joliet at the former Joliet arsenal. Mr. Whiteside's legacy included helping to raise funds that equipped squad cars in Will County with video cameras to help nail drunk drivers. He is also noted for reviving the Joliet Police Memorial in front of the courthouse. Mr. Whiteside was a recipient of the Illinois Press Association award for excellence in military reporting. Mr. Whiteside was a recipient of the Illinois Press Association award for excellence in military reporting.

Mr. Whiteside was a recipient of many awards during his 34-year career with the Herald News in Joliet, Illinois, and some of these awards and recognitions included the Will County Sheriff's Department 2004 lifetime achievement award; Joliet area historical museum war heroes gallery named in John Whiteside's honor; and an Illinois State house resolution in 2004 honoring his long service to the Herald News and the Joliet community, just to name a few.

As a columnist, John knew how to connect with every reader through the emotions he brought to his stories. He brought even more emotion to them when he found out he had melanoma cancer in the fall of 2003. Through his trials and tribulations, he chose to share his cancer story with his readers and gave many other cancer victims empathy and hope in their own troubled times.

On January 22, 2005, John Whiteside lost his battle with cancer, leaving behind his wife, Mary Jane, and his daughter, Shelley. He so enjoyed spending time with his family and will be remembered for the time he spent creating birdhouses out of wood in the basement. In Mr. Whiteside's very last column, he gave some very valuable advice. He said, "Live every second of every minute of every hour of every day you are given on this good Earth. Look for the positive. Search for the smile. Seek out the good. It is all around you if you just take the time to recognize it."

Mr. Speaker, I would like to take a few minutes to share John Whiteside's last column with my colleagues. This column, of course, was published after John passed away on the front page of Joliet Herald News. It is entitled, "Lifelong Dream Ends in Final Column," published in the Herald News on January 23, 2005.

"If you are reading this, I have already looked upon the face of God. And I pray that he has nodded his head in a positive way.

"I had a good life. A good wife and daughter. Good friends and good times.

"I am proud of what I have accomplished for John, something he was passionate to mankind. It brought me so much time and personal effort in, so proud of and something he invested so much time and personal effort in, so much time and personal effort in.

"But, sure, I have some regrets. I did some wrongs at times, which I hope I have been forgiven for doing. The last months of my life were full of blessings. So many of you prayed for me and wrote of your concern for my health. I had hoped for a miracle, but it wasn't meant to be. I guess I completed my purpose in being in this world.

"In heaven, well, I don't expect pearly gates and streets of gold. But I do expect a place full of good food, love, compassion, and mercy. There will be no evil. No meanness. No brutality and war. No disease and illness. No jealousy and no hatred. No greed and no politics.

"But now it's over. Good-bye, my buddies like Happy Chopp, Dan Stobbe and Ralph Wick. As my storytelling days have ended, I believe that I will be united with my lost loved ones, including my dad, Uncle John, Aunt Mary, Grandma and a whole bunch of great uncles and aunts who loved me as a child. I'll see them, for the most part, like I saw them. But I wasted time when I should have been living every moment to the fullest.

"If I have any advice to pass on to the rest of you, it's all about living. Living every second of every minute of every hour of every day you are given on this good Earth. Don't ever get caught up in any form of hatred. Hate, anger, and the negative only feeds upon you and will destroy you. Look for the positive. Search for the smile. Seek out the good. It is all around you if you just take the time to recognize it. And laugh a lot, because laughter is healthy.

"As my storytelling days have ended, now perhaps I have the final chapter of what happened to Molly Zelko. Maybe God will allow me to interview her if she made it upstairs, too.

"But, no, Molly isn't what I consider my best accomplishments. They include helping with the honor guard system at the national cemetery, the Taylor video camera, and the Joliet police memorial in front of the courthouse.

"But most of all, I like my people stories. Stories about ordinary folks caught up in some form of human drama. My favorite saying was, everyone has a story to tell if you just listen. I believed that all of my journalistic life.

"But now it's over. Good-bye, my friends. Thanks for reading my stuff. God bless you all.

"At this time, my only regret is that I can't write a column and share with you what is happening to me right now. "P.S. I don't have a phone number to accept calls anymore. But maybe I can hear a few prayers coming my way."

"That final column published in the Joliet Herald News on January 23 of this year says so much about John Whiteside, and he wrote it in his own words.

"Ladies and gentlemen of this House, I ask again that you join me in honoring and remembering this extraordinary man who touched so many lives in so
many ways and I ask for an "aye" vote on H.R. 2113.

Mr. DENT. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. WELLER) for his work on H.R. 2113.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 2113.

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

A motion to reconsider was laid on the table.

VINCENT PALLADINO POST OFFICE

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2183) to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the "Vincent Palladino Post Office".

The Clerk read as follows:

H. R. 2183

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

SECTION 1. VINCENT PALLADINO POST OFFICE.

(a) DESIGNATION. The facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, shall be known and designated as the "Vincent Palladino Post Office".

(b) REFERENCES. Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Vincent Palladino Post Office".

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

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 2183 honors the late president of the National Association of Postal Supervisors, Vincent Palladino. Palladino passed away unexpectedly at his home in nearby Arlington, Virginia, at the age of 69 in December 2004. He was a native of Staten Island, New York, at the age of 69 in December 2004. He was a native of Staten Island, New York, at the age of 69 in December 2004. He was a native of Staten Island, New York, at the age of 69 in December 2004.

Vincent was kind-hearted, compassionate, outgoing, and had an unquenchable thirst for helping his friends and neighbors. Vincent made our community a better place to live and touched the lives of those around him. And although his professional obligations carried him far and wide, his heart was always in Staten Island.

He began his career as a letter carrier in the Rosebank Post Office in 1952. He held numerous supervisory positions in Staten Island, including station manager of the Rosebank Post Office and operations manager for all Staten Island post offices. In 1986, he was elected secretary of the National Association of Postal Supervisors, which represents more than 35,000 active and retired supervisors, managers, and postmasters who work for or who retired from the United States Postal Service. In 1992, he was elected president of NAPS and held that post for 12 years.

Vincent brought his life lessons learned on the streets of Rosebank and Arlington to that position and was a strong advocate for all those postal workers he led. I would also like to take this opportunity to thank all those postal workers for the job they do every day. I know Vincent would stand up and correct me if I failed to mention them and how much he appreciated, like we all do, their work. I would also like to thank Vincent's family, especially his children, Anthony, Nicholas, Regina, Renee, and Mary Lou, for their support of this fine man.

Born in 1935, Vincent also served his country in the Armed Forces, that is, he served in the United States Air Force, from 1955 to 1959. Today we honor Vincent's lifetime hard work and achievement by asking the House to approve the measure to rename the Rosebank Post Office in his honor, where he got his start. And might I add that it happened to be my family's letter carrier in the early 1960s when he started.

I would like to thank the fellow members of the New York delegation
for their unanimous support of this legislation and all those who have cosponsored the bill. Like many American success stories, and Vincent Palladino was one of them, he never forgot where he came from. He may have lived his last years in Arlington, Virginia, but his heart and family will always be in Staten Island.

I thank the Members for their support.

Mr. DENT. Mr. Speaker, I urge support from all Members for this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 2383.

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

A motion to reconsider was laid on the table.

J.M. DIETRICH NORTHEAST ANNEX

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2630) to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the “J.M. Dietrich Northeast Annex.”

The Clerk read as follows:

H.R. 2630

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

SECTION 1. J.M. DIETRICH NORTHEAST ANNEX

(a) REDesignation.—The facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, and known as the Northeast Annex, shall be known and designated as the “J.M. Dietrich Northeast Annex.”

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “J.M. Dietrich Northeast Annex.”

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

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. DENT. Mr. Speaker, I introduce the distinguished gentleman from Illinois (Mr. LAHOOD) introduced H.R. 2630, which redesignates the postal facility located at 1927 Sangamon Avenue in Springfield, Illinois, as the “J.M. Dietrich Northeast Annex.” All members of the Illinois State congressional delegation have cosponsored this legislation, and I support its passage.

James Michael ‘Mike’ Dietrich was an earnest lifelong postal employee. He began his career as a letter carrier in 1970. In 1983 he was promoted to supervisor of Delivery and Collections, and finally he earned the position of Customer Service Supervisor in 1989. Regardless of his duties with the postal service, Dietrich gained the respect of his peers through his friendly demeanor, leadership, and hard work.

Mike Dietrich died in September, 2003. He was a tremendous asset to the postal service and a terrific individual who is worthy of this fitting honor by the House. So I encourage my colleagues to join with the distinguished gentleman from Illinois (Mr. LAHOOD) and me in renaming the Northeast Annex in Springfield, Illinois as the “J.M. Dietrich Northeast Annex.”

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

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

As a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 2630, legislation redesignating a postal facility in Springfield, Illinois, after the late James Michael Dietrich. This measure was introduced by the gentleman from Illinois (Mr. LAHOOD) on May 25, 2005, unanimously reported by the Committee on Government Reform on June 16, 2005. H.R. 2630 enjoys the support and cosponsorship of the entire Illinois State delegation.

Mr. Speaker, it is always a pleasure to join my colleagues in praising the hard work of postal employees. And the late James Michael ‘Mike’ Dietrich was a postal employee long remembered for his dedication to his job, the employees, and the United States Postal Service.

James Dietrich was a lifelong employee of the postal service. After serving in the U.S. Army, he joined the postal service as a letter carrier. He was promoted to supervisor of Delivery and Collections in 1983 and later to supervisor of customer service in 1989. He handled daily assignments and personnel staffing. He was known for his patience, problem solving, and recognized as the “go-to” man.

Sadly, he died unexpectedly in September of 2003. Mr. Dietrich’s colleagues have described him as a hard worker and a fantastic human being. I commend my colleague for seeking to honor the memory of Mr. Dietrich and urge swift passage of this bill.

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

Mr. DENT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. LAHOOD).

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

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

I would like to read a letter that I received from the National Association of Letter Carriers, Abraham Lincoln Branch No. 80, Springfield, Illinois:


‘James Michael ‘Mike’ Dietrich died unexpectedly September, 2003, just over 1 month short of his retirement. Mike was a lifelong employee of the United States Postal Service. He served in the U.S. Army from 1968 through 1970. After an honorable discharge from the Army, Mike was hired as a letter carrier.

‘In May, 1983, he was promoted to supervisor, Delivery and Collections. He was charged with the supervision of approximately 50 letter carriers and collectors. It was his responsibility to see that those in his section were properly trained and successfully functioned as city carriers. In 1989 he was promoted to supervisor, Customer Service. He managed the daily operations of a group of carriers numbering about 100. He also handled scheduling of day-to-day assignments as well as annual and incremental leave for the entire group of Springfield city carriers and collectors. During his service, he received several safety and leadership awards, and in 2002, became the OSHA record-keeper.

‘Mike was not only a great supervisor but he was a fantastic human being. You would be hard pressed to find a U.S. Postal Service employee in Springfield, Illinois, who would have a bad word to say about Mike. He was a man of never-ending patience. He was someone we could all go to with a question and know we would come away with a reasonable and correct answer. And if one of us had a problem, he was our sounding board and mentor, one who can never be replaced.

‘Mike and his wife, Carol, raised a beautiful family of six girls for whom they worked hard to provide college educations. They are all now productive adults, some beginning families of their own. I know his career was important to him, but I also know that he considered his family to be his greatest accomplishment.

‘Not a day goes by that Mike’s name is not uttered by someone on the workroom floor. We all feel it is only fitting that we work in the J.M. Dietrich Northeast Annex.

‘Thank you for the consideration’ of renaming the annex.

‘Pat Kruger, letter carrier, Springfield, Illinois.’

Mr. Speaker. I read this letter because it is the opportunity for me to thank the letter carriers that work with Mike, to thank them for recognizing all of his accomplishments and...
thank them for bringing to my attention the opportunity to name the facility that they all work in and that he accomplished so much with.

And, too, a word about the letter carriers. I have had the greatest mail delivery system in the world, anywhere in the world, right here in our country. And it is to the people like Mike and all the people who work in Springfield and all the people who work in the postal service that letters get delivered on time 6 days a week in a professional manner, and I know all Americans appreciate that. And I am grateful to the letter carriers of Abraham Lincoln Branch No. 80 for bringing this to my attention and the ability of this committee to bring this to the floor as a bill that will become law and to have this facility named in Mike’s honor.

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

The Speaker. The gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 2630.

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

A motion to reconsider was laid on the table.

EAST ASIA SECURITY ACT OF 2005

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3100) to authorize measures to deter arms transfers by foreign countries to the People’s Republic of China.

The Clerk read as follows:

H.R. 3100

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

SEC. 1. SHORT TITLE.

This Act may be cited as the “East Asia Security Act of 2005”.

SEC. 2. STATEMENTS OF POLICY.

Congress—

(1) previously expressed its strong concerns in House Resolution 57 of February 2, 2005, and Senate Resolution 91 of March 17, 2005, with the transfer of armaments and related technology to the People’s Republic of China by member states of the European Union, which increased eightfold from 2001 to 2003, and with plans to terminate in the near future the proceeds from the People’s Republic of China, as well as the Chinese military buildup and proliferation of those arms and technology that they have transferred to date and continue even now to do so;

(2) is further troubled by public reports describing well-known European companies as suppliers to weapons programs of the People’s Republic of China, who are also participating in numerous sensitive United States weapons programs and, the increased risks of diversion of United States weapons technology inherent in such an undesirable situation; and

(3) expresses its strong concerns with the significant additional risk of unlawful use and diversion of sensitive United States weapons system research, design, and development arising from cooperative research and development projects with foreign governments and foreign persons who may also transfer arms and related technology to the People’s Republic of China.

SEC. 3. REPORT ON FOREIGN MILITARY EXPORTS TO CHINA.

(a) Report.—The President shall, at the times specified in subsection (b), transmit to the appropriate congressional committees a report that—

(1) identifies every foreign government with respect to which the United States is carrying out a cooperative project described in subsection (d) and whose policies or practices, on or after the date of the enactment of this Act and not later than the end of each 12-month period thereafter; and

(2) describes the cooperative projects and policies or practices referred to in paragraph (1) of every foreign government identified under such paragraph.

(b) Timing of Report.—The report required under subsection (a) shall be transmitted not later than 180 days after the date of the enactment of this Act and not later than the end of each 12-month period thereafter.

(c) Exceptions.—A foreign person is not required to be identified in a report required under subsection (a) if the following occurs:

(1) was identified in a previous report transmitted under subsection (a) on account of a particular export, except to the extent that the export was engaged solely in an export which, as determined by the President, would be exempt from the restrictions of section 902(a) of the Foreign Relations Authorization Act, Fiscal Year 1996 and 1997 (22 U.S.C. 2151 note), if the export were subject to the jurisdiction of the United States, by reason of the issuance of a report under section 3(b) of such Act.

(d) Form.—If the President considers it appropriate, reports transmitted under subsection (a), or appropriate parts thereof, may be transmitted in classified form.

SEC. 4. REPORT ON CHINA ARMS TRANSFER POLICIES OF COUNTRIES PARTICIPATING IN UNITED STATES DEFENSE COOPERATIVE PROJECTS; CERTAIN LICENSE REQUIREMENTS.

(a) Statement of Policy.—Congress is concerned with the risk of unlawful use and diversion of sensitive United States weapons system research, design, and development arising from cooperative research and development projects with foreign governments and foreign persons who may also transfer arms and related technology to the People’s Republic of China.

(b) Report.—The President shall, at the times specified in subsection (a), transmit to the appropriate congressional committees a report that—

(1) identifies every foreign government with respect to which the United States is carrying out a cooperative project described in subsection (d) and whose policies or practices, on or after the date of the enactment of this Act and not later than the end of each 12-month period thereafter; and

(2) describes the cooperative projects and policies or practices referred to in paragraph (1) of every foreign government identified under such paragraph.

(c) Timing of Report.—The report required under subsection (a) shall be transmitted not later than 180 days after the date of the enactment of this Act and not later than the end of each 12-month period thereafter.

(d) Cooperative Projects.—The cooperative projects referred to in subsection (a) are projects carried out under section 27 of the Arms Export Control Act (22 U.S.C. 2767) or section 2506a, 2538, or a memorandum of understanding under section 2351 of title 10, United States Code.

(e) License Requirements.—
(1) REQUIREMENT.—Notwithstanding any other provision of law, a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) shall be required for the export of defense articles or defense services by any person who is not an officer or employee of the Government of the United States in furtherance of a cooperative project described in subsection (a) or (b) of section 7 to any country identified in a report transmitted under subsection (b).

(2) CONGRESSIONAL NOTIFICATION.—The issuance of a license pursuant to paragraph (1) shall be subject to the same requirements as are applicable to the export of items described in section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)) (without regard to the dollar amount requirements relating to contracts contained in such section), including the transmittal of information and the application of congressional review procedures in accordance with such section.

SEC. 5. CERTAIN FOREIGN OWNERSHIP AND CONTROL OF DEFENSE ARTICLES IN THE UNITED STATES.

(a) STATEMENT OF POLICY.—Congress determines that special care should be taken by the United States with respect to sales of defense articles or defense services, including the results of United States Government funded defense research and development, through the acquisition or control of defense articles or services, directly or through their subsidiaries and affiliates based in the United States.

(b) LICENSE REQUIREMENTS.

(1) REQUIREMENT.—The President shall require a license pursuant to regulations issued under section 38(g)(6) of the Arms Export Control Act (22 U.S.C. 2778(g)(6)) for the transfer of ownership or control of United States defense articles or defense services arising from the acquisition or control of a person required to be registered under section 38(b)(1) of such Act (22 U.S.C. 2778(b)(1)), or any subsidiary, division, affiliate or other entity thereof, whenever the person gaining acquisition or control is—

(A) a foreign national of the People’s Republic of China or a foreign person otherwise subject to the jurisdiction, ownership, or control of the People’s Republic of China;

(B) a United States person owned or controlled by a foreign person identified in a report transmitted under section 3 or having its principal place of business in a country described in a report transmitted under section 4;

(C) a United States person owned or controlled by a foreign person, including a subsidiary or affiliate of a foreign person described in subparagraph (B).

(2) ADDITIONAL REQUIREMENT.—A license under section 38(g)(6) of the Arms Export Control Act (22 U.S.C. 2778(g)(6)) for a foreign person described in paragraph (1)(A) shall not be issued until 30 days after the date on which the President transmits a report that contains a determination of the following:

(A) the Government of the People’s Republic of China meets the requirements of section 92b(1) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 22 U.S.C. 2315 note); or

(B) it is in the national interest of the United States to issue the license.

(c) CONGRESSIONAL NOTIFICATION.—The issuance of a license pursuant to subsection (b) shall be subject to the same requirements as are applicable to the export of items described in section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)) (without regard to the dollar amount requirements relating to contracts contained in such section), including the transmittal of information and the application of congressional review procedures in accordance with such section.

view procedures in accordance with such section.

(d) EXCEPTION.—The issuance of a license pursuant to subsection (b) shall not be required for the transfer of ownership to a non-U.S. person of a munitions license or a change in registration arising from a sale or transfer of ownership or control of United States defense articles described in section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) (without regard to the dollar amount requirements relating to contracts contained in such section), including the transmittal of information and the application of congressional review procedures in accordance with such section.

SEC. 6. CHINESE MILITARY END USE OF DUAL USE EXPORTS.

(a) STATEMENT OF POLICY.—Congress welcomes the understanding reached at the Wassenaar Arrangement’s December 2000 plenary meeting to require governmental authorization for the transfer of non-listed dual use items intended for military end use in a destination subject to any relevant regional arms embargo or to any United Nations Security Council resolution.

(b) LICENSE REQUIREMENT.

(1) REQUIREMENT.—The President shall require a license under the Export Administration Regulations for the export of any item described in paragraph (1), or subparagraph (A) or (B) of paragraph (2), of section 3(a) that is not subject to a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) if the item is intended for military end use by the People’s Republic of China.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the President should not approve a license pursuant to paragraph (1) unless the President determins that it is in the national interests of the United States to require the issuance of a new license pursuant to subsection (b).

SEC. 7. APPLICATION OF MEASURES TO CERTAIN PERSONS.

(a) APPLICATION OF MEASURES.—Subject to sections 8 and 9, the President may apply with respect to any foreign person (including a foreign government) identified in a report pursuant to subsection (a) or (b) of section 7 to apply one or more of the following measures:

(1) RESEARCH AND DEVELOPMENT.—Denial of participation in existing and new cooperative research and development programs and projects under section 27 of the Arms Export Control Act (22 U.S.C. 2767) or sections 255a, 255b, or a memorandum of understanding entered into pursuant to 2531 of title 10, United States Code.

(2) CONTROL OF UNITED STATES DEFENSE FIRMS.—Prohibition of ownership and control of any business organization required to be registered with the United States as a manufacturer or exporter of defense articles or defense services under section 38(b)(1) of the Arms Export Control Act (22 U.S.C. 2778(b)(1)).

(3) SECURITY ASSISTANCE.—Prohibition on participation in any foreign military sales or military traffic in place assistance (as defined in section 267(b) of the Arms Export Control Act (22 U.S.C. 2761 et seq.) or any design and construction sales under section 24 of such Act (22 U.S.C. 2769).

(b) PUBLICATION IN FEDERAL REGISTER.—Prohibition on licenses and other forms of approval under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the export of any item on the United States Munitions List as in effect on August 8, 1995.

(5) DUAL USE APPROVALS.—Prohibition on licenses and other forms of approval for dual use items intended for military end use which is controlled under the Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act) or the Export Administration Regulations.

(b) APPLICATION OF ADDITIONAL MEASURES.—Subject to sections 8 and 9, and notwithstanding any other provision of law, the President may, with respect to any foreign person (including a foreign government) identified in a report pursuant to subsection (a) or (b) of section 7, and with respect to any foreign person (including a foreign government) identified in more than one report transmitted under section 3, (1) suspend the use of any license exemption and expedited license procedure established in the International Traffic in Arms Regulations or other provision of law for the export or temporary import of defense articles and defense services;

(2) require the execution of a non-transfer and non-use certificate for the export of any defense articles and defense services; and

(3) require, as a condition of issuance of any license for the export of defense articles and defense services, United States access to verification of the items after the export of the items or alternative measures to ensure compliance with restrictions on the transfer of the items to third-parties.

(c) EFFECTIVE DATE OF MEASURES.—Measures applied pursuant to subsection (a) or (b) shall be effective with respect to a foreign person (including a foreign government) no later than—

(1) 30 days after the report identifying the foreign person is transmitted, if the report is transmitted on or before the date required by section 3(b); or

(2) on the date that the report identifying the foreign person is transmitted, if the report is transmitted more than 30 days after the date required by section 3(b).

(d) DURATION OF MEASURES.—Measures applicable pursuant to subsection (a) shall be for a period of 2 years or longer, as the President determines appropriate. Measures applicable pursuant to subsection (b) shall be, at a minimum, consistent with the duration of the license and the normal requirements for record keeping established in the International Traffic in Arms Regulations or other provision of law as the President determines appropriate.

(e) PUBLICATION IN FEDERAL REGISTER.—The designation of a foreign person pursuant to subsection (a) or (b) shall be announced by notice published in the Federal Register, except if the President determines that doing so would be inconsistent with the protection of classified information.

SEC. 8. PROCEDURES IF DISCRETIONARY MEASURES ARE NOT APPLIED.

(a) REQUIREMENTS IN THE CONGRESS.—If the President does not exercise the authority of subsection (a) or (b) of section 7 to apply any or all of the discretionary measures described in subsection (a) or (b) of section 7 to any foreign person identified in a report transmitted under section 3, the President shall...
so notify the appropriate congressional committees not later than the effective date under section 7(c) for measures with respect to that person.

(b) WRITTEN JUSTIFICATION.—Any notification transmitted by the President under subsection (a) shall include a written justification or shall be accompanied by the facts and circumstances relating specifically to the foreign person identified in a report transmitted under section 3 that support the President's determination to exercise the authority of subsection (a) or of section 7 with respect to that person.

(c) Review.—If the President considers it appropriate, the notification of the President under subsection (a), and the written justification under subsection (b), or appropriate parts thereof, may be transmitted in classified form.

SEC. 9. DETERMINATIONS EXEMPTING FOREIGN PERSONS FROM MANDATORY MEASURES.

(a) WAIVER.—Any mandatory measure described in section 7 shall not apply with respect to a foreign person if the President transmits to the appropriate congressional committees a report that contains a determination of the President that—

(1) a written communication or information provided by that person or the foreign government having primary jurisdiction over the person, the person did not, on or after January 1, 2005, knowingly export or cause to be exported directly or indirectly any goods or technology that are specifically designed or developed for civil purposes but which also may be used or deployed in a military or proliferation mode. Such term does not include primarily commercial items;

(2) any statute or regulation that permits an export or re-export; and

(3) the item the apparent export of which caused the person to be identified in a report transmitted under section 3 or the foreign government having primary jurisdiction over the person has entered into a written agreement with the United States which—

(A) is binding under international law;

(B) prohibits further exports of any item described in paragraph (1), or subparagraph (A) or (B), of section 3(a) by any person subject to its jurisdiction;

(C) is supported by the foreign government's adoption of policies and procedures providing for credible implementation of the requirements in subparagraphs (A) and (B);

(D) does not constrain the President's authority to impose measures under this act in the event of a further export of concern by the same or other persons subject to the jurisdiction of the foreign government party to the agreement; and

(E) is necessary to the appropriate congressional committees 30 days prior to its entry into force.

(b) ADDITIONAL WAIVER.—Any mandatory measure described in section 7 shall not apply to a foreign person if the President determines that it is important to the counterterrorism, nonproliferation, or other national security interests of the United States and transmits to the appropriate congressional committees a report in writing that contains such determination.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) maintain environmental, economic, and diplomatic coordination and execution of arms export policy through the development of bilateral and multilateral agreements under subsection (a)(2), particularly with the member states of the North Atlantic Treaty Organization (NATO), Japan, Australia and New Zealand, and exercise the waivers provided under this section in all appropriate instances that further this objective; and

(2) whenever the President determines that the measures described in section 7 should be applied, the measures be applied comprehensively with respect to the affected foreign person's affiliates and subsidiaries, wherever located, in order to deter to the fullest extent possible a recurrence or continuation of the export giving rise to the President's determination.

(d) FORM.—If the President considers it appropriate, the determination and report of the President under subsection (a), or appropriate parts thereof, may be transmitted in classified form.

SEC. 10. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(2) DEFENSE ARTICLES AND DEFENSE SERVICES.—The term "defense articles and defense services" has the meaning given the term in the Arms Export Control Act (22 U.S.C. 2794 note).

(3) DUAL USE.—The term "dual use" means, with respect to goods or technology, those goods or technology that are specifically designed or developed for civil purposes but which also may be used or deployed in a military or proliferation mode. Such term does not include primarily commercial items.

(4) EXPORT.—The term "export" has the meaning given that term in section 120.17 of the International Traffic in Arms Regulations, and includes re-exports, transfers, and retransfers by any means.

(5) EXPORT ADMINISTRATION REGULATIONS.—The term "Export Administration Regulations" means the regulations contained in sections 730 through 774 of title 15, Code of Federal Regulations (or successor regulations).

(6) FOREIGN GOVERNMENT.—The term "foreign government" has the meaning given the term in section 38(g)(9)(B)(i) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(B)).

(7) FOREIGN PERSON.—The term "foreign person" has the meaning given the term in section 38(g)(9)(C) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(C)).

(8) GOOD.—The term "good" has the meaning given the term in section 16(3) of the Export Administration Act of 1979 (50 U.S.C. App. 2415c(3)).

(9) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term "International Traffic in Arms Regulations" has the meaning given that term in sections 730 through 774 of title 15, Code of Federal Regulations (or successor regulations).

(10) ITEM.—The term "item" means any good or technology, defense article or defense service subject to the export jurisdiction of the United States under law or regulation.

(11) LICENSE.—The term "license" means an official written document of the United States Government issued pursuant to the Export Administration Regulations or the International Traffic in Arms Regulations, as the case may be, authorizing a specific export.

(12) OTHER FORMS OF APPROVAL.—The term "other forms of approval" includes any authorization, rule or exemption contained in any statute or regulation that permits an export without a license.

(13) OWNERSHIP OR CONTROL.—The term "ownership or control" has the meaning given the term in section 122(c) of the International Traffic in Arms Regulations.

(14) PERSON.—The term "person" has the meaning given in section 38(g)(9)(E) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(E)).

(15) TECHNOLOGY.—The term "technology" has the meaning given the term in section 16(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2415d(4)).

(16) UNITED STATES MUNITIONS LIST.—The term "United States Munitions List" means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

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

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

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

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

There was no objection.

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

I rise in support of H.R. 3100, a bill which I introduced for the purpose of authorizing measures to deter arms transfers by foreign countries to the People's Republic of China.

This bill has 14 cosponsors from both sides of the aisle, including the gentleman from California (Mr. LANTOS), the ranking Democratic member of the Committee on International Relations; and the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services. The Committee on International Relations has marked up the bill and ordered it reported unanimously. The background and need for this legislation can be briefly summarized.

When the House passed Resolution 57 overwhelmingly 411 to 3 on February 2, 2005, it did so in the context of a rising chorus from European leaders that it was time to terminate the European Union's arms embargo on China. In response to this development, Resolution 4 was adopted by the United Nations to take two steps: one, to maintain its arms embargo on the People's Republic of China; and, two, to eliminate weaknesses in the embargo and in the national policies of the EU member states. Indeed, those weaknesses are loopholes of one form or another that had permitted European weapons technology to flow to China at an increasingly higher level, even while the embargo remained in place.

Now we have word that the EU has decided for the time being not to terminate the China arms embargo. This, of course, is a welcome development, but it only responds to one of the two steps we asked to be taken. Unfortunately, while maintaining the embargo in the formal sense, the EU's member states have remained silent on whether they will actually stop the flow of arms-related technology from Europe to China. The supply of European arms technology to China has risen steadily in recent years, both in quantity and quality or sophistication.

With respect to quantity, European arms sales to China increased eight-
Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H.R. 3100, the East Asia Security Act of 2005.

Mr. Speaker, the thousands of American troops are currently deployed in Asia, and the American Armed Forces one day could be sent to the Taiwan Strait to help defend the island nation from invasion by Mainland China. It is also possible that American troops might be mobilized in other circumstances in East Asia.

We certainly do not seek a military confrontation with China. Our country is actively working to reduce the possibility of any hostilities with that country. At the same time, I am certain that my colleagues remember our tense confrontation with China over the incident involving an American EP-3 aircraft that was forced to land at Hainan Island in southern China after it was harassed and damaged by a Chinese fighter aircraft.

In addition to our own troops’ safety, Mr. Speaker, our country has other vital interests throughout the Asia Pacific region, including the national and economic security interests of our friends and allies.

Earlier this year, we faced a serious problem when the European Union announced its ill-advised intention to lift the embargo against the sale of sophisticated weapons to China. For the American people, this raised the threat that American soldiers could face the latest in high-tech weaponry manufactured in Europe as well as Chinese weapons systems that could be greatly improved by European technology. In February of this year, this House adopted House Resolution 57, introduced by my good friend, the distinguished chairman of the Committee on International Relations, the gentleman from Wisconsin, Mr. Goss, on February 16, 2005, before the Senate Select Committee on Intelligence. At that time he pointed out that Beijing’s military modernization and military buildup is tilting the balance of power in the Taiwan Strait and that improved Chinese capabilities threaten U.S. forces in the region.

H.R. 3100 would address these continuing serious concerns in several ways. First, the bill would ensure congressional oversight in the case of foreign companies that are also suppliers to Chinese military programs. As the chairman of the Committee on Armed Services noted during our April 14 hearing, the technology controlling access to our weapons technology by foreign contractors who are also aiding the Chinese could be very challenging, if not “mission impossible.”

Second, for those European companies and governments that continue dangerous systems relationships with China, the bill would expand U.S. export license requirements and increase congressional oversight in certain circumstances. This will ensure that access to sensitive U.S. weapons technology is monitored carefully in the case of foreign companies that are also suppliers to Chinese military programs. As the chairman of the Committee on Armed Services noted during our April 14 hearing, the technology controlling access to our weapons technology by foreign contractors who are also aiding the Chinese could be very challenging, if not “mission impossible.”

Third, the President would be given new authority to help deter future European arms-related sales, should enhanced procedural safeguards not be enough. H.R. 3100 provides a menu of measures the President could draw from the executive branch concerning foreign support for Chinese weapons acquisitions. Under H.R. 3100, the President would henceforth submit an annual report to Congress on European companies aiding China’s military buildup and on European governments whose policies condone these sales.

Significantly, H.R. 3100 would not have a retroactive character. It will not reach back. This is because the bill is not intended to be punitive; its primary purpose is deterrence. In this context, the optimal report Congress could receive is one in which no European company or government is named. However, if EU member states do not make it possible for this to happen, the President would be in a position to take other steps in consultation with the Congress to safeguard our security interests.

Mr. Speaker, I hope our colleagues will join me in supporting H.R. 3100.

For any country that is involved in sensitive defense research and development projects with the United States, and whose practices are potential to allow the transfer of U.S. technology to the People’s Republic of China, the Hyde-Lantos bill would require that all U.S. exports of goods and technology to these countries be carefully reviewed and licensed prior to export.

Our bill is extremely important to persuade other countries that there will be severe consequences if they fail to respect the security interests of their most important ally, the United States of America.

I urge all of my colleagues to support this bill.

Mr. HYDE. Mr. Speaker, I enclose two letters relating to the consideration of H.R. 3100 ‘’The East Asia Security Act.”

H. R. 3100 would expand U.S. export license requirements and increase congressional oversight in certain circumstances. This will ensure that access to sensitive U.S. weapons technology is monitored carefully in the case of foreign companies that are also suppliers to Chinese military programs.

The East Asia Security Act of 2005. The Committee has marked up the bill and ordered it reported by a unanimous vote.

Under Rule X of the House Rules the Committee on Ways and Means has authority to expedite consideration of this bill. The Committee on Ways and Means has authority to expedite consideration of this bill.

Mr. Speaker, several of the leading nations of Europe have dramatically increased their sales to China of military-related goods and high-tech technology. In 2003, the last year for which data is available, these sales amounted to over a half a billion dollars from some European Union countries, including France, Germany, Italy, and the Czech Republic. Other non-European Union countries have also sold significant military equipment to China which represents a threat to regional stability.

For all of these reasons, it is important that we make clear our opposition to the sale of sophisticated military equipment to China, and that we establish penalties by law against those companies and countries that engage in sales that are damaging to our own national security interests and the security of East Asia.

Our legislation, the Hyde-Lantos legislation, H.R. 3100, covers any nation whose policies permit the export of dangerous military material and technology to China. At the President’s discretion, he can publicize the activities of any country that is transferring sensitive goods and technology to the People’s Republic of China, the Hyde-Lantos bill would require that all U.S. exports of goods and technology to these countries be carefully reviewed and licensed prior to export.

Our bill is extremely important to persuade other countries that there will be severe consequences if they fail to respect the security interests of their most important ally, the United States of America.

I urge all of my colleagues to support this bill.

Mr. HYDE. Mr. Speaker, I enclose two letters relating to the consideration of H.R. 3100 ‘’The East Asia Security Act.”

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS, Washington, DC, July 12, 2005.

Hon. BILL THOMAS, Chairman, House Committee on Ways and Means, Longworth House Office Building, Washington, DC.

Dear Mr. Chairman: I am writing to you concerning the bill H.R. 3100 “The East Asia Security Act of 2005.” The Committee has marked up the bill and ordered it reported by a unanimous vote.

Under Rule X of the House Rules the Committee on Ways and Means has authority to expedite consideration of this bill. The Committee on Ways and Means has authority to expedite consideration of this bill.
I appreciate your willingness to allow us to proceed. I will insert this exchange of letters into the Congressional Record during the debate of this bill.

Sincerely,

HENRY J. HYDE,
Chairman.

HON. HENRY J. HYDE, Chairman, Committee on International Relations, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing concerning H.R. 3100, the “East Asia Security Act of 2005,” which is scheduled for floor consideration on Wednesday, July 13, 2005.

As committee chairman on Ways and Means, I have jurisdiction over matters concerning imports. One provision under Section 7 of H.R. 3100 may suspend the President’s ability to use a license exemption or expedited procedure for licensing of the temporary importation of defense articles, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3100, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

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

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion to suspend the rules and agree to the amendment.

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

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

MR. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to consider the amendment and the report and extend their remarks and include extraneous material on H. Con. Res. 191.

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

The Chair was no objection.

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

Mr. Speaker, this is the 60th anniversary of the final victory in one of the

CONGRESSIONAL RECORD — HOUSE July 13, 2005

COMMEMORATING 60TH ANNIVERSARY OF CONCLUSION OF WAR IN THE PACIFIC AND HONORING VETERANS OF BOTH PACIFIC AND ATLANTIC THEATERS OF SECOND WORLD WAR

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 191) commemorating the 60th anniversary of the conclusion of the War in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War, as amended.

The Clerk read as follows:

H. CON. RES. 191

Whereas Japanese-Americans, including Senator Daniel Inouye, served with courage and valor in the 42nd Regimental Combat Team, the most decorated regiment in the United States military during the war;

Whereas the people of the United States and Japan worked together after the Second World War to reconstruct Japan and to ensure the post-War era as a beacon of democracy and economic liberalization in the Asia-Pacific region, and the United States and Japan further solidified the post-War security relationship by signing the Security Treaty of 1951 and the Treaty of Mutual Cooperation and Security in 1960;

Whereas the sacrifices in the Pacific of United States veterans and veterans of United States allies during the Second World War led to the emergence of an Asian region where democratic institutions and free market economies have taken hold, contributing greatly to the peace and prosperity of the region; and

Whereas on May 29, 2004, the United States gratefully dedicated the World War II Memorial, honoring both the Pacific and Atlantic theaters, on the National Mall in Washington, D.C., with decessed Second World War hero Senator Robert Dole giving the dedication speech: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurred), That

(1) honors all veterans, living and deceased, of the Second World War in both the Pacific and Atlantic theaters on the 60th anniversary of the end of World War II and expresses the deep appreciation and gratitude of the United States for their valor and selfless service to their country;

(2) calls upon the people of the United States to commemorate the 60th anniversary of the final surrender of the Second World War aboard the USS Missouri as a day of remembrance and appreciation of the sacrifices of all members of the greatest generation who, through their sacrifices both in the Armed Forces and on the homefront, preserved liberty for future generations and rescued the world from the scourge of fascist militarism;

(3) reaffirms the judgment in Tokyo rendered by the International Military Tribunal for the War Crimes of 1945 and 1946 of the conviction of certain individuals as war criminals for their crimes against humanity; and recognizes that the conflict transformed the Asia-Pacific region following the Second World War, including those with Australia, Japan, the Philippines, the Republic of Korea, and Thailand, have contributed immeasurably to the continued peace and prosperity enjoyed throughout the region.

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

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

MR. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to consider the amendment and the report and extend their remarks and include extraneous material on H. Con. Res. 191.

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

The Chair was no objection.

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

Mr. Speaker, this is the 60th anniversary of the final victory in one of the
World leaders quite properly gathered in Moscow on May 9 to commemorate V-E Day, the 60th anniversary of the victory in Europe. We certainly join in honoring our heroic veterans of the D-Day landing and those of the entire Atlantic theater for their valiant efforts to liberate the people of Continental Europe, especially those trapped in death camps from Nazi tyranny.

We should well remember, however, that for the American people, the Second World War neither began nor ended in Europe. For our Nation, the war began on a quiet Sunday morning in Hawaii, when the U.S. was suddenly and deliberately attacked at Pearl Harbor. Over 2,400 lives were lost, including those buried in the sunken hull of the battleship "Arizona." This incident represents the greatest number of American casualties in any such attack prior to September 11, 2001, another date which will live in infamy.

The war for America did not end on May 9, 1945. For our Nation, the victory in Europe was the prelude to the eventual defeat of the axis powers in Asia. The battle for Okinawa, the largest sea-land air battle in history, was largely fought after the surrender in Europe. It was not until General Douglas McArthur crossed the deck of the battleship "Missouri" in Tokyo Bay to accept the final surrender of Japan on September 2, 1945, that America and the world were finally at peace.

V-E Day had been the beginning of this end, but V-J Day was the final victory. And in strong support, therefore, for this concurrent resolution, which gives equal recognition to veterans of both the Pacific and Atlantic theatres as inscribed in the World War II Memorial which was dedicated last year on our National Mall.

This resolution calls upon generations of Americans who followed those who fought and died in this historic conflict to pause and give remembrance to the sacrifices of the greatest generation. As we mark the 60th anniversary of the V-J Day approaches. The events of that war are slowly fading, and a distant memory, rekindled only in our national consciousness by readings in history textbooks or by clips from old war films. This is before, we must assure, through commemorations like the one contained in this resolution that the sacrifices of the World War II generation are never diminished or never forgotten.

We here today should dedicate ourselves to preserving these memories, even as we stand once again to thank our World War II veterans for their sacrifice and their valor. As Americans reflect on the decades of unparalleled stability and prosperity following the aftermath of the Second World War, they may recall the words of the great British Scientist, Sir Isaac Newton who said, "If I have been able to see further, it was only because I stood on the shoulders of giants.

The blessings we enjoy today come from standing on the shoulders of those giants who fought, bled and died 6 decades ago so we might be free. And so to all those who fought, we owe an enormous debt.

Mr. Speaker, I yield my time.

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

Mr. Speaker, as we commemorate this 60th anniversary of the victory in Europe, we are reminded of the context of this commemoration of what happened on the watery battlefields of the Pacific 60 years ago, I want to draw special attention to the actions of one of our most esteemed colleagues in this body, an esteem that is bound to grow once people know and understand the extent of his contributions to the allies' success in this crucial part of World War II.

Our distinguished colleague and my dear friend, the gentleman from Illinois (Mr. HYDE), now the respected chairman of the House International Relations Committee, back then was a young Naval officer facing the most important battle of his life.

On January 9, 1945, he piloted a landing craft into the Lingayen Gulf as part of a massive landing force hoping to establish a beachhead on the Philippine island of Luzon. His mission was to help liberate the people of the Philippines from Japanese control.

The liberation of the Philippines and the eventual victory of allied forces in the War in the Pacific now seems to have been predetermined. Yet it was anything but decided during this important moment in global history.

Fortunately, Mr. Speaker, the gentleman from Illinois (Mr. HYDE) survived the battle of Lingayen Gulf. For his exemplary service to his Nation, he was awarded the Asiatic-Pacific Campaign Medal, the World War II Victory Medal, the American Campaign Medal, and the Philippines Liberation Medal.

Mr. Speaker, we are reminded of the boys born in 1924 who were residents of the 60th anniversary of the victory in Europe. We certainly commemorate these enormous contributions to peace, and we commit ourselves to remembering for all time those who made the ultimate sacrifice for this Nation.

Mr. Speaker, I strongly support this resolution.

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

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

Mr. Speaker, the gentleman from California has been incredibly generous in his remarks, and I would like to comment on his history for the edification of our colleagues.

Hitler's forces occupied Hungary on March 19, 1944. Along with the Nazi invaders came the notorious Adolf Eichmann, with orders to exterminate the Jewish population of Hungary. A 16-year-old boy viewing these somber events decided he had to take a stand.

He joined the Hungarian underground, a loose-knit group which was made up of small clusters of individuals.

Sent to a work camp to perform forced labor to maintain a railway bridge, this boy was the sole survivor of an allied bombing raid. "I was convinced I would not survive," the boy recalled. But fate had greater things in store for this young hero. Escaping from the camp, the young man made his way to Budapest. There he joined Swedish diplomat Raoul Wallenberg in his rescue operation to save much of the Jewish community of Hungary.

Mr. Speaker, I admire the tenacity in battle extends to today's congressional leadership. Mr. HYDE and the thousands of other brave Americans.

As secretary of state, you would be the first to know that the strength of our relationship with Japan today and the relative peace of the Asia-Pacific region for over 50 years demonstrate the value of the sacrifices made by the brave American soldiers in the Pacific theater.
The young man ran operations for the underground carrying food and medicine through Nazi lines to Jews hiding throughout the city. After the war, the young man was reunited with his childhood friend, who was to become his wife, Annette. Together they immigrated to America to start a new life.

Fortunately for all of us on the International Relations Committee and in Congress and in America, that brave lad named Budapest is here with us today. After a distinguished academic career in California, the same determination which kept him alive at the bombed out railway bridge has now brought him to Congress, where he serves as the ranking Democratic member of the International Relations Committee.

For his courage in war, for his service in peace, especially here in Congress, I would like to express sincere and profound appreciation to my friend and colleague, the gentleman from California (Mr. LANTOS.)

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

Mr. LANTOS. Mr. Speaker, before yielding to my friend, the gentlewoman from Guam (Ms. BORDALLO), I just want to express my most profound gratitude to my friend, the gentleman from Illinois (Mr. HYDE), the distinguished chairman of our committee.

Mr. Speaker, I am delighted to yield 3 minutes to the distinguished gentleman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I wish to thank my good friend, the gentleman from California (Mr. LANTOS) for yielding me the time and giving me the opportunity to speak on the floor today on this issue.

December 7, 1941 would come to mark a historical pivot point for both America and the world. Two days later, the Chamorro people of Guam would also begin a dark and somber time. Over the next 31 months, residents were turned into refugees. Men, women, and children were massacred, an entire island enlaved.

An estimated 700 Chamorro people perished over these years of occupation. On July 21, 1944, American troops once again touched the shores of Guam, ending the oppressive occupation.

Liberation meant a restoration of faith and future to the Chamorros as history will never fade 61 years later. Just yesterday we went to Arlington to lay the yeas and nays.

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

Mr. LANTOS. Mr. Speaker, on that I yield the yeas and nays.

The SPEAKER pro tempore. The yeas and nays were ordered.

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 356) condemning in the strongest terms the terrorist attacks in London, England on July 7, 2005.

The Clerk read as follows:

WHEREAS the people and Government of the United Kingdom have been engaged in common efforts with the people and Government of the United States in every front in the Global War on Terrorism and in other efforts to assure a safer and more secure world;

WHEREAS the people and Government of the United Kingdom have been making heroic sacrifices in Afghanistan, in Iraq, and in the ongoing “shadow war” against terrorists around the world;

WHEREAS President George W. Bush, then present in Gleneagles, Scotland, with other world leaders, expressed the solidarity of the people and Government of the United Kingdom with the people and Government of the United Kingdom: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest terms the terrorist attacks in London, England, on July 7, 2005;

(2) expresses its condolences to the families and friends of those individuals who were killed in the attacks and expresses its sympathies to those individuals who have been injured;

(3) joins with President George W. Bush in expressing the solidarity of the people and Government of the United States with the people and Government of the United Kingdom as the recovery continues from these cowardly and inhuman attacks; and

(4) expresses its readiness to provide any necessary assistance to the United Kingdom authorities and to devote the necessary resources to bring to justice those individuals responsible for the London attacks, and to pursue, disrupt, undermine, and dismantle the networks which plan and carry out such attacks.

Pursuant to the request of the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. 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. Res. 356.

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

There was no objection.

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

Mr. Speaker, Americans were shocked and dismayed but not necessarily surprised when terror struck at the heart of the capital of the United Kingdom, the cradle of Western liberty, on July 7, 2005.

It is too easy while we are preoccupied with celebrating our independence from Britain in early July to lose sight of what we owe Britain, our language and our culture, the notion of the rule of law and the separation of powers, our common law legal system, and the underpinnings of our economic system, to name a few examples.

The British have been at our side and we at theirs in the struggles against tyranny that preoccupied us throughout most of the 20th century and now in the struggle against the nihilistic terrorists that has marked the 21st century and in our efforts to bring freedom to Iraq.

So it came as no real surprise to find that those who hate us hate the British too and acted on that hate.

The British have always impressed the world with their courage, their resilience, recalling the days of the blitz.

Today, Britain is different than the Britain of the Second World War. Its streets are filled with people from all over the world who are making their homes in what is like ours, a land of opportunity where newcomers are integrated into society with remarkable success. Today’s Londoners showed themselves to be just as brave and determined as the Londoners of the past.

President Bush made us all proud when he so forthrightly and eloquently supported Prime Minister Blair and pledged his people and government our full support. Today with this resolution, our House adds its voice to his.

We and the British people are bound by that bond that just won’t let loose or fray. We will not be satisfied until we have done what we as Americans can to bring the perpetrators of this attack to...
justice and we have successfully pur-  
sued, disrupted, undermined, and dis-
mantled on a worldwide basis the net-  
works that carry out such attacks.  

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

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

Mr. Speaker, I rise in strong support  
of H. Res. 356. Mr. Speaker, once again  
the backbone, resilience and resistance to  
by the citizens of Great Britain have inspired men  
and women everywhere who love liberty  
and know that it comes with a price.  

The aftermath of last week’s horren-

dous events in London and memories of  
an earlier generation’s response to the  
German blitz bring clearly to mind a  
quality we Americans have long ad-

mired about our British cousins: the  
unwavering will to withstand a setback  
and then to get on with it.

By virtue of their deeds in the past  
week, the people of the United  
Kingdom have demonstrated yet again  
that they will not allow brutality to  
immodate them. Far from it. They  
and we should praise.

Queen Elizabeth, II, who as a teen-

ager helped rally her country to repel  
tyranny during World War II, was elo-
quent but emphatic on this point a few  
days ago as she visited the wounded in  
a London hospital. “Those who per-

petrate these brutal acts against inno-

cent people should know that they will  
not change our way of life. Atrocities  
such as these simply reinforce our  
sense of community, our humanity,  
and our trust in the rule of law. That is  
the clear message from all of us.”

Mr. Speaker, while the Irish play-

wright George Bernard Shaw may have  
been correct when he observed that  
“England and America are two coun-

tries divided by a common language,”  
today there is no sentiment more  
closely shared by Americans and Brit-

tons, nor one so clearly stated, as what  
Her Majesty said: the perpetrators of  
this revolting attack “will not change  
our way of life.” Their deeds “simply  
reinforce our sense of community, our  
humanity, and,” despite the all-too-

human impulse to exact swift retribu-

tion, “our trust in the rule of law.”

Mr. Speaker, our resolution on the  
events in London now before the House  
expresses outrage, fortitude and the  
readiness to provide whatever re-

sources are needed to bring those re-

sponsible to justice. On behalf of all  
our friends and all our com-

patriots, we in the Congress of the  
United States extend across the Atlan-

tic our deepest condolences and our  
outstretched hand in solidarity.

On September 12, 2001, Prime Min-
ister Blair called the dark events  
of the day before “an attack on the  
free and democratic world every-

where.” What happened in London on  
July 7, 2005, was just such an assault.  
For the sake of democracy and free-

dom, we cannot and it will not go un-

swerved.

Coming as it did on the heels of an  
exalted week for Britain with the eyes  
of the world turned first on Wimbledon,  
than on the G–8 meeting at Gleneagles  
and finally on the triumph of being en-  
trusted with the Olympic Games of  
2012, this sickening blow may have  
seemed all the more horrific by con-

trast with those previous days.  

Mr. Speaker, the response to this  
outrage be neither to recoil nor to lash  
out, but to renew our determination to  
eradicate terrorism so that never again  
can it cast its insidious shadow over  
our peaceful lives.

I urge all of my colleagues to support  
this resolution unanimously.

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

Mr. HYDE. Mr. Speaker, I yield  
4 minutes to the gentleman from Cali-

fornia (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, as chair-

man of the Subcommittee on Interna-

tional Terrorism and Nonproliferation,  
I rise in strong support of this resolu-

tion. The heinous acts of terrorism that  
ocurred in Lon-

don last Thursday July 7.

At 8:50 a.m. in a coordinated attack,  
three bombs ripped through the Lon-

don Underground in central London  
and an hour later a fourth explosion  
tore apart the No. 30 bus. At present, 52  
are dead and hundreds and hundreds  
are wounded. Authorities are still  
attempting to recover bodies trapped  
under subway cars deep under Kings  
Cross station. As a police official grue-

somely described this morning, “they  
have to literally piece people together  
and that takes time.”

The latest news reports suggest that  
four young British citizens carried out  
this latest act of Islamist terror, blow-

ing themselves up along with their in-

nocent victims in what would be the  
first suicide attacks in Western Eu-

rope. I fear we are seeing the emer-

gence of a new generation of terrorists,  
who were in their teens on 9/11.

One of the four implicated in the  
London bombings was a teen. The  
homegrown cell involved in the Van  
Gogh murder in the Netherlands in-

cuded members as young as 18. North  
African extremists from France have  
been part by part by al Qaeda which  
has spawned terrorist groups and  
violence across the globe.”

As the 9/11 Commission tells us, “The  
first enemy is weakened but continues  
to pose a grave threat. The second  
enemy is gathering and will menace  
Americans and American interests long  
after Osama bin Laden and his cohorts  
have been killed or captured. Thus, our  
strategy must match our means to two  
ends: dismantling the al Qaeda net-

work and prevailing in the longer term  
over the ideology that gives rise to  
Islamist terrorism.”

Now, unfortunately, lax asylum laws  
and lax immigration laws have done  
the British and the rest of Europe no  
favors and have contributed to the  
rationalization of society there. Long  
before bombs ripped through London,  
Britain had become a breeding ground  
for hate fed by a militant version of  
Islam. For a decade, the city has been  
awash with demands for would-be terror-

ists who used it as a home base to com-

municate their message, to raise funds  
and to recruit members.

Mr. Speaker, let our response to this  
British attack be neither to recoil nor  
lash out, but to renew our determination  
to eradicate terrorism so that never again  
can it cast its insidious shadow over  
our peaceful lives. I urge all of my  
colleagues to support this resolution  
unanimously.

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

Mr. HYDE. Mr. Speaker, I am pleased  
to yield 3 minutes to the gentleman  
from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank  
the chairman for yielding me this  
time and for bringing the resolu-

tion to the floor, along with the rank-

ing member, the gentleman from Cali-

fornia (Mr. LANTOS); and I urge its  
unanimous adoption.

Mr. Speaker, on September 11, 2001,  
the United States was attacked, and  
H. Res. 356 passed through that  
Finsbury Park mosque in north London.  
Among those who have passed through  
that Finsbury Park mosque are Zacarias  
Moussaoui and Richard Reid.

Unfortunately, radical clerics gain-

ing a foothold in traditionally tolerant  
societies is not unique to Britain. The  
reality is that hate and intolerance is  
being preached throughout the world,  
and I thank the gentleman from Illi-

nois (Mr. HYDE) and the ranking mem-

ber, the gentleman from California  
(Mr. LANTOS), for bringing this resolu-

tion to the floor.

Mr. Speaker, let our response to this  
British attack be neither to recoil nor  
lash out, but to renew our determination  
to eradicate terrorism so that never again  
can it cast its insidious shadow over  
our peaceful lives.

On July 7, 2005, the terrorists struck  
again, this time at our ally, Britain, in  
London. Over 50 people are believed  
dead and more than 700 wounded in  
these horrific attacks. These terrorist  
attacks have once again been directed  
towards innocent civilians, except that  
instead of New York and Washington,  
D.C., the targets were in London. We  
have seen this happening of late in  
other places, like Bali, Istanbul, Madrid,  
and beyond.

This message really goes to the peo-

dle of Britain, the citizens of London,  
but especially to the families who lost  
loved ones last week. In 2001, when not  
just the United States of America came  
together but the rest of the global  
world stood with the United States and  
the families who lost loved ones on  
2001, it was a show of appreciation,  
respect, sympathy, and affection for  
those who lost their lives to terror.

Out of the pain and the sorrow for  
many of those families, and I know this
because I represent about 300 who lost loved ones on that fateful day on September 11, one of the saving graces from all of that was the outpouring of support from around the world that let them know that they did not stand alone but that our allies, whether Great Britain or beyond, stood with them and that the best days, hopefully, would come.

Today, we stand as a body, as elected representatives, but really speaking for those who are present to send those same sympathies and condolences to the people of London.

Yes, we will prevail. Yes, this web of terror, and if there is not a point in time we can say, it let now be the time, this web of terror must be destroyed, whether it is Bali, or the World Trade Center, or the Khobar Towers, or Nairobi, or Jakarta, or any other place around the world where innocent people still must fear for their lives because local terrorists think nothing of taking innocent lives, including their own.

The people of London have now been Exhibit A in the latest chapter in the war against terror. But the free people of the United States, the free people of Great Britain, and the free people around the world, with our brave men and women in the United States Armed Services and those who are willing to step up and give their life, will prevail against these rogue terrorist punks.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 3 minutes to the gentlewoman from New Mexico (Mrs. Wilson).

Mrs. Wilson of New Mexico. Mr. Speaker, I thank the chairman and ranking member for bringing forth this resolution today.

All of us here know how the Brits felt last Thursday morning. We had all been there ourselves in our own morning of terror not that long ago. It was a routine morning commute, just a regular ordinary day; and then the course of hundreds of lives changed and sandstorms otherwise deeply affected.

And we saw the best of the people of London: people shocked but calm, bravely helping others, a city getting up and getting back to work on Friday morning, and determined leaders who will not bow to terrorists.

There were two things that came to my mind, and more than one person has recalled the leadership of Winston Churchill not that long ago. While his admirers and detractors have never given in to the argument. There are two things that came to my mind, and more than one person has recalled the leadership of Winston Churchill not that long ago. While his admirers and detractors have never given in to the argument.

Mr. HOYER. Mr. Speaker, even today, as our friends and allies in London and the United Kingdom move forward with heavy hearts and continued anxiety, they are striking back at the barbaric and cowardly terrorists who attacked them without warning last week.

The British people have seen the face of evil and, as we knew they would, they have remained steadfast, resolute, and unbowed.

They have rejected the lifestyle of death, or compromising the democratic principles that have fortified them through the centuries.

All of us can learn from their strong, courageous example, as we extend our deepest condolences to the loved ones and friends of those who have been stolen by these heinous murderers.

It is incumbent upon us not only to condemn the perpetrators and supporters of these unconscionable attacks, but also to express the unwavering solidarity of the American people and our government with the people and government of the United Kingdom.

Mr. Speaker, the civilized world is under attack today by the purveyors of hate, violence, intolerance and lawlessness. They have no compunction about attacking and killing innocent men, women and children.

And our responsibility to this and future generations could not be more clear. We must expose the moral emptiness and political hopelessness of those who subscribe to this twisted ideology—hatred, lies, and cruelty—and we must extinguish this force of darkness and despair.

Victory in this fight will not be easy, but it is inevitable as long as those who cherish peace, tolerance and the rule of law stand together as one.

Sixty-five years ago, Winston Churchill, in steeling the British people against the terror of his day—Hitler's Nazi regime—said: "Victory at all costs, victory in spite of all terror, victory however long and hard the road may be; for without victory there is no survival."

We must summon the same courage and conviction today. Our enemies seek our destruction, but they underestimate our will. We will not prevail.

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

The SPEAKER pro tempore (Mr. Simon). The question is on the motion offered by the gentleman from Illinois (Mr. Hyde) that the House suspend the rules and agree to the resolution. H. Res. 356.

The question is on the motion to suspend the rules and agree to the resolution.
The SPEAKER pro tempore. The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 346 is a structured rule that allows for debate on H.R. 2864, the Water Resources Development Act of 2005. The rule makes in order seven amendments to the bill, five offered by Democrats, one offered by a Republican, and one bipartisan amendment.

The underlying bill is a solidly bipartisan piece of legislation introduced by the chairman and ranking member of the full Committee on Transportation and Infrastructure and the chairman and ranking member of the Subcommittee on Water Resources and the Environment.

I want to begin by thanking the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); the ranking member of the Subcommittee on Water Resources and the Environment, the gentleman from Tennessee (Mr. DUNCAN); the chairman from Vermont (Mrs. MÉLIA); and the gentleman from Virginia, my home State, has been hit by several devastating floods in the past few years. I appreciate that this bill in- cludes authorization for a watershed drainage assessment of the lower Kanawha River Basin in Kanawha, Putnam, Mason, Jackson, and Roane counties in my district.

H.R. 2864 authorizes or modifies 102 projects and studies related to navigation, improving our country’s ability to ship goods and improve our economy.

The bill includes 225 flood disaster reduction projects and studies. West Virginia, my home State, has been hit by several devastating floods in the past few years. I appreciate that this bill includes authorization for a watershed drainage assessment of the lower Kanawha River Basin in Kanawha, Putnam, Mason, Jackson, and Roane counties in my district.

H.R. 2864 also reauthorizes important corps projects across the country to bring water and sewer lines to rural communities. These water and sewer projects bring jobs and economic development to areas that need business investment. This legislation is a jobs bill because it provides for the infrastructure needs of our communities and allows for better movement of goods across our country. The Committee on Transportation and Infrastructure reported the Water Resources Development Act in a bipartisan manner, and I trust that the full House will adopt the bill today in the same manner. I ask my colleagues to join me in support of the rule and the underlying bill.

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

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding me this time, and I yield myself such time as I may consume.

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

Ms. MATSUI. Mr. Speaker, I rise in support of this rule and strongly support the underlying measure, H.R. 2864, that would provide for the water infrastructure needs of our Nation.

The Water Resources Development Act before us today reflects a shared commitment to the larger goal of developing our national water resources to address economic, environmental, and also public safety needs.

H.R. 2864 is a comprehensive bill. It does more than just authorize nearly $10 billion for the construction of nearly 700 water resources development projects and studies by the Army Corps of Engineers. It seeks to improve the corps’ implementation of projects.

From working with the corps year after year, we know there are better ways to implement projects. This bill includes provisions to ensure that corps projects are managed in a coordinated and efficient manner, with improved financial management.

To improve the planning and execution of ongoing projects, the committee is asking that the corps submit yearly financial reports, including anticipated spending needs for future years.

The measure also streamlines the project review process for environmental reports and analyses. Further, it would also allow for better coordination between the Federal review and State agencies affected by the project. And these are just a few examples of the many provisions this bill includes to encourage better management and coordination of U.S. Army Corps projects. These improvements are common sense. They will not only facilitate better economic and environmental benefits of the projects, but they will also allow projects to reach completion faster.

With a number of ongoing water projects in my district of Sacramento, California, these provisions will translate into real and tangible results. Sacramento has a long history intertwined with floods. When the city endured a near catastrophic flood in 1986, the community quickly realized it did not have nearly the level of flood protection necessary to fully safeguard the region. After the 1986 flood, the city never forgot the cost of being unprepared and the community doubled its efforts to achieve 200-year flood protection. However, until that day arrives, flooding remains a very constant and genuine threat. And continued Federal assistance plays an important role in obtaining that goal.

Despite years of effort, Sacramento still remains one of the most flood-prone and threatened cities in the country because it lies in the path of the level of protection enjoyed by other river cities.

Thanks to the leadership of this committee, much has been done to address the flood control needs of the region. Indeed, several project authorizations are in place and in critical need of completion. They will provide in excess of 200-year flood protection for much of the area. With the continued support of Congress, Sacramento has already made incremental progress toward our initial goal of achieving 100-year flood protection for the region, and ultimately moving as quickly as possible towards 200-year flood protection.

Fortunately, as a result of lengthy bipartisan negotiations, Congress has authorized a suite of projects that will achieve 200-year flood protection. Upon completion of the authorized projects to improve area levees, modify the outlets of Folsom Dam and raise Folsom Dam by 7 feet, Sacramento will obtain its long-term flood control goal.

I deeply appreciate the years of support of the Committee on Transportation and Infrastructure has provided to ensure these projects continue to move forward, providing Sacramento the level of flood protection that it both needs and deserves.

In this bill, the committee embraced a project which seemed to be bogged down and hopeless, but because of a little bit of innovation and a strong commitment to finding success, it will be authorized today.

After the Corps of Engineers recommended a flood control project at Magpie Creek in Sacramento, the project faced an unavoidable redesign that nearly doubled the total cost of the project. The cost increase put the project out of reach of local affordable, and the project seemed to be stalled indefinitely. Taking the initiative, the local sponsor, the Sacramento Area Flood Control Agency, developed a revised plan that is not only less costly, but also has less of an environmental impact.

What is significant is the cooperation between the local stakeholders, the Corps and Congress to work together to find a solution. Because of this cooperation, Sacramento now has a more efficient project which will better protect us.

Just as thought went into this project’s plan, it is apparent that the Transportation and Infrastructure Committee put great deliberation into this bill. I would like to offer my deep gratitude for the hours of work that the gentleman from Alaska (Chairman YOUNG) and the gentleman from Tennessee (Chairman DUNCAN) and the ranking members, the gentleman from
Minnesota (Mr. Oberstar) and the gentlewoman from Texas (Ms. Eddie Bernice Johnson) have put into this bill. Their long negotiations have produced a bill that will save lives, homes, and businesses from devastation of floodwaters and improve the quality of life.

The risk of serious flooding poses an unacceptable threat to the safety and economic well-being of Sacramento and to California’s State capitol. It is because of the bipartisan commitment in the Sacramento region and the bipartisan commitment of these committees that Sacramento is slowly reducing its risk of flooding. We are on a path, and I thank the committee for forging ahead with my community, to bring Sacramento the long-awaited flood protection it needs and deserves.

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

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. Hastings), my colleague on the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman from West Virginia (Mrs. CAPITO) for yielding me this time.

Mr. Speaker, I rise in support of this rule and the underlying bill, the Water Resources Development Act of 2005, or WRDA.

Our Nation’s water resource infrastructure is critical to our economy, transportation, flood control, power generation, flood control, and environmental protection and restoration. This is especially true in my area in the Pacific Northwest.

Our region’s river system is a great resource, a resource that must be well-managed and protected. Hydroelectric dams provide clean, low-cost renewable power. These facilities also provide a system of locks that allow for the efficient transport of tons of agricultural products, coastal ports, which Pasco and Tri-Cities, of which Pasco is one of the three cities.

Mr. Speaker, we must keep our commitment to sustain and enhance our Nation’s water resource infrastructure, and that requires a regular review and updating of congressional direction to the Corps of Engineers to ensure that existing projects are maintained and that new needs are met.

This is the purpose of the WRDA bill and why it is important that it pass the House and the Senate act on it this year to ensure that this measure and the benefits it provides will become law.

Therefore, Mr. Speaker, I urge my colleagues to support this rule and the underlying WRDA bill.

Ms. MATSUI. Mr. Speaker, I yield 7 minutes to the gentleman from Oregon (Mr. Blumenauer).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman’s courtesy for yielding me this time, and I noticed with pride her reference to the Sacramento situation. We worked with Bob Matsui on that for years, and he provided great leadership. I appreciate the gentlewoman’s continued efforts, and I am pleased this bill looks like it may help move that project forward. It is a priority for not only California, but also the Nation.

I am also pleased to serve under the leadership of the gentleman from Tennessee (Chairman Duncan). I truly believe that the work of the gentleman from Tennessee (Mr. Duncan) is developing a path for a new direction for the Corps of Engineers and water resources.

This has been an arduous, difficult task in our Chamber and the other

Like the WRDA bill passed by the House in the last Congress, this bill includes direction to the Corps of Engineers to allow workers at northwest dams to participate in wage surveys. This is a simple matter of equity as working folks and the Tri-Cities area is afforded to other Federal workers doing similar jobs, especially at other facilities in the northwest. I have worked with the United Power trade organization on this effort, and I am pleased it once again will pass the House.

This bill also includes language that will allow the Corps to officially give credit to the Port of Sunnyside for funding it has invested to maintain and update its navigational and waste water treatment project. This project is a creative initiative by the Port of Sunnyside to improve the river habitat and provide for greater economic growth in the local community.

I believe that the Port of Sunnyside gets proper credit for funds it invests as it works with the Corps to make this project a reality.

Finally, this legislation lifts Corps restrictions and creates the development of the Port of Pasco properties. I am very hopeful that elimination of these flowage easements will allow beneficial use of this prime riverfront property to move forward to the betterment of Pasco and Tri-Cities, of which Pasco is one of the three cities.

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This has been an arduous, difficult task in our Chamber and the other Body, dealing with a wide variety of issues and I salute him, our ranking member, the gentlewoman from Texas (Ms. Eddie Bernice Johnson) and her predecessor, Mr. Costello, because I know they have spent long, hard hours bringing forth a product that will do much good for America.

I come today in support, however, of one amendment which I appreciate being made in order in this rule which will enable the Chamber to take a step back and look at the largest, most expensive navigation project in America’s history. I think it is important that we take that careful look, because frankly, there are grave questions about this project.

Today, for instance, I note yet another in a flood, if I may use the term, of editorials from around the country. This from the Chicago Tribune entitled “Reality on the River” that calls into question the wisdom of this massive investment.

WRDA would authorize $1.8 billion to expand seven locks on the upper Mississippi and Illinois Rivers. This would be the most expensive project for navigation in our Nation’s history. It will take 10 to 15 percent of the Corps construction funding for years, indeed decades.

The gentlewoman from California (Ms. Matsui) needs to be concerned about this if we are going to fund what she wants. The gentlewoman from West Virginia (Mrs. Capito) will take her resource needs that are of significance to her constituents, which are at risk if we are going to make this massive investment.

For order of magnitude, Members are familiar with the “Big Dig” highway project in Massachusetts. This is an order of magnitude five times larger than the Big Dig when applied to water.

When the Corps is facing a $58 billion backlog of projects right now and a construction budget of less than $2 billion per year, we need to look at this very, very carefully; especially since the economic justification of this project is not just shaky, but frankly, it looks to be flawed.

Studies by the National Academy of Science and the Congressional Research Service, as well as the recent history of traffic on the Mississippi, shows that there is not an increase in barge traffic that justifies it. In fact, for the last 20 years, barge traffic has been flat, and for the last 13 years it has declined. It has declined more than a third from 1992. As barge traffic has declined, we have nonetheless spent almost a billion dollars rehabilitating the locks on the river. This has been controversial from the start. This project helped launch our Corps reform efforts. Members of this Chamber may remember in the year 2000, the Corps of Engineers fired the lead economist, Mr. Sweeney, project in Anabled Corps officials had ordered him to “cook the books,” to underestimate how much was going to be shipped.
Well, he applied for whistleblower protection. In fact, the Army’s inspector general confirmed that the Corps had manipulated the documents. Unfortunately, the Corps has not adequately fixed the process.

Several studies from the National Academy of Sciences and the Congressional Research Service show that the Mississippi River project is a multibillion-dollar boondoggle. The proposed $1.8 billion project would enlarge and modernize the 80-year-old system of locks and dams along the Mississippi and Illinois Rivers so barges carrying corn, soybeans and other goods to Gulf of Mexico ports can travel more quickly. Advocates say the project is needed to keep the Corps out of the lead, ahead of rising competitors such as Brazil. The mighty Mississippi remains a cheap shipping route, but congestion and other delays sometimes cost shippers millions of dollars for hours.

The 10-year-old project, though, has faced constant questions about wasteful spending and inflated expectations. The Army Corps of Engineers has predicted river traffic could increase as much as 30 percent over the next 20 years. But a Congressional Research Service report and studies by the National Academy of Sciences have found little to back up these rosy projections and have questioned whether the real economic benefits will be worth the cost.

Congress has one chance to protect taxpayers on this. The House is scheduled to vote as early as Wednesday on a measure that would cut off funds before construction begins if river traffic fails to grow as much as the Army Corps projects it will over the next five years. That measure deserves strong support.

There’s good reason to question the project. The Mississippi River traffic is close to where it was back in 1980 and has declined sharply throughout the 1990s, partly because Midwestern farmers have been shipping more goods by rail and selling more corn to nearby ethanol plants.

The locks improvement project ground to a halt in early 2000 after a whistleblower accused the Army Corps of inflating the project’s economic benefits. An investigation by the Army’s inspector general later cited a built-in bias at the Corps in favor of costly construction projects.

Yet a coalition of barge operators, agricultural producers and Midwestern lawmakers is pushing the House to approve the project before the August recess. It may be too late to turn this head off that approval. But an amendment sponsored by Rep. Jeff Flake, an Arizona Republican, and Rep. Earl Blumenauer, an Oregon Democrat, would make the construction money dependent upon river traffic increasing enough to justify it.

If traffic fails to reach the 16 percent growth that the Army Corps projects by 2010, funds to the expansion project would be denied. Taxpayers would have paid only $13.7 million, which was approved last year for research and planning.

The Army Corps of Engineers has an unfortunate reputation for understimating costs and exaggerating benefits of some of its projects. Tying its construction budget to its own predictions would create a powerful incentive for the Corps and other government agencies to ground their grand plans in realistic expectations.

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), the chairman of the Subcommittee on Water Resources and the Environment.

Mr. DUNCAN. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding me this time and for her hard work on this bill. I rise in strong support of the rule for consideration of H.R. 2864, the Water Resources Development Act of 2005. This is a good rule and a good bill. There are, as all of us know, very few amendments; and I think that is in large part because the committee has worked hard over a long period of time to address Members’ needs in the bill and in the manager’s amendment.

I think that our subcommittee does not have a better member than the gentleman from Oregon (Mr. BLUMENAUER), and I will speak more to his amendment during general debate. But I can tell you that I certainly sympathize with the thrust of his amendment because I think every water project in the country should be looked at very closely and should be done in the most cost-effective way possible. I will say just simply at this point that the project of which he has spoken and to which his amendment is addressed is the number one priority of the Inland Waterway Users Association, protecting the taxpayers who pay into the inland waterway trust fund and that pays one-half of the project cost. As I said, I will speak in more detail about the general provisions of the bill during general debate.

Right now, let me just say that H.R. 2864 is the product of several years of bipartisan work by the Transportation and Infrastructure Committee. The gentleman from Oregon (Mr. BLUMENAUER) mentioned the gentleman from Illinois (Mr. COSTELLO) who was the ranking member and with whom I worked so closely on this bill in the last Congress.

Basically, this bill in the last Congress is really the product or was the forerunner and is very, very similar to this bill and that bill passed the last Congress by a vote of 412-8. Basically, we have the same bill here today. By working together, the committee is proposing legislation that is supported by over 200 organizations, including the U.S. Chamber of Commerce, which has stated that they plan to score the vote on this bill when they issue their annual “How They Voted” ratings.

I certainly would not want to run through the more than 200 of those groups, but just let me give you a short list of some groups supporting this bill, and you will see some of the wide variety: the Chamber of Commerce, the American Society of Civil Engineers, the American Farm Bureau Federation, the American Shore and Beach Preservation Association, the Associated General Contractors of America, the International Brotherhood of Teamsters, the National Association of Flood and Stormwater Management Agencies, the International Longshoremen’s Association, the National Corn Growers Association, the American Association of Port Authorities, the Laborers International Union, the National Mining Association, the Agricultural Retailers Association, American...
I could go on. But you see that we have business groups supporting this bill, labor groups supporting this bill, governmental organizations supporting this bill, and so I think this is a bill that deserves bipartisan support. It is a very fiscally conservative bill.

But I think perhaps even more importantly, we have passed WRDA bills and water resource development bills usually every 2 years for many years. No WRDA bill in the history of this Congress has done more to be environmentally friendly, none has done more for environmental infrastructure projects, none has gone further in setting up peer review procedures for our major projects, and so I think this is a bill that will receive and will deserve the support of a very large number of Members on both sides of the aisle.

Mr. Speaker, I thank the Rules Committee for their help and assistance and cooperation, and I urge passage of this rule and passage of the underlying bill.

Ms. Matsui. Mr. Speaker, I yield myself the balance of my time. I encourage Members to support the rule. I look forward to the debate and hopeful passage of the underlying bill.

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

Mrs. Capito. Mr. Speaker, I yield myself the balance of my time. I urge all of my colleagues to support this fair rule and the bipartisan underlying legislation which provides critical funding for environmental infrastructure projects, none has gone further in setting up peer review procedures for our major projects, and so I think this is a bill that will receive and will deserve the support of a very large number of Members on both sides of the aisle.

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

Mrs. Capito. Mr. Speaker, I offer a motion to strike the MTBE liability provision from our bill. Many Members voted "no" because of some impending deal to address the cleanup issue once and for all. Well, reports of this deal have leaked out. They are not pretty, and they will not address the MTBE contamination that your constituents face today or may face in the future.

The deal would provide full liability protection to MTBE producers and establish a $4 billion to $6 billion trust fund to address the contamination crisis. But the big problem with the cleanup of MTBE contamination is going to cost between $25 billion and $33 billion and could be as high as $85 billion, dwarving this deal's cleanup fund.

The American Water Works Association, the National Stone, Sand and Gravel Association, the American Shipbuilding Association, the National Rural Electric Cooperative Association, the American Shipbuilding Association, the National Stone, Sand and Gravel Association.

I ask unanimous consent to strike the MTBE liability provision from our bill.
end the chances of the bill becoming law. With the country continuing to experience record energy prices, the need for comprehensive energy legislation is clear, and MTBE provisions once again threaten the passage of this bill.

Mr. Speaker, the MTBE industry knowingly caused widespread groundwater pollution, and now it is trying to shirk its responsibility to the communities living with this huge problem.

So I urge my colleagues to support the Capps motion to instruct and to reject this ridiculous bailout for the MTBE industry.

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

Mr. BARTON of Texas. Mr. Speaker, I rise just to say that I object to the motion to instruct.

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

Mrs. CAPPS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I rise in strong support of the motion to instruct. The result of the Congresswoman’s proposal for her extraordinary leadership, for working to protect communities from MTBE and from unfunded mandates that shift cost of clean-up to communities without the funding to match.

For 5 years, Republicans have pushed policies to give billions of dollars to special interests which then reaped record profits. Republicans are not listening to the American people’s concerns about the need for safe drinking water, clean air, or for lowering the price at the pump of gasoline.

Instead of siding with the Americans strangled by high gas prices, President Bush’s own Department of Energy said that the energy bill would actually raise gas prices, and that the President’s proposals would increase our foreign oil dependence by 85 percent.

But nowhere is Republican pandering more on display than in the provisions relating to MTBE. Mr. Speaker, as you probably know, a few drops of MTBE can poison whole drinking water supplies. The industry knew that MTBE would leak from gasoline storage tanks when they lobbied for its use.

They deliberately hid this fact from Congress. The result of their malefandence is clear: MTBE contaminated groundwater in every single State in America with estimated clean-up costs between $25 and $85 billion.

Incredibly, instead again of siding with communities poisoned by MTBE, House Republicans lined up to protect polluters from liability. Last year, the Majority Leader, the gentleman from Texas (Mr. DELAY) added language to the energy bill to protect MTBE polluters knowing it would kill the legislation just the same this year.

The House-passed bill protects MTBE producers form lawsuits. By their actions, House Republicans imposed an unfunded mandate on local communities to protect polluters. This is contrary to a fundamental principle that in our society polluters must pay for the damage they cause, not our children with their health.

This year the industry said to localities, not only will we protect the people who poisoned your water, but we are going to leave you with the bill.

Mr. Speaker, we are spending our time debating yet another huge subsidy for profitable oil and gas companies. When you are supposed to be focusing on what consumers want, clean water to drink and relief from high prices at the pump.

This is a disgrace. Conferences should insist on the Senate version that excludes this shameful MTBE liability waiver. Only then can we reaffirm our commitment to strengthening community by promoting a clean and healthy environment where polluters pay again for the damage they cause, not our children with their health.

Again, I thank the gentlewoman from California, (Mrs. CAPPS) for seizing this opportunity as she did when the House first considered this legislation. I urge my colleagues to vote for the motion to instruct so that we can end this disgraceful giveaway to oil companies and MTBE polluters that poison water all across the country.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I rise in support of the Capps motion. The House Energy Bill contains a so-called “Fuels Safe Harbor” that hands over MTBE to the companies back to the local community. So again, the consumer will be paying high gasoline prices, high home heating oil prices, they will be paying out of their tax dollars to give subsidies to the oil companies, and then they will have to go into their pockets again to clean up the mess which is let over.

Vote yes for the Capps motion to instruct the conference.

Ms. CAPPS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank my distinguished colleague for her leadership, not only on this issue, but on so many others that come before the House Commerce Committee.

Mr. Speaker, I rise in support of this motion to instruct. It may indeed be our very last chance to get something right in this flawed energy bill, so-called energy bill. According to the independent analysts at the U.S. Energy Information Administration, this bill has virtually no impact on energy production, on consumption, on imports or on prices at the pump.

In fact, these independent analysts say that gas prices will increase. So wake up, America. Look what is happening to you under a so-called energy bill. The price that you pay at the pump is going to go up. Is that what we need the Congress for? I do not think so.

If the House bill did nothing, that would be one story. But the truth is that the bill imposes huge costs on taxpayers. And that is what we are protesting here on the floor, and why there is this motion to instruct.

Probably the worst provision of the bill is the MTBE liability waiver. What is it? It provides a safe place, a safe
The profits of oil companies or the health of our people and the financial health of States and communities in which we live.

The liability waiver assumes that Congress mandated MTBE use in 1990. But that is really not true. Congress mandated the use of an oxygenate in reformulated gasoline, but MTBE is not and was not the only oxygenate.

MTBE was used extensively in non-RFG areas where no mandate applied. Furthermore, MTBE was marketed and used extensively before 1990. Maine’s experience really illustrates the MTBE problem.

Maine volunteered to phase into the Federal reformulated gas program in 1991. And in 1995 reformulated gas containing MTBE entered the marketplace in Maine. Two years later, in 1997, the Maine Bureau of Health reported MTBE in 7 percent of Maine public water supplies.

One year later, 1998, MTBE was detected in 1 percent of the public water supplies. So starting that year, 1998, Maine began phasing out the use of MTBE, and in 2007, Maine will impose a partial ban of MTBE.

This liability waiver creates a massive unfunded mandate. Communities face a $25 to $85 billion bill to clean up the MTBE. And juries in some cases have recently found the MTBE manufacturers, lax Texas oil firms, were dishonest about the impact of their product on groundwater. The juries concluded that the companies are liable for the cost of cleanup.

One reason is when you go back to 1981, the Shell engineers were joking with each other that MTBE stood for “menace threatening our bountiful environment” or “most things biodegrade easier.” They knew what the impact of this substance would be.

Just this month, the EPA developed a draft risk analysis that concludes that MTBE is a “likely” human carcinogen. If finalized, this would dramatically increase the cost of MTBE cleanup.

So this liability waiver provision takes away the best claim that communities and States have to require manufacturers to help clean up the mess they created by manufacturing a defective product.

Now, finally, we hear a lot about a deal in the works to address this crisis. I would ask, will this deal protect communities from having to pay to clean up MTBE? Will this deal cover the cost of cleaning up the water, or will it just leave the mess for the communities to deal with? Will this deal give a free ride to millions of taxpayers? Will this deal create a multibillion dollar unfunded mandate? And will it leave us paying for this mess for years to come?

We have a right to know what the deal means. And we have a right to be protected from the unnecessary risks.

Mr. Speaker, I rise strong in support of the Capps motion to instruct.

The Republican energy bill does nothing to reduce our Nation’s dependence on foreign oil. It harms our environment, and in the end it is nothing more than a big fat giveaway to the oil and gas industries at a time when they do not need these giveaways.

If that were not bad enough, oil companies have knowingly contaminated our Nation’s water systems with the fuel additive MTBE, polluting the same drinking water that serves 45 million Americans. These companies were fully aware of MTBE’s ability to seep in the environment and cause harm but chose to use MTBE. And now the Republican leadership wants to protect these same oil companies from any liability for the damages they caused.

Instead, they want to leave it up to our State and local governments to pick up the tab. This is unconscionable. This motion to instruct is based on common sense. These companies should be held responsible for the damages they caused.

Now, we all know the arguments. This is an unfunded mandate passed on to our State and local governments. Many communities have filed legitimate lawsuits to recover the costs of MTBE cleanup estimated to exceed $20 billion. Yet this bill essentially blocks these suits and could preempt hundreds more, leaving communities with a multibillion dollar unfunded mandate and the hands of this Congress.

Mr. Speaker, the party of States’ rights has become the party of Big Business. This bill is another handout to the oil, gas, and MTBE producers. Support the Capps motion to instruct and strike this lousy provision.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. Solis).

Ms. SOLIS. Mr. Speaker, I would like to commend the work of the gentlewoman from California (Mrs. CAPPS) on this important issue that not only affects California but the entire country.

Mr. Speaker, today I rise in strong support of the motion to instruct Congress to re-write the MTBE provisions in the House energy bill. I adamantly oppose the language in the House bill passed which would give a free ride to manufacturers of MTBE, leaving taxpayers across the country holding the bag for cleanup. This is an issue where a deal can be struck.

The industry, the only supporters of these deals, has been spreading false
statements about the cleanup of MTBE being paid for by responsible parties and wants us to believe that future cleanup will be paid for. But who ends up paying that? The taxpayers.

These groups are ignoring two important items. One is that the leaking underground storage tanks program which the manufacturers believe will bail them out is not appropriately funded right now. They are not cleaning anything up as they should be and many of the State programs are broke. Right now the 700,000 leaking underground storage sites of the 700,000 underground storage sites, 136,000 are currently leaking, and they are not being cleaned up.

EPA anticipates that over the next 10 years, 120,000 new leaks will occur. Despite the need for cleanup funds and the growing inability of the funds needed to clean these up, we know that this administration cut back by 8 percent that fund.

State programs right now like California and other places are also being starved of this much needed funding.

Twelve States have funds with more claims than money. Two State funds have gone bankrupt. Fifteen State funds are funded only by gas taxes, and five States do not even have cleanup funds.

The provision in the House energy bill and any deal that may be struck is to be found responsible and accountable.

Lastly, I want to say also that the House Republican energy bill fails to address the Nation’s record gas prices; and according to the Bush administration’s own energy department, they would actually cause gas prices to increase.

Hello? What are we doing here today by not addressing the consumers’ needs right now where gas prices and a barrel of oil is up to $60 a barrel.

We need reform. We need something that is going to help our consumers, and we do not want to see more of our water polluted by MTBE. Support the motion to instruct.

Mr. BARTON of Texas. Mr. Speaker, how many speakers does the gentlewoman from California (Ms. Pelosi) want?

Mrs. CAPPS. Mr. Speaker, I do not have any further speakers, just closing comments of my own.

Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.

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

Mr. Speaker, back in the middle of the Depression in the late 1920s and early 1930s, the east Texas oil field was discovered, and at that time it was the world’s largest oil field. And since it was discovered by a man named Joiner who was an independent, all kinds of folks rushed in to get a piece of that action.

It was not discovered by the major oil companies, and so literally tens of thousands of people from all over the country came to east Texas and to Kilgore and to Longview to try to make their fortune.

The law enforcement facilities and the personnel were just overwhelmed. So finally it was one of the county judges called down to Austin to speak to the Governor of Texas. He said, Governor, we are being overwhelmed here. We have a riot on our hands. Can you send the Texas National Guard and the Texas Rangers? Could you send us some help so we can restore law and order? The Governor of Texas said, I will be happy to do that.

So about a day later, the sheriff and the county judge and some of the county cops went to the train station to meet the help. And they were expecting hundreds, if not thousands, of troops and Rangers to step off the train; and one lonely Texas Ranger, a grizzled old guy stepped off the train and says, I called the Governor and I asked for help, where is it? The Ranger said, You are looking at it. The county judge said, We got a riot on our hands. And the Ranger said, How many riots? And the judge said, One, The Ranger said, Well, I am one Ranger. One Ranger, one riot. And he proceeded to quell the disturbance.

Well, we have heard from our friends, and that is why one of them except for one that just spoke is a member of the Committee on Energy and Commerce. They are all good people. Not one of them voted for the energy bill. That is okay. That is what democracy is about.

You have heard the other side of the story, but that may not be the whole story. There is another side to this story on MTBE, and let us talk about it.

Our distinguished minority leader, the gentlewoman from California (Ms. Pelosi), when she spoke, stood up and said that back when they began to put MTBE in the gasoline, the manufacturers knew that it would leak. They knew that it would leak.

Well, let me ask you a question. If you put something in a tank underground and the tank is not tight, is it going to leak or not leak? The answer is no, it does not stay in the tank that is not leakproof. So to say they knew MTBE would leak is to say they knew there were leaking underground storage tanks.

You put gasoline in a storage tank underground. The country judge is in that gasoline, if there is a leak in the tank, it is going to leak. That is a fact. So when MTBE leaks, which is a fact, it is not just the MTBE. It is everything else in the gasoline. It is the benzene and all the other additives and the gasoline itself.

Now, to say that the solution to that is to ban MTBE is to say if I cut my arm and it is bleeding, instead of putting a BandAid on it and stopping the leak, I drain the blood out of my body. That is one way to stop the leak. But that may not be the most cost-effective and the most sensible way.

Under existing law we have a leaking underground storage tank fund called the LUST fund. It was specifically set up in law to prevent tanks from leaking, to have a mechanism to pay to repair those underground storage tanks. Just one problem, the law did not say the money that goes into the fund has to be used just for leaking underground storage tanks.

What have the States done? They have used it for every purpose but that. We set up this fund. We funded it. We put money into the trust fund. We send that money to the States, and the States use it for any purpose. Some States have used the money to clean up and maintain leaking underground storage tanks, but not many.

This bill that my friends who have just been speaking voted against has a provision in it that says the States have to clean up underground storage tanks. And, in fact, it doubles the amount and it sets up a maintenance program where the States have to go out and actually enforce the law in this bill that is pending.

The gentlewoman who is offering the amendment said, and she is right, there are 2,600 water systems in this country that have MTBE contamination. She says what I am going to say is it is a fact. I have no reason to doubt that.

What she does not say because the reports that she studies do not tell her is what the level is. Now, the EPA standard is somewhere between 20 and 40 parts per billion. Some States have a tighter standard, as low as 13 parts per billion. The problem is, with all of these, there have been filed, the trial lawyers have found out that you can detect MTBE down to one part per billion. Somebody shows up in your city council office and says, we have a lawsuit on MTBE contamination. Can you check your water supply? Of course they are going to say, sure, check the water supply.

They come back and say, you got MTBE contamination, 2 parts per billion. Oh, my God. Let us join up. Well, unless you have got the most sensitive nose, you are not even going to be able to smell it, but it is there. It is way below the standard.

Now, if the State wants to set a standard even lower than 13 parts per billion, I have got no problem with that. If the State wants to ban MTBE, we have got five States that have got no problem with that. But to sit here and say that you have all this contamination, well, I could take a thumbed of MTBE and take it out and throw it on the ground out here in the Capitol. And if it rains very quickly after that, the thumbed gets into the water system, the wastewater run-off here in Washington, D.C., and some of that goes to
Mr. Speaker, I want to thank my esteemed colleague, who is in opposition to this amendment and, indeed, he, the chairman of the Committee on Energy and Commerce, is my friend and friends of all of us who have spoken today who are members of his committee. But I would like to comment on the remarks he made in his speech.

First, regarding the list funds which he spoke about as being a place for managing this pollution. Stopping the leaks from the tanks stops additional MTBE contamination. Mr. Chairman, but it does nothing about existing contamination, and that is the contamination that has polluted over 2,300 water districts across this country in 36 different States.

Second, the chairman referred to the very minute amounts of MTBE that have polluted all of this groundwater that we have been discussing. And it is true that the groundwater is rendered unusable because of the strong smell and the very small amount of MTBE which is in the groundwater. But I would argue, respectfully, that the American people deserve to know that the Environmental Protection Agency has a requirement that when MTBE leaks, the MTBE as part of the gasoline leaks and the MTBE does get into the water table and that does cause an odor.

Now, the last thing I want to talk about is this study that has been leaked. Is it not interesting we are having a debate about leaking underground tanks and a study has been leaked from the EPA? Heaven help us. This study that has been leaked is a draft study. It has not been peer reviewed. It will probably never become part of an actual public document that is presented to Congress. But the folks at EPA understand the energy bill is about to go to conference, and those that agree that MTBE is not a good thing, somebody over there has conveniently leaked a draft report that says MTBE is now a likely carcinogen.

Well, I drink a lot of Diet Dr. Pepper. And my guess is if I were to drink ten gallons of Diet Dr. Pepper everyday for the rest of my life, I might develop cancer because of that. I do not think that MTBE, under the standard that is in current law, is a carcinogen, and all the studies that I have seen that have tried to prove it have come back just the opposite. So to hang our hat now on a draft report that has not been peer reviewed and has been leaked by the EPA, to me, is pretty weak soup indeed.

Let me just say that we are getting ready to go to conference with the less than 2 percent of the other body. That is a good thing, not a bad thing on the energy bill. We need to find a compromise on MTBE. I think that is a good thing, not a bad thing. And I agree with some of the proponents of the Capps amendment that the manufacturers and the distributors and the retailers and the refiners, the people in the chain of custody for MTBE should help pay to clean up the water systems that are contaminated. Should. So the compromise that we have worked on works for several months now says that they have to do that.

We actually are going to set up a specific fund just for MTBE remediation, and that fund is going to be sufficiently funded to pay for the actual cleanup and remediation of contaminated sites. It is not going to pay for trial lawyers' contingency fees. Not going to do that. But if you are one of these water systems that has real contamination, MTBE is there and it needs to be cleaned up, if this compromise becomes a part of the bill and the bill becomes law, you are going to get your water site cleaned up very quickly and you are not going to have any MTBE contamination in it.

If what you are really trying to do is enrich the pockets of the trial lawyers, when they talk about $85 billion or $30 billion or whatever the number is, most of that money is trial lawyer contingency fees. I am not in that game. I am about good government. I am about real cleanup. I am about a cleaner environment. And the bill that I hope to report back as a conference report, if I have anything to do with it, is going to have a compromise on MTBE that does exactly that.

The people that have helped cause the problem are going to help pay for it, and it is going to be paid. The communities that want clean water are going to get it quicker and sooner under the compromise that will be in our bill. I would think that the majority of the House, including 41 Democrats who voted for the energy bill when it went to the Senate, are going to continue to agree with me. And if that is the case, the folks who want to motivate them to instruct, as they already have done once at the end of the debate on the energy bill, and let us go to conference and find a real compromise to solve this problem.

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

Mrs. CAPPs. Mr. Speaker, I yield myself the balance of my time.
says. I say, “they must pay.” They must be held accountable. And the deal that is struck is one in which they will pay only a portion of the damages and the taxpayers will pay the remainder.

The House Republican energy bill fails to meet the Bush administration’s own Energy Department’s standards for fuel prices. And according to the Bush administration’s own Energy Department would actually cause gas prices to increase, and that at a time when they are increasing. This energy bill we are now going to be considering in conference we do nothing to cause containment of that increase in gas prices. Instead of giving real relief to consumers, this Republican bill gives loads of new tax breaks and loopholes to special interests. And the worst example of these special interest giveaways is the complete liability shield for MTBE manufacturers, a shield that will shift billions of dollars in cleanup costs from MTBE manufacturers to the American taxpayer.

MTBE is responsible for polluting groundwater in so many communities across this country. Cleanup costs are estimated in the billions, $28 billion to maybe as high as over $50 billion. MTBE manufacturers are now being held accountable in court, but this provision would end that accountability. I would remind Members that it was the special protections granted to MTBE manufacturers that brought this bill down in the last Congress. Senate leaders have made it clear they are not including the grossly unwanted get-out-of-jail-free card for the MTBE this year either.

So I know many Members of the House have school boards, have water districts or towns with lawsuits against MTBE manufacturers, and those lawsuits are going to be voided. Null. They are not going to be able to proceed under this energy bill. Your constituents, this Republican bill gives loads of new tax breaks and loopholes to special interests. And the worst example of these special interest giveaways is the complete liability shield for MTBE manufacturers, a shield that will shift billions of dollars in cleanup costs from MTBE manufacturers to the American taxpayer.

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wary of Mr. Wilson's credibility. He's the one who told the press the truth that Mr. Wilson had been recommended for the CIA consult-
ging gig by his wife, not by Vice President Dick Cheney. Mr. Wilson was asserting in the airwaves. In short, Mr. Rove provided important background so Americans could understand that Mr. Wilson wasn't a whistle-
blower, but rather trying to spin the Iraq War in an election campaign. Thank you, Mr. Rove.

Media chants aside, there's no evidence that Mr. Rove broke any laws in telling re-
porters that Ms. Plame may have played a role in her husband's selection for a 2002 mis-
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blower, but rather trying to spin the Iraq War in an election campaign. Thank you, Mr. Rove.
You see that flag, Mr. Reid? That is the flag of the United States of America. That flag will fly there long after this and you will all be forgotten. That flag stands for freedom. And it always will.

Mr. Custody Officer, stand him down.

RULING BY JUDGE WILLIAM YOUNG, U.S. DISTRICT COURT: SENTENCING OF SHOE BOMBER RICHARD C. REID

Prior to sentencing, the Judge asked the defendant if he had anything to say.

Mr. Reid: After admitting his guilt to the court for the record, Reid also admitted his "allegiance to Osama bin Laden, to Islam, and to the religion of Allah," defiantly said: "I think I will not apologize for my actions," and told the court: "I am at war with your country."

Judge Young then delivered the statement quoted below:

January 30, 2003, United States vs. Reid.
Judge Young: "Mr. Richard C. Reid, hearken now to the sentence the Court imposes upon you.

"On counts 1, 5 and 6 the Court sentences you to life in prison in the custody of the United States Attorney General.

"On counts 2, 3, 4 and 7, the Court sentences you to 20 years in prison on each count, the sentence on each count to run consecutively with the other."

"That's 80 years.

"On count 8 the Court sentences you to the mandatory 30 years consecutive to the 80 years just imposed.

"The Court imposes upon you each of the eight counts a fine of $250,000 for the aggregate fine of $2 million.

"The Court accepts the government's recommendation with respect to restitution and orders restitution in the amount of $298.17 to Andre Bousquet and $3,754 to American Airlines.

"The Court imposes upon you the $800 special assessment.

"The Court imposes upon you five years supervised release simply because the law requires it.

"But the life sentences are real life sentences so I need you go no further.

"This is the sentence that is provided for by our statutes.

"It is a fair and just sentence.

"It is a righteous sentence.

"Let me say this to you.

"We are not afraid of you or any of your terrorist co-conspirators, Mr. Reid.

"We are Americans. We have been through the fire before.

"There is all too much war talk here and I say that to everyone with the utmost respect.

"Here in this court, we deal with individuals as individuals and care for individuals as individuals.

"As human beings, we reach out for justice.

"You are not an enemy combatant.

"You are a terrorist.

"You are not a soldier in any war.

"You are a terrorist.

"To give you that reference, to call you a soldier, gives you far too much stature.

"Whether it is the officers of government who do not do their duty, who do it, or if you think you are a soldier.

"You are not—you are a terrorist.

"And we do not negotiate with terrorists.

"We do not meet with terrorists.

"We do not sign documents with terrorists.

"We hunt them down one by one and bring them to justice.

"So war talk is way out of line in this court.

"You are a big fellow.
There are several States that provide for in-State tuition for illegal individuals. The State that started this was my home State of Texas. If you go to the University of Texas and you are an in-State resident, you pay about $7,000. If you come from Oklahoma just across the Red River, you pay $10,000 more, about $17,000.

Kansas, if you are an in-State resident, you pay about $5,000. Out of State, about $13,000, and the same is true in several other States.

State University of New York: In State, $5,250; out of State, $11,200. University of Kansas: In State, $5,413, out of State, $13,865. University of Texas: In State, $7,438; out of State, $17,474.

Mr. Speaker, this ought not to be. This penalizes American kids and rewards illegal conduct. This defies common sense.

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

Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.

REMEMBERING ADMIRAL JIM STOCKDALE

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

Mr. HUNTER. Mr. Speaker, I just want to briefly address you and comment on the passing of Admiral Jim Stockdale, one of the great heroes of our time.

Jim Stockdale, when he passed away was a resident of San Diego, California, with his wonderful wife, Sybil.

This occasion I think brought America’s focus back to what Jim Stockdale accomplished and the enormity of his service to our country. I just thought it might be the right time to talk about that a little bit and about that extraordinary heroism that he demonstrated at a time when Americans had largely turned away from the operation in Vietnam.

Jim Stockdale was shot down and I know that my two colleagues, the gentleman from Texas (Mr. SAM JOHNSON), who shared a cell with Jim Stockdale in the Hanoi Hilton, and the gentleman from California (Mr. CUNNINGHAM) who was the most proficient Navy pilot of that period, in fact the only Navy ace in the Vietnam conflict, would want to be with me talking about Jim.

But Jim Stockdale was shot down and was incarcerated in the Hanoi Hilton. At one point, the North Vietnamese wanted to use him for propaganda purposes. To keep them from being able to do that, he broke up a stool that was in his cell and beat his own face with the stool almost beyond recognition so that he had no value to the North Vietnamese in terms of being an image that they could broadcast for propaganda purposes.

He was a leader in the true sense of the term. He led his men in that prison under extraordinarily difficult circumstances and displayed incredible heroism. In reviewing the exploits of American pilots, and they are numerous because one thing that America has always had is a great pool of individuals who are willing to go out and risk their lives. Ever since the days when we flew blimps in World War I, to the current operations over Iraq and Afghanistan, we have always had extraordinary Americans who, as James Michener said in his book “The Bridges of Toko-Ri,” would fly off those little piston-stamped craft and say that “I will do my country’s bidding.”

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Mr. Speaker, let us remember Admiral Jim Stockdale.

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

Mr. CUNNINGHAM 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 Texas (Mr. McCaul) is recognized for 5 minutes.

Mr. McCaul of Texas 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 Texas (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON 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 Texas (Mr. McCaul) is recognized for 5 minutes.

Mr. McCaul of Texas 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 Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Ms. OSBORNE 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 Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

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

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

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

Mr. FITZPATRICK of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

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

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. Nussle) is recognized for 5 minutes.
Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2005 and for the five-year period of fiscal years 2005 through 2009. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act. This status report is current through July 8, 2005.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President’s signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95, the conference report on the budget resolution. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution’s aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2005 because those years are not considered for enforcement of spending aggregates.

The second table compares, by authorizing committee, the current levels of budget authority and outlays for discretionary action with the "section 302(a)" allocations made under H. Con. Res. 95 for fiscal year 2005 and fiscal years 2005 through 2009. “Discretionary action” refers to legislation enacted after the appropriations Committee that would breach its point of order against measures reported by the Appropriations Committee that would breach its section 302(a) discretionary action allocation of new budget authority.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 95
(Reflecting Action Completed as of July 8, 2005—On-budget amounts, in millions of dollars)

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<tr>
<td><strong>Appropriate Level</strong></td>
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<tr>
<td><strong>Budget Authority</strong></td>
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<td><strong>Current Level over (+)/under (−) Appropriate Level</strong></td>
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<td>4,994 n.a.</td>
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<tr>
<td><strong>Outlays</strong></td>
<td>0</td>
<td>n.a.</td>
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Enactment of measures providing new budget authority for FY 2005 in excess of $4,994,000,000 (if not already included in the current level estimate) would cause FY 2005 outlays to exceed the appropriate level set by H. Con. Res. 95.

Enactment of measures providing new outlays for FY 2005 in excess of $27,000,000 (if not already included in the current level estimate) would cause FY 2005 outlays to exceed the appropriate level set by H. Con. Res. 95.

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<th><strong>BA Outlays BA Outlays</strong></th>
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<td>Difference</td>
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<td><strong>Armed Services</strong></td>
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<td><strong>Education and the Workforce</strong></td>
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<td><strong>Energy and Commerce</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allocation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Level</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Difference</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Financial Services</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allocation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Level</td>
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</tr>
<tr>
<td>Difference</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Government Reform</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allocation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Level</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Difference</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>House Administration</strong></td>
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<td></td>
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<tr>
<td>Allocation</td>
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<td></td>
</tr>
<tr>
<td>Current Level</td>
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<td>0</td>
</tr>
<tr>
<td>Difference</td>
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<td>0</td>
</tr>
<tr>
<td><strong>Homeland Security</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allocation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Level</td>
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<td>0</td>
</tr>
<tr>
<td>Difference</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>International Relations</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allocation</td>
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<td></td>
</tr>
<tr>
<td>Current Level</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Difference</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Judiciary</strong></td>
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<td></td>
</tr>
<tr>
<td>Allocation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Level</td>
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<tr>
<td>Difference</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Resources</strong></td>
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<tr>
<td>Allocation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Level</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Difference</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Science</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allocation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current Level</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Difference</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Small Business</strong></td>
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<td></td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Difference</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Enactment of measures resulting in revenue reduction for the period of fiscal years 2005 through 2009 in excess of $83,643,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

Enactment of measures that would reduce revenue for FY 2005 in excess of $407,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

<table>
<thead>
<tr>
<th><strong>Revenues</strong></th>
<th>2005</th>
<th>2005–2009 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Appropriate Level</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Budget Authority</strong></td>
<td>2,078,456</td>
<td>n.a.</td>
</tr>
<tr>
<td><strong>Outlays</strong></td>
<td>2,058,266</td>
<td>n.a.</td>
</tr>
<tr>
<td><strong>Current Level</strong></td>
<td>2,073,462</td>
<td>n.a.</td>
</tr>
<tr>
<td><strong>Budget Authority</strong></td>
<td>2,055,979</td>
<td>n.a.</td>
</tr>
<tr>
<td><strong>Outlays</strong></td>
<td>1,454,905</td>
<td>8,601,291</td>
</tr>
<tr>
<td><strong>Current Level over (+)/under (−) Appropriate Level</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Budget Authority</strong></td>
<td>0</td>
<td>4,994 n.a.</td>
</tr>
<tr>
<td><strong>Outlays</strong></td>
<td>0</td>
<td>n.a.</td>
</tr>
<tr>
<td><strong>n.a.</strong></td>
<td>407</td>
<td>83,643</td>
</tr>
</tbody>
</table>

n.a. = Not applicable because annual appropriations Acts for fiscal years 2006 through 2009 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Direct Spending Legislation—Comparison of Current Level with Authorizing Committee 302(a) Allocations for Discretionary Action Reflecting Action Completed as of July 8, 2005 (Fiscal years, in millions of dollars)
DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF JULY 8, 2005—Continued

[Fiscal years, in millions of dollars]

<table>
<thead>
<tr>
<th>Appropriations Subcommittee</th>
<th>302(a) Suballocations 1</th>
<th>Current level reflecting action completed as of July 8, 2005</th>
<th>Current level minus suballocations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>BA</td>
<td>Outlay</td>
<td>BA</td>
</tr>
<tr>
<td>Agriculture, Rural Development, FDA</td>
<td>n.a.</td>
<td>n.a.</td>
<td>18,844</td>
</tr>
<tr>
<td>Defense</td>
<td>n.a.</td>
<td>252,127</td>
<td>188,770</td>
</tr>
<tr>
<td>Energy &amp; Water Development</td>
<td>n.a.</td>
<td>30,533</td>
<td>30,107</td>
</tr>
<tr>
<td>Foreign Operations</td>
<td>n.a.</td>
<td>18,892</td>
<td>25,889</td>
</tr>
<tr>
<td>Homeland Security</td>
<td>n.a.</td>
<td>38,469</td>
<td>31,925</td>
</tr>
<tr>
<td>Interior Environment</td>
<td>n.a.</td>
<td>26,969</td>
<td>26,974</td>
</tr>
<tr>
<td>Labor, HHS &amp; Education</td>
<td>n.a.</td>
<td>143,180</td>
<td>141,773</td>
</tr>
<tr>
<td>Legislative Branch</td>
<td>n.a.</td>
<td>3,545</td>
<td>3,785</td>
</tr>
<tr>
<td>Military Quality of Life-Veterans Affairs</td>
<td>n.a.</td>
<td>80,263</td>
<td>76,417</td>
</tr>
<tr>
<td>Science-State-Justice-Commerce</td>
<td>n.a.</td>
<td>58,438</td>
<td>57,956</td>
</tr>
<tr>
<td>Transportation-Housing-Surgery-DC</td>
<td>n.a.</td>
<td>67,873</td>
<td>137,669</td>
</tr>
<tr>
<td>Total (Section 302(a) Allocation)</td>
<td>840,036</td>
<td>929,530</td>
<td>838,978</td>
</tr>
</tbody>
</table>

1 Appropriations Committee has not submitted the subcommittee allocations since the restructuring of the committee.


Hon. Jim Nussle, Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal 2005 budget and is current through July 8, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report). Since my last letter, dated May 26, the Congress has cleared and the President has signed the following three acts that affect budget authority, outlays, or revenues for fiscal year 2005:

- The Surface Transportation Extension Act of 2005 (Public Law 109-14);
- The TANF Extension Act of 2005 (Public Law 109-19); and

In addition, the Congress has cleared for the President’s signature the Junk Fax Prevention Act of 2005 (S. 714). The effects of the actions listed above are detailed in the enclosed report.

Sincerely,

Douglas Holtz-Eakin, Director.

FISCAL YEAR 2005 HOUSE CURRENT LEVEL REPORT AS OF JULY 8, 2005

<table>
<thead>
<tr>
<th>(In millions of dollars)</th>
<th>Budget authority</th>
<th>Outlays</th>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exacted in previous sessions: 1</td>
<td>n.a.</td>
<td>n.a.</td>
<td>1,484,024</td>
</tr>
<tr>
<td>Revenues</td>
<td>1,191,357</td>
<td>1,369,221</td>
<td>n.a.</td>
</tr>
<tr>
<td>Appropriation legislation</td>
<td>1,298,963</td>
<td>1,369,221</td>
<td>n.a.</td>
</tr>
<tr>
<td>Offsetting receipts</td>
<td>-415,912</td>
<td>-415,912</td>
<td>n.a.</td>
</tr>
<tr>
<td>Total, enacted in previous session:</td>
<td>2,074,468</td>
<td>2,055,930</td>
<td>1,484,024</td>
</tr>
<tr>
<td>Exacted this session:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109-13) 2</td>
<td>-1,058</td>
<td>4</td>
<td>41</td>
</tr>
<tr>
<td>Surface Transportation Extension Act of 2005 (P.L. 109-14)</td>
<td>16</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TANF Extension Act of 2005 (P.L. 109-19)</td>
<td>81</td>
<td>45</td>
<td>45</td>
</tr>
<tr>
<td>Surface Transportation Extension Act of 2005, Part II (P.L. 109-20)</td>
<td>13</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total, enacted this session:</td>
<td>-946</td>
<td>49</td>
<td>41</td>
</tr>
<tr>
<td>Passed, pending signature: Junk Fax Prevention Act of 2005 (S. 714)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Current Level</td>
<td>2,073,463</td>
<td>2,055,970</td>
<td>1,484,065</td>
</tr>
<tr>
<td>Total Budget Resolution</td>
<td>2,078,456</td>
<td>2,068,006</td>
<td>1,483,658</td>
</tr>
<tr>
<td>Current Level Over Budget Resolution</td>
<td>407</td>
<td>n.a.</td>
<td>407</td>
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<tr>
<td>Current Level Under Budget Resolution</td>
<td>4,994</td>
<td>27</td>
<td>n.a.</td>
</tr>
<tr>
<td>Memorandum:</td>
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<td></td>
</tr>
<tr>
<td>Revenues, 2005–2009</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>House Current Level</td>
<td>n.a.</td>
<td>n.a.</td>
<td>8,603,391</td>
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<tr>
<td>House Budget Resolution</td>
<td>n.a.</td>
<td>n.a.</td>
<td>8,518,748</td>
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<tr>
<td>Current Level Over Budget Resolution</td>
<td>n.a.</td>
<td>n.a.</td>
<td>83,643</td>
</tr>
<tr>
<td>Current Level Under Budget Resolution</td>
<td>n.a.</td>
<td>n.a.</td>
<td>n.a.</td>
</tr>
</tbody>
</table>

Notes: n.a. = not applicable; P.L. = Public Law. * = less than $500,000.

1 The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109-7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109-8) are included in this section of the table, consistent with the budget resolution assumptions.

2 Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $81,740 million in budget authority and $31,034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109-13).
### Status Report on Current Spending Levels of On-Budget Spending and Revenues for FY 2006 and the 5-Year Period FY 2006 Through FY 2010

Mr. NUNN. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2006 and for the five-year period of fiscal years 2006 through 2010. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 401 of the conference report on the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95). This status report is current through July 8, 2005.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President’s signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to determine whether any of managers or (i) would cause the aggregate levels to be breached.

The second table compares, by authorizing committee, the current levels of budget authority and outlays and revenues with the aggregate levels set forth by H. Con. Res. 95 for fiscal year 2006 and fiscal years 2006 through 2010. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution, which creates a point of order against appropriation bills or amendments thereto that contain advance appropriations for the fiscal year.

### Budget Status of the Fiscal Year 2006 Congressional Budget Adopted in H. Con. Res. 95

The third table compares the current levels of discretionary appropriations for fiscal year 2006 with the “section 302(b)” suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section applies to measures that would breach the applicable section 302(b) suballocation as well as the section 302(a) allocation.

The fourth table gives the current level for 2007 of accounts identified for advance appropriations under section 401 of H. Con. Res. 95. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills or amendments thereto that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

### Direct Spending Legislation—Comparison of Current Level with Authorizing Committee 302(a) Allocations for Discretionary Action, Reflecting Action Completed As of July 8, 2005

<table>
<thead>
<tr>
<th>Category</th>
<th>2006 BA Outlays</th>
<th>2006-2010 Total BA Outlays</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Armed Services</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Education and Workforce</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Energy and Commerce</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Financial Services</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Government Reform</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>House Administration</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Homeland Security</td>
<td>0</td>
<td>0</td>
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<tr>
<td>International Relations</td>
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<td>0</td>
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<tr>
<td>Judiciary</td>
<td>-6</td>
<td>-6</td>
</tr>
<tr>
<td>Resources</td>
<td>-8</td>
<td>-8</td>
</tr>
</tbody>
</table>

### Budget Authority

Enactment of measures providing new budget authority for FY 2006 in excess of $823,425,000,000 (if not already included in the current level estimate) would cause FY 2006 budget authority to exceed the appropriate level set by H. Con. Res. 95.

### Outlays

Enactment of measures providing new outlays for FY 2006 in excess of $156,356,000,000 (if not already included in the current level estimate) would cause FY 2006 outlays to exceed the appropriate level set by H. Con. Res. 95.

### Revenues

Enactment of measures that would reduce revenue for FY 2006 in excess of $17,709,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.
### DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2006—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

**[In millions of dollars]**

<table>
<thead>
<tr>
<th>Appropriations Subcommittee</th>
<th>302(b) Suballocations as of June 22, 2005 (H. Rpt. 109-145)</th>
<th>Current level reflecting action completed as of July 8, 2005</th>
<th>Current level minus suballocations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>BA</td>
<td>OT</td>
<td>BA</td>
</tr>
<tr>
<td>Agriculture, Rural Development, FDA</td>
<td>16,832</td>
<td>18,691</td>
<td>7</td>
</tr>
<tr>
<td>Defense</td>
<td>366,642</td>
<td>372,676</td>
<td>27</td>
</tr>
<tr>
<td>Energy &amp; Water Development</td>
<td>29,746</td>
<td>30,273</td>
<td>36</td>
</tr>
<tr>
<td>Foreign Operations</td>
<td>20,270</td>
<td>20,084</td>
<td>0</td>
</tr>
<tr>
<td>Homeland Security</td>
<td>30,846</td>
<td>33,234</td>
<td>0</td>
</tr>
<tr>
<td>Interior Environment</td>
<td>20,167</td>
<td>23,500</td>
<td>0</td>
</tr>
<tr>
<td>Labor, HHS &amp; Education</td>
<td>142,514</td>
<td>143,820</td>
<td>19,166</td>
</tr>
<tr>
<td>Legislative Branch</td>
<td>3,719</td>
<td>3,804</td>
<td>0</td>
</tr>
<tr>
<td>Military Quality of Life-Veterans Affairs</td>
<td>85,168</td>
<td>83,614</td>
<td>-2,570</td>
</tr>
<tr>
<td>Science-State-Justice-Commerce</td>
<td>57,453</td>
<td>58,856</td>
<td>0</td>
</tr>
<tr>
<td>Transportation-Treasury-HUD-Judiciary-DC</td>
<td>66,935</td>
<td>120,837</td>
<td>4,223</td>
</tr>
<tr>
<td>Unassigned</td>
<td>0</td>
<td>430</td>
<td>0</td>
</tr>
<tr>
<td>Total (Section 302(a) Allocation)</td>
<td>843,020</td>
<td>916,836</td>
<td>21,289</td>
</tr>
</tbody>
</table>

**STATEMENT OF FY2007 ADVANCE APPROPRIATIONS UNDER SECTION 401 OF H. CON. RES. 95**

(Reflecting Action Completed as of July 8, 2005 in millions of dollars)

<table>
<thead>
<tr>
<th>Appropriations Committee</th>
<th>Budget authority</th>
<th>Outlays</th>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture, Rural Development, FDA</td>
<td>n.a</td>
<td>n.a</td>
<td>1,607,650</td>
</tr>
<tr>
<td>Defense</td>
<td>1,351,021</td>
<td>1,318,426</td>
<td>n.a</td>
</tr>
<tr>
<td>Energy &amp; Water Development</td>
<td>22,219</td>
<td>21,115</td>
<td>1,104</td>
</tr>
<tr>
<td>Foreign Operations</td>
<td>357,397</td>
<td>350,323</td>
<td>7,074</td>
</tr>
<tr>
<td>Homeland Security</td>
<td>37,453</td>
<td>36,747</td>
<td>706</td>
</tr>
<tr>
<td>Interior Environment</td>
<td>142,514</td>
<td>143,820</td>
<td>19,166</td>
</tr>
<tr>
<td>Labor, HHS &amp; Education</td>
<td>3,719</td>
<td>3,804</td>
<td>604</td>
</tr>
<tr>
<td>Legislative Branch</td>
<td>85,168</td>
<td>83,614</td>
<td>-2,570</td>
</tr>
<tr>
<td>Military Quality of Life-Veterans Affairs</td>
<td>57,453</td>
<td>58,856</td>
<td>0</td>
</tr>
<tr>
<td>Science-State-Justice-Commerce</td>
<td>66,935</td>
<td>120,837</td>
<td>4,223</td>
</tr>
<tr>
<td>Transportation-Treasury-HUD-Judiciary-DC</td>
<td>0</td>
<td>430</td>
<td>0</td>
</tr>
<tr>
<td>Unassigned</td>
<td>0</td>
<td>430</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>843,020</td>
<td>916,836</td>
<td>21,289</td>
</tr>
</tbody>
</table>

**Statement of Appropriations for Fiscal Year 2006—House Current Level Report as of July 8, 2005**

(Reflecting Action Completed as of July 8, 2005 in millions of dollars)

<table>
<thead>
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**Memorandum**

Revenues, 2006-2010: n.a. | n.a. | 9,185,688 |

House Budget Resolution: n.a. | n.a. | 9,086,006 |
The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. RYAN) is recognized for 5 minutes.

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

IRAQ WATCH

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 4, 2005, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, I come to the Floor today as part of the ongoing effort of myself and some of my colleagues in an endeavour we style the Iraq Watch. The Iraq Watch is a group of Members who are committed to the principle that we should not forget the Iraq war, a war started based on false information and based on the principle that Members of Congress owe it to the American citizens to continue our inquiry, to continue our critique, continue to review the operations of the administration in the initiation and the prosecution of the efforts in Iraq.

We do so because we have a heartfelt and deep belief that we owe this to our troops in the field who are performing with valor and distinction in Iraq; we owe it to American citizens whose sons and daughters and wives and husbands have been called away to Iraq; we owe it to those who believe that the prosecution of war should not result in the reduction of American civil liberties; and we do it in the name of those who believe that even during the fear and anxiety caused by war that we still as citizens must demand our elected officials recognize and respect basic matters of American democracy.

In these issues, the effort we have been involved with for over a year now about once every couple of weeks, we believe that the administration regrettably has fallen very, very short of what American citizens ought to demand of their Federal Government. So today, in a continuing series of the Iraq Watch, we intend to talk about several aspects leading up to the war and a matter that has now become of very great public interest.

If I may note, it is with great sadness I note the passing of an American Marine today in operations in Iraq, to add that proud Marine to the names of over 1,750 Americans who have lost their lives in Iraq, the over 13,000 Americans who have had very serious injuries in Iraq and to those families who will not have their family members coming home. I know every Member of this Chamber of both parties, our thoughts, prayers and compassion are with every one of those families.

It is in part because of their continuing sacrifice in Iraq that we feel very strongly that Members of the House of Representatives have an obligation, a duty not to just let things slide by, to let this administration just sort of pass by unchallenged and uncritically in the prosecution of this war. We believe this Chamber, which is the people’s House, has an obligation to be honest and to see that things are not being done wrong, to force the administration to fess up to mistakes they have made, and to hopefully get back on track in this Nation where we are seriously off track at the moment.

What I would like to talk about today is the claim by Mr. Bush about his trip to Niger in Iraq Watch today is a very serious issue that resulted in part on the initiation of this war, and that is that leading up to this war, the administration, the President of the United States, exercised their best efforts to convince Americans that Iraq had or was very close to developing a nuclear capacity and that this was a primary rationale for the President of the initiation of the war in Iraq.

Indeed, in the President’s State of the Union address standing right behind me in this Chamber, the President of the United States addressed the joint session of Congress, the Supreme Court, the Joint Chiefs, members of the Cabinet, and most importantly the American people; and he told the American people that our intelligence services had learned that Iraq in fact obtained what is called uranium yellow cake, and he told the American people that this was established. This yellow cake is a mineral from which uranium fissionable material can be developed, it is a precursor to an atomic weapon, and its acquisition would be of concern to the American people.

The President told the American people that this was a fact, that there was no doubt about this fact and that as a result of that, he led this Nation, against many of our positions against the war, many included, in a war based on what turned out to be false information. We know it is false information for two reasons: one, because we have now gone through the most extensive search for weapons of mass destruction in human history in Iraq and found zero, zero yellow cake, zero precursors to nuclear weapons, zero triggering devices for nuclear weapons, zero indication that the things the President had told us were fact, in fact, turned out to be falsehoods and a war has resulted and 1,700 of our sons and daughters have paid the ultimate sacrifice in the sands of Iraq and that is continuing.

We had an earlier notice that this was false. The earlier notice we had was because the Central Intelligence Agency had concerns about this issue. Before the President’s State of the Union address, they had received some suggestions that this was not fact. What I find in fact was hyperbole at best and in fact that this claim about yellow cake may have been false.

So they dispatched a gentleman who had previously served with distinction in the Foreign Service, a gentleman named Joe Wilson, to Niger from which this yellow cake was supposedly obtained by Saddam Hussein, this brutal thug, this dictator who had caused so much damage in the world; and Joe Wilson, continuing in many of his patriotic duties, went to Niger to investigate this claim. What Mr. Wilson found was that this claim was, in laymen’s terms, bogus. He came back to the United States and he reported to the agency that in fact this was a fraudulent claim, there was not a basis for it, it was highly unlikely that any such transaction took place and highly unlikely that Saddam Hussein had obtained yellow cake. He issued a written report in that regard, or a written report was generated from his report.

Yet despite the fact that an agent dispatched by our government went to Niger, the scene of this alleged crime, and reported back that this was a falsehood, the President of the United States told the American people that this was one basis that we had to send our sons and daughters into mortal combat in Iraq; and it was flat, plain false.

Why did that happen? Before I tell you a little bit about the story that occurred after that, I want to tell you just a little bit about Joe Wilson. Joe Wilson has served with distinction in the State Department. Joe Wilson is a guy who does not fit the mold of a person with sort of a pinstriped suit. He is a foreign diplomat who, to use the vernacular in the main street, has guts. Joe Wilson was the last American
It is difficult to speak truth to power. Joe Wilson did it, and look at what he got as a result. What he got was essentially an outing of his wife who news reports suggest worked for the Central Intelligence Agency as a covert agent, an agent under cover, and what he got were press reports because of an administration we now know leaks intentionally to the media to disclose that Joe Wilson’s wife worked for the Central Intelligence Agency.

What a “thank you” to an American who did something at the request of this administration. What a great note in number one, destroy his wife’s career because once one is outed in the CIA, of course, they cannot be a covert agent anymore, number two, potentially jeopardize her safety when she has been a covert agent working on weapons of mass destruction issues; number three, jeopardize the people whom she worked with who now could be suspect in her covert operations; and, number four, damage the national security of the United States by compromising a CIA agent, which this administration did.

Now, who did this in this administration? There has been some suggestion about that. There has been some suggestion that the administration people who did this is the Deputy Chief of Staff of the White House, and that Deputy Chief of Staff, when questions were raised a long time ago about that, about whether the Deputy Chief of Staff had, in fact, disclosed this information, let us ask as Americans whether this administration upheld its obligation to us to tell the truth. We elect the President of the United States. It is an exalted and important position, but they do work for us and an obligation of truth in matters of national security.

Let us find out what the President’s officials and the administration officials told Americans about this subject in the last several years, whether the Deputy Chief of the White House was responsible for or involved in any way in this issue. We have a briefing on July 22, 2003, a briefing where Scott McClellan, who is the press secretary for the President, on July 22, 2003, in the White House, a question was asked: “Did you review any of the reports that produced the column, you dismissed it as ridiculous. And I wanted just to make sure, at that time, had anything to do with this, or did Karl Rove go to the President to assure him he had nothing to do with this? I just said there’s no truth to it.”

Question: “Yes. But I’m just wondering if there was a conversation between Karl Rove and the President or if he just talked to you and you’re here at this.”

McClellan: “He wasn’t involved. The President knows he wasn’t involved.”

Question: “How does he know that?”

McClellan: “The President knows.”

We now have at least four instances where the President of the United States, through his spokesperson, has told us that the Deputy Chief of Staff was not involved in any way, in any way, at disclosing this information to destroy a CIA agent’s career. But it is not just four times.

On September 29, 2003, question to Mr. McClellan: “Weeks ago, when you were first asked whether Mr. Rove had the conversation with Robert Novak that produced the column, you dismissed it as ridiculous. And I wanted just to make sure, at that time, had you talked to Karl?”

Answer by McClellan: “I’ve made it very clear from the beginning that it is totally ridiculous. I’ve known Karl for a long time, and I didn’t even need to go ask Karl because I know the kind of person that he is, and he is someone that is committed to the highest standards of conduct.”

A question to the President. Essentially people are starting to think what would he authorize, he found out who leaked this information. Well, let us find out what the President said he would do.
Let us go through their sort of defenses. So what approach are they now using? Two years, and that approach has failed. They say that they were just explaining how Mr. Wilson happened to be in Niger. Mr. Rove could have just explained very easily by saying some people close to Mr. Wilson knew him and wanted to send him to Niger. That could have preserved the cover of this CIA agent, and there would have been no problem. So what are we seeing is a collapse of excuses. This is a collapse of a fabricated effort to protect the Deputy Chief of Staff, which I understand. The Deputy Chief of Staff has been a loyal lieutenant and adviser to the President of the United States, and we can all, to some degree, respect loyalty. But when it comes down to a situation where the President is forced, through his spokes- man, to continue to deny that if they can destroy Mr. Wilson that we will forget about the falsehood that the President used in starting this war. We are not going to forget because this really is not about Mr. Wilson. It is about our administration who leaked classified information, and our right to have the President tell us the truth. And we are not going to forget.

So let us see what strategies they are using now rather than just suppressing the truth. They are using the strategy that Mr. Rove did not use the name Valerie Plame. All he said was it was Joe Wilson’s wife who worked at the Central Intelligence Agency; therefore, they think that nobody knows who he is. The Members think they are identifying if not Valerie Plame? Unless Karl Rove thought that Joe Wilson was a polygamist, had ten wives so we could not tell which one it was, it is pretty clear whom he was identifying. Just like I started this Special Order today and I made reference to the Deputy Chief of Staff at the White House, everyone knew whom I was talking about. I did not use his name, but we knew who he was and for that reason, we do not hunt. It is embarrassing. It is embarrassing to try to fall back on that as some excuse for violating the security laws of the United States. So that one will not work.

Second, they argued that, well, it was unintentional, did not really intend to do this. That might be because we all make mistakes, we all make misstatements, we all misspeak on occasion, myself included. Perhaps we should all admit that. Except for one thing. It is clear it was not. It is clear it was not a simple accident. The reason we know it was not a simple accident is for 2 years they covered up the truth of what happened. When people act guilty and suppress the truth, frequently it means they were guilty. And this was not innocent conduct where for 2 years the White House was saying it was ridiculous that Karl Rove would be involved in this, ridiculous. I actually think it is ridiculous more than they are not taking responsibility and being accountable. We should not have to be arguing about this right now.

They say that they were just explaining, they were just explaining how Mr. Wilson happened to be in Niger. Mr. Rove could have just explained very easily by saying some people close to Mr. Wilson knew him and wanted to send him to Niger. That could have preserved the cover of this CIA agent, and there would have been no problem.

So what are we seeing is a collapse of excuses. This is a collapse of a fabricated effort to protect the Deputy

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Joe Wilson is not intimidated by power. He was not intimidated in Baghdad, and he is not intimidated now. We will not be intimidated to get to the bottom of this sordid affair. That is why we hope that on a bipartisan way we will pass a resolution of inquiry calling to get answers to what happened in this sorry situation. Americans deserve it. It will help us move forward to get to the issues that we need to do.

Now, let me also talk about why perhaps, today and the last 2 days, if you have happened to watch the press conferences at the White House, you have noticed Mr. McClellan has been besieged by people who wanted to provide answers to the truth as to what actually happened here. Now, after telling us for 2 years, being quite willing to talk about this, saying this is ridiculous, this was just a fishing expedition, and that we should not bother with those little people over there, if we’re requested by the CIA to tell the truth to the administration, number two; three, having the courage to tell the public about it after the President stated a falsehood during his State of the Union address; and fourth, refusing to be intimidated, and I respect people who are not intimidated by power.
You have to ask yourself why, after being so loquacious about this for 2 years, now they do not want to talk about it. Well, I think it is understandable when you think about it.

Think about this: Mr. McClellan told the American people that the President knew that the Deputy Chief of Staff was not involved in that, that it was ridiculous. The Deputy Chief of Staff says, no, I was not involved in this. The President of the United States says, no, I was involved in this. And people who were, we would fire them.

Now, you take those three individuals, somebody is not telling the truth. Somebody is not being entirely candid with the American people. The Deputy Chief of Staff is not being candid with the President, perhaps, or the Deputy Chief of Staff is not being candid with the press secretary, perhaps, or the press secretary is not being candid with the American people, perhaps. There is a third possibility, and I am not suggesting it. It is suggested that somebody is not telling the truth.

It is curious. I have been trying for a couple of years to draw sharp attention to this, to this exposure of the identity of someone whom we have asked to undertake risky, dangerous, important assignments for quite a long time.

The press seemed very interested in this other issue of their ability to protect their sources, not an unimportant issue, but something apart from this critical issue of how we as a country can advance democracy. Intelligence is intended to save lives. Intelligence is intended to protect our national security. Intelligence is in- tended to protect our human sources. It is an uncommon occurrence, and for good reason. Thank goodness, and I want you to find out if there is someone who risked their lives to collect intelligence, what we as a country can do about protecting their ability to do that, to this exposure of the identity of someone whom we have asked to undertake risky, dangerous, important assignments for quite a long time.

This is not the only time this has happened in America. You recall back in the Vietnam era where there was an author who was critical of President Nixon's war in Vietnam. Daniel Ellsberg: you may or may not know what you concluded, and, all of a sudden, the entire Federal Government comes after you and destroys your wife's career. That should not happen to any American of any political persuasion. And that principle is an important one.

This is not the only time this has happened in America. You recall back in the Vietnam era where there was an author who was critical of President Nixon's war in Vietnam. Daniel Ellsberg: you may or may not know what you concluded, and, all of a sudden, the entire Federal Government comes after you and destroys your wife's career. That should not happen to any American of any political persuasion. And that principle is an important one.

But we here in Congress have an important role beyond that, a role of oversight to make sure that we, as I would say, look after the welfare, effectiveness, and safety of those whom we have asked to take risks for our country so that we can know what is going on around the world, so we can avoid war, so that we can save lives, so that we can protect the American people in another country.

But worst of all, of almost unthinkable tragedy, is when a person would be exposed by his or her own government. But we here in Congress have an important role beyond that, a role of oversight to make sure that we, as I would say, look after the welfare, effectiveness, and safety of those whom we have asked to take risks for our country so that we can know what is going on around the world, so we can avoid war, so that we can save lives, so that we can protect the American people in another country.

But worst of all, of almost unthinkable tragedy, is when a person would be exposed by his or her own government. We went through a Revolutionary War to get rid of King George because we believed citizens rule the country and when citizens exercise their right of free speech and they tell the truth, nobody here in Washington, D.C. ought to be able to punish them. It was a principle worth going to the Revolutionary War about it. And in a small way, we are fighting it right here: that if you know the truth, nobody should be able to punish you, even the most powerful person in America. That is why we are filing this resolution of inquiry.

President, perhaps, or the Deputy Chief of Staff is not being candid with the press secretary, perhaps, or the press secretary is not being candid with the American people, perhaps. There is a third possibility, and I am not suggesting it. It is suggested that somebody is not telling the truth.

It is curious. I have been trying for a couple of years to draw sharp attention to this, to this exposure of the identity of someone whom we have asked to undertake risky, dangerous, important assignments for quite a long time.

The press seemed very interested in this other issue of their ability to protect their sources, not an unimportant issue, but something apart from this critical issue of how we as a country can advance democracy.
This is the same President who said we will find Osama bin Laden, wherever he is in the world. But among the 5,000 people in the White House, I am going to have a hard time finding out who it was who leaked this. Well, we know at least one person, the White House lawyer who was party to this. The President should take action so that this sort of thing will never happen again.

Mr. INSLEE. Mr. Speaker, I thank the gentleman from New York. I have to say I was surprised that one thing to me now that this disclosure has come up, here the person, at least one, there might be more people who are responsible for this besides the Deputy Chief of Staff; there may be more than one, but at least one was a person who talks to the President at least several times a day. I cannot understand when this came out why the President did not demand his inner circle to give him an affidavit saying they were not involved in this, and to get to the heart of this.

Instead, the President of the United States, who works across the desk from the gentleman who is at least one of the people responsible for this leak, the most powerful man in the world could not get a straight answer. Now, if he did not get a straight answer on this important thing, then the President should exercise what he promised the American people he would do, which is to send that person on to other pursuits, and we will see whether the President meant what he said in that regard shortly.

Mr. Speaker, I want to thank the gentleman and mention one other thing and ask for his response. There is one other excuse that we are hearing floated about this today, and I have heard some people defending the White House saying, well, this was not really that serious. We might have said there was yellow cake in there anyway, because we really did not know; we would have thrown that up in the State of the Union address anyway.

So no harm, no foul. I want to read something that Secretary of State Rice said on July 26, 2003. “My only point is that in retrospect, knowing that some of the documents underneath may have been, were indeed forgeries, and knowing that apparently there were concerns swirling around about this, had we known at the time, we would not have done it. And if there had been a peep that the Agency did not want that sentence, or that George Tenet did not want that sentence in, that the Director of Central Intelligence did not want it in, it would not have been done.”

Here we have the person sent by the CIA to get this information, reported back these were forgeries, reporting back it is highly unlikely there is yellow cake there, but the President put it in anyway, and then Secretary Rice was candid.

She said we should not have put that in. So let us not let this sort of octopus defense of squirting ink around this thing obscure a central truth. The President gave false information to the American people, and for one reason or the other did not report what his own agent, the CIA, had sent, and then his administration punished that person.

This cries out for action by Congress. Mr. HOLT. Mr. Speaker, I would say this goes beyond political punishment. We certainly could condemn his punishing the expert who wanted to learn the truth about the uranium from Niger. But for whatever reason to disclose the identity of someone whom we have asked to take risks, life and death risks on our behalf is almost unthinkable.

And to do it for what appear to be gratuitous political reasons makes it all the more shameful.

Mr. INSLEE. Would it be fair to say that if these assertions are true, someone put political convenience ahead of national security? I will make that a rhetorical question.

Mr. HOLT. I cannot imagine why this name would have been released, but for the sake of creating political embarrassment for someone. I call that a gratuitous breach of national security. There does not seem to be any higher purpose here. I suppose you might be able to imagine some circumstances where for some higher purpose you would do something where releasing the identity of, you know, someone we have put in such a dangerous position might be justifiable, but this certainly is not it.

Mr. INSLEE. Well, we would stand for the proposition that political pettiness does not justify a breach of national security. I hope we can have bipartisan consensus on that.

I would like to yield to the gentleman from New York (Mr. HINCHHEY).

Mr. HINCHHEY. Mr. Speaker, I thank my friend from Washington (Mr. INSLEE) for bringing this issue to the floor of the House. I think it is at the moment one of the most important issues that this Congress should be dealing with, but is not doing so.

As you pointed out, there is a great deal of dissembling going on within the context of the Bush Administration. And one of the principal people responsible for that is Mr. Rove. It is quite clear that the identity of Valerie Plame, Central Intelligence Agency operative, and the wife of Ambassador Wilson, to at least one reporter, in this particular case a reporter for Time Magazine, and that he did so in the context of e-mail.

But it is also very likely that he made that revelation not just to the reporter for Time Magazine, but to others as well. And it may very well have been Mr. Rove who made that revelation to Robert Novak, who was the columnist who first named her name and made the revelation that someone working for the intelligence agency in a very sensitive position now had that name made public, putting that person in danger.

So the question of the motivation here is one that is very important. It is quite clear that at least on one level, the motivation was to exact retribution against Ambassador Wilson, who you have pointed out rightly was sent by the Central Intelligence Agency to Niger to investigate the question as to whether or not enriched yellow cake uranium was being transported from Niger into Iraq.

The President of the United States in this room, in an address to a joint session of the Congress of the United States, and to the American people, made the assertion that enriched yellow cake uranium was being imported from Niger into Iraq, and that created the prospect that Iraq was developing nuclear weapons.

On numerous occasions, the President, the Vice President, the National Security Advisor, and others in the administration used the illustration of the mushroom cloud in reference to Iraq, to create the impression that Iraq was developing a nuclear weapon.

Ambassador Wilson, in the context of his trip to Niger, made it very clear that yellow cake uranium had not been transported from Niger to Iraq. Nevertheless, the administration continued to allege that that is not the case, and that Iraq was engaged in a program to develop a nuclear weapon.

That is why we have heard in the course of this discussion this afternoon is another example of the dissembling, the misuse of information by important people within this administration. And from our point of view, as Members of the House of Representatives, one of the critical aspects of all of this is the failure of this House to address this circumstance.

We know that the allegations made by the administration with regard to the connection between Saddam Hussein and Osama bin Laden were not true. We know that the allegations with regard to weapons of mass destruction, including the prospects of a nuclear weapon, were untrue.

Why is it that this House of Representatives is not carrying out its responsibilities under the Constitution to conduct an investigation and to hold Congressional hearings with regard to this issue?

Mr. INSLEE. I think you bring a very good point about Congress’s obligation to investigate the executive branch. We do have a checks-and-balances system here. I think that is very important in this case, because essentially the President has said, as he said yesterday, look, this is a criminal investigation, so I have no responsibility whatsoever, he implied this, to find out what happened here.

He says, you know, there is a prosecutor here, so I have no responsibility to find out if people who work literally
in my office had outed a security agent for punishment for someone telling the truth.

Whether there was a crime or not, any President, and this President has said so, should fire a person who disclosed the identities of millions of American agents. As we do not allow our elected officials to punish us for criticizing the administration, we do not allow a President’s agents to jeopardize a man’s wife who is a secret agent, and expose their two young children, and this couple have two of the most delightful young children that you will ever meet in your life, and you can assume that this covert agent for the CIA mother has the same concerns about her children that you would when you are a parent and someone has blown your cover, and then they attack Mr. Wilson’s wife.

The President has an obligation that goes beyond simply upholding this felony laws of America. His obligation to Americans is greater than that. And he ought to call these people in and say, did you have anything to do with this? And if they did, he needs to make a decision about their continued employment. And yet he refuses to do that. That is most troublesome. You know, there are fifth amendment privileges. There are all of these little technicalities in the law. This is not a technicality, we are standing up for the proposition that Americans should not be abused in this regard.

We are running out of time. I want to yield to the gentlewoman from California (Ms. Watson).

Ms. Watson. Mr. Speaker, I want to very briefly take this to another level. And that is the truth and trust. I, as a former ambassador representing the United States of America, was trained in the State Department as to confidentialities and secret missions that were taking place around this globe. The audacity of someone in the Executive Branch even making reference to a covert agent violates that confidentiality and puts us all at risk.

It is not something you play with. It is not something you use for retaliation. When you out an agent, you are outing all of us.

Our intelligence functions on us having operatives in places where people are plotting against our Nation. Our defense will be in the fact that they bring that information to us and we prepare our defenses.

If these people are exposed, they no longer can gather the information that can save lives and property. So I think this is the most heinous act. I am not even going to get into the covert whether it is prosecutable or not. But, any leader in the executive branch ought to understand that you cannot have people there who will leak this information. The safety of all of our citizens depends on the confidentiality.

Mr. Inslee. I think the Congresswoman has brought up another point, and that is, the nature of this agent who is a covert agent operating under cover of his own protection and those people, as the gentleman from New York (Mr. Hinchey) indicated, the gentleman from New Jersey (Mr. Holt) indicated, the people that she worked with, the people that she had lunch with in various countries around the world are now suspect.

But it was interesting in the litany of excuses for this misconduct that we have heard out of the White House for the last few days or at least until their operatives around the country, one of the excuses I have heard is that the deputy chief of staff, Mr. Rove, did not know that this CIA agent was a covert agent. He just did not know that. And, therefore, he wants to excuse that misbehavior since he did not know she was covert. Maybe she could have been just a receptionist at the front desk. There is a problem with that. When you out a CIA agent, you darn well better know whether they are covert or not before you violate your security clearance in outing that CIA agent.

And unless we hear a real good reason that Mr. Rove asked the CIA that had was told inappropriately or something, there is no excuse for someone in the highest levels of government, with supposedly the sophistication working at the right hand of the President of the United States, not to know you did not out a CIA agent knowing they could be covert.

The damage that has been done here to our security, to Joe Wilson’s spouse, to our trust in the Federal Government, was occasioned, regardless of the expectation of millions of Americans, where we do not allow our elected officials to punish us for criticizing the administration. We do not allow a President’s agents to jeopardize a person who told the truth in criticizing the administration.

Even if that is not a crime, it is a crime against the code of the west and the expectations of millions of Americans, where we do not allow our elected officials to punish us for criticizing the administration. We do not allow a President’s agents to jeopardize a person who told the truth in criticizing the administration.

Mr. Wilson’s spouse.

Mr. Peterson of Pennsylvania.

The Speaker pro tempore (Miss McNamar). Under a previous order of inquiry so that we can have a bipartisan review of what happened here. Why? So that we can regain the bipartisanship that we need to go forward with and deal with our pressing problems in Iraq, our pressing problems with the threat of terrorism, and we can get back on track in this government.

Before I close, I want to thank the Wilson family for their courage in going to Africa. I want to thank Mrs. Wilson for her courage as an employee of the CIA. I want to thank them for their courage in standing up to the administration that has so willfully abused them. And I hope that the truth that they have worked so hard to bring to the American people will ultimately prevail in this affair.
bachelor's degree in agriculture and later a master's degree in communication. For many years he operated Nova Productions, a public relations firm that was very successful. But Madam Speaker, more than just a knowledgeable counselor and an able communicator, Dick Wiles was truly a renaissance man. Evidence of this can be seen during his high school and college years when to pay for his education, Dick started and was an active member in a high school and college dance band, The Rhythm Knights.

Indeed, he was a gentleman of the highest order who could cook, sing, fish, hunt, dance, paint, write poetry and prose, and charm everyone present within the sound of his voice. I used to joke that his charm almost earned him a seat in the Pennsylvania General Assembly over 25 years ago when he came within a few hundred votes of defeating a long-term popular incumbent, despite receiving no support from any political or otherwise, from the party structure or apparatus.

Madam Speaker, Dick Wiles was one of the most politically savvy and intelligent, gifted people I have ever met. What made him special, though, was how he selflessly used his talent to serve his neighbors and better his community. More than once Dick told me that he loved his job so much that he felt guilty for receiving a pay check. But more than a humble public servant, Dick will be remembered as a humble servant of God, a man who deeply cared about the condition of his country; a husband who cherished his beautiful wife, Barbara; a father who loved his wonderful daughters, Juliana and Jennifer; a grandfather who pampered his four lovely grandchildren, Seanna, Taylor, Alex and Colin; and was fond and took great care of his sister-in-law, Debbie, and her son, Ricky; a friend that reminded us all of what could be accomplished with a little hard work, gritty determination and general good will towards his fellow man.

He was one of the finest conversationalists I have met and one of the most inquiring minds I ever dealt with. His interests were broad. His memory was phenomenal.

Two years ago, Dick lost his lovely wife, Barb, unexpectedly. Since then he lived alone in east Brady and was very lonely. I knew that and I always had chatted with him often and always enjoyed those conversations, but I made it a habit to call him numerous times per day. I talked to him several times daily. I would call him on my way to the Capitol for a vote. I would call him in my apartment in the evenings. We would have lengthy chats. I would call him when I was traveling in my district at home because I have a large rural district. I enjoyed those visits I think more than he because he gave so much.

Madam Speaker, Dick was a phenomenal leader on several issues. He helped me develop technical education in the 5th district by helping equip our high schools with the newest, latest technology, and bringing technical schools and community colleges to help train our adults for the skilled technical jobs that are vital in today's high-technology economy. That was an education that we lacked.

He also was my staff person who was my specialist to help promote tourism in the 5th district. He was my steady voice on Governor Rendell's Pennsylvania group list. He was the county chair joining 13 counties together in beautiful north central Pennsylvania to develop our tourism potential, an area rich in natural beauty, historic sites and scenic Route 6, Pennsylvania's elk herd, Kinzua Lake and the Allegheny National Forest.

Dick truly loved his work and he was so good at it. He truly adored his family, his community, his State and his country. He was always a gentleman. Dick never left an impression on me.

Madam Speaker, I humbly submit these comments to the Record, and I humbly commit his spirit to the communion of saints above. May Dick rest in peace.

REFORMING SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arizona, Mr. SHADEGG, has agreed to allow for 60 minutes as the designee of the majority leader.

Mr. SHADEGG. Madam Speaker, I rise today to engage, I hope, in a discussion with my colleagues about an important issue confronting our country, and it is an issue on which we have already begun a national dialogue. It is an issue that, at least before the last few months, was an issue of bipartisan concern, and that is reforming Social Security.

As you know, Madam Speaker, the former President of this Nation, Bill Clinton, raised this issue during his tenure in office and noted that the Social Security program in its current structure is in trouble and in need of reform. It is facing several serious problems.

One of them is the solvency of the program over time. And another is its fairness to the younger generations. And while the new idea here in Washington and a simple idea that has surfaced just within the last few weeks on Social Security reform that does not solve the entire problem in one fell swoop, but would start us on a path and would address the most egregious problems of all, and that is the structure of Social Security which simply is unsustainable in its current form. So I want to focus this discussion this afternoon largely on that new idea.

It is an idea that the time has come as the House should respond to the concerns and the interests of the American people about what is happening with their Social Security taxes, their payroll taxes. Let me begin with some of the basics.

As I think all Americans understand on both sides of the aisle, the Social Security system as it is structured today is a pay-as-you-go system. It is a system where workers today in the workforce pay in our payroll taxes and those payroll taxes by and large immediately go out the door to pay the retirement benefits of the Americans who are retired today. That is the structure of the current system, and that is why the structure of the many countries around the world created some 35 to 40 or 50 years ago.

Germany, I think, was first to substitute a Social Security program for its elderly based on this premise, that is, that we would tax workers to pay retirement benefits for those retired. There was nothing wrong with that proposal when initiated because at that time the workforce was dramatically larger than those who were on retirement. Indeed, I think most Americans now know that in 1935 when Social Security was created, there were some 42 Americans paying Social Security taxes and collecting retirement benefits. Clearly, 42 workers can, through their payroll taxes, support one retiree.

In the 1950s, it went to where we had roughly 15 or 16 workers per retiree. Again, that was sustainable. But now we have two workers. The reality is that the workforce relative to the number of people retired has shrunk and today in America there are only 3.3 working Americans paying payroll taxes to support each individual currently retired and collecting Social Security taxes. If the trends continues, and it will, that is unsustainable. Very soon we will be down to where there are two workers and even less than two workers paying Social Security taxes, supporting each retiree. That simply cannot be sustained over time. And so we have a problem with the structure of Social Security. We also have a problem with its long-term solvency. And, most importantly, I think we have a problem with what is referred to as generational fairness.

We all know that solvency is the issue of whether or not we have the money set aside to pay the benefits we have promised, and in point of fact we do. While the so-called short-term surplus today, we collect more in Social Security taxes than we pay out today in Social Security benefits. That short-term Social Security surplus of revenues in over benefits paid out will end as soon as 2017. Indeed, the surplus itself will begin to shrink, that is to say, year to year as early as 2008.

So this is a problem that confronts us very soon, and as the actuaries have told us and as I think Americans understand that the trust fund when we would have to begin to shrink, that is to say, in 2017 to pay the promised benefit will itself be depleted by 2042. Thus, we have a long-term solvency problem
with the current structure where we have a shrinking number of workers per retiree.

But the other issue that is not discussed very often is the issue of generational fairness. Generational fairness is a term I use, and I think most people who pay our taxes understand it, but then when I talk to an audience they say they do not understand it so let me try to make that point clear. Solvency is one issue, but generational fairness is a separate issue. It is under the Social Security system that we have today in America, my grandparents, most Americans' grandparents, collected an effective rate of return on the Social Security taxes they paid, that is, on the payroll taxes they have paid into Social Security, when they collected their benefits, on average they got a rate of return on the money they had put in of about 5 percent.

Now, 5 percent is not a great rate of return. To be able to invest your money and get 8 or 10 or a better rate of return on the money we invest; but for a program which is designed as this program is designed to provide a floor of protection for those Americans who either do not have the ability to take the risk or in fact, set aside money for their retirement, if you got a rate of return on the money you put into Social Security of 5 percent, you were doing fairly well.

That is a decent rate of return. But because of the current structure of Social Security, that is not continuing. Indeed, our children, my children and my grandchildren, will get a rate of return of less than 1.6 percent; and, indeed, for many of them, their rate of return will be negative, that is, they will pay in more in social security taxes than they collect in their lifetime in Social Security. Indeed, they will pay in more in social security taxes than they collect in their lifetime in Social Security. That is generational fairness, and it is simply not fair.

I think most Americans would agree that creating Social Security, the Social Security program we have, creating a floor of protection so that all Americans can enjoy their retirement years, safe in knowing that they have money to pay for their groceries and to pay their rent is a laudable goal, and with a rate of return of 5 percent on your money, you can do that. But with a rate of return of 1.6 percent or less, or a negative rate of return, our children and our grandchildren, if we do not make changes, will in fact not have a secure retirement. Indeed, they will not have the funds when they go to retire to even minimally get by.

Now, those are the basics that have been involved in this debate from the outset, and there are lots of ideas on the table. President Bush has put ideas on the table to deal with both the issue of solvency and the issue of generational fairness so that we can make the program financially sound for the future. Indeed, he would like to make it financially sound forever, not just for the 75-year horizon that the Social Security trustees base their analysis on. But also he would like to make sure that we guarantee the next generation as secure a retirement as this generation has had and as the last generation as secure a retirement.

Now, I know a lot of Americans glaze over and say, wow, I have heard so many different ideas on Social Security and on Social Security reform that I get confused. I would like to talk to you about an idea which is offensive and a bad idea. When I went home and did my town halls with my constituents in Phoenix, AZ, discussing the issue of Social Security, I had to explain to my constituents this short-term surplus that we have been living with for the last 20 years, and, indeed, every year since 1983, we have been collecting more in Social Security revenues than we are paying out in benefits. So we have a surplus. And I had to explain to my constituents, as my colleagues here have had to do, that that excess money is not being set aside for Social Security.

Indeed, the Social Security surplus that Americans are paying in collectively through their payroll taxes, that is the money in excess of the amount spent today for those retired today, is being, I would say quite frankly, misappropriated by the Congress of the United States and the Federal Government. Because when Americans pay payroll taxes to fund the Social Security program, they believe, and they have an absolute right to believe, that their money, paid as payroll taxes to fund Social Security, should be and is being used for Social Security. But that is not what is happening today, and it has not been true since 1983.

That money, this short-term surplus of Social Security revenues or Social Security benefits paid out, is in fact taken each year by the United States Congress and spent for general government purposes. It is spent to fund the Department of Agriculture. It is spent to fund the Department of Defense. It is spent to fund the Department of Health, Education and Welfare. It is spent to fund the Department of Housing and Urban Development. It is spent to fund the Department of Transportation and to fund Social Security. It is spent to fund the Department of Transportation and to fund Social Security. And I will tell you, my constituents, when they learn that, are angry.

Now, I mentioned a moment ago that there are many ideas for reforming Social Security. And some back home say, Congressman, it is all too confusing to me. I do not understand. That is the central key element of this new idea. When I went home and when my colleagues went home to address the work our colleagues and I are doing, my colleagues and I said, when the American people understood that we are misappropriating the Social Security surplus to things other than Social Security, they got angry; and they said, well, I do not care how and I do not understand how you reform the entire Social Security program, but the one thing you better do, Congressman, the one thing you owe to us, the American people, the one thing you owe is that you stop every single person paying Social Security taxes is to stop stealing, stop raiding the Social Security surplus, those payroll taxes paid in for our future retirement, which is supposed to be used for retirement purposes. And that is precisely what this new idea does.

A colleague of mine in the Senate, Jim DeMint, first elected to the House and served with me here in the House, has dropped a piece of legislation, and I and a group of members on the Ways and Means Committee in the House have dropped a piece of legislation that will do precisely that. It will take, from the moment it is enacted through the year 2012, and, indeed, through 2017, the Social Security surplus that comes in and it will stop spending that money on anything other than Social Security. Now, how do we do that?

What we will do is allocate that surplus to every single American who is paying payroll taxes under the age of 55, and we will set up an account in their name and we will put that money in that account. Now, for the first 3 years, that money will be invested in U.S. Treasury bonds, the safest investment in the world and the same kind of investment where your social security taxes are being invested today.

But the key difference, the critical difference is that we will stop using that money for general government purposes, we will stop using it to hide the real deficit and the real debt, and we will allocate it to Social Security.

Talk about a simple notion. I, an American taxpayer who works at a job and pays payroll taxes, I may be one of those American taxpayers who pays more in payroll taxes than in income taxes. We are going to say to him, Beginning with the passage of this bill, which is called the GROW Act, we will make sure that every single dime you pay in payroll taxes to fund the Social Security System goes to Social Security.

Now, the portion of it will go to current retirees, but the rest will no longer be spent for Forest Service pick-up trucks or for national defense or for welfare benefits, or for any other purpose than Social Security. And the way we will do that is to put it into an account in your name.

I think that is a simple, straightforward basic idea that the American people can understand and they can understand, because it is not complicated, and they can embrace and say, well, if we cannot fix all the problems with Social Security, we ought to at least get started. And I am extremely excited and encouraged that this simple notion
of taking the Social Security surplus that we will have for the next decade and locking it away in individual, and use the overused term lockboxes, in the name of each American taxpayer so that we do not spend it on any other purpose, I think, is a great idea whose time has come.

By the way, these will be individual accounts. They will be in the name of each payroll taxpayer. They will be inheritable. It will be their money. Indeed, just to show you how different it is than the current system, if you pay payroll taxes this year, and you pass away 2 years from now, and you are under the age of 65, that money that you paid in goes away. It is lost forever.

If we enact this simple bill, locking away just the Social Security surplus, and you work for 2 more years after the program goes into effect and then you pass away, still under the age of 65, instead of getting nothing, your spouse or your children or your grandchildren will inherit every dime of that money. It is your money, and when you pass away, it becomes their money.

This is not a gimmick. This is not a paper scheme. This is not a ledger entry on the government's books. What matters. This is hard, cold cash in the pockets of your children or your grandchildren beginning to accumulate the day this legislation takes effect.

There are lots of other good things to say about the bill. A colleague from Texas (Mr. HENSARLING), and I have talked fairly long about this topic for a moment so maybe I will let him chime in and vary the discussion a little bit.

Mr. HENSARLING. Madam Speaker, I thank the gentleman for yielding to me, and I especially appreciate his leadership on this issue. Tens of millions of Americans, future generations, are going to have their retirement security, unless we do something and do something today. Every day that we postpone trying to help save and reform Social Security it is costing us an extra $200 million. The time to act is now.

Madam Speaker, for me this is much more than one's average congressional debate. This is something I take very, very seriously and very personally. I take it personally because my parents are in their 70s. Now, Social Security is an integral part of their retirement security. They worked very hard their whole lives to earn that Social Security, and nobody has a plan that will take their Social Security away. As their son, as a Congressman, I am dedicated to making sure that my parents and other one of that generation get every penny of Social Security that they have earned. I have a sacred obligation to my parents.

I have another sacred obligation. I have a 2½-year-old daughter and a 22-month-old son. And if we do not do something and do something today, Social Security as we know it will not be there for my children. We are rapidly approaching the point where we are going to lose the security from Social Security.

My colleague from Arizona, who is a great leader on this issue, and everyone should appreciate his helping coauthor the GROW account legislation, he very clearly demonstrated that the challenges we are facing in Social Security. As much as Congress would like to, we cannot repeal the laws of demographics. So Social Security, as it was envisioned, was never intended to provide the sole support of every one retiree. And if we do not do something today, we are down to 3 workers now supporting every retiree, and we are rapidly on the road to having only two workers support every retiree. So we have this phenomena of having more and more retirees and fewer and fewer workers paying into the system.

Another challenge we have in Social Security, as far as demographics is concerned, is great news for seniors; it is just not particularly good news for the Social Security System. When Social Security was first created, the average life-span of an American worker was 60 years of age. You could not even draw your retirement until 65. Many folks had their name called on the roll up yonder before they could ever get a penny of retirement. Well, now, thanks to the marvels of modern medicine and technology, the average life-span of an American worker has increased to 77.

So, again, Madam Speaker, we have more and more retirees that are living longer and longer and fewer and fewer workers supporting them. And that is putting an incredible financial pressure on the system.

Something else it is doing is it is eroding the security in Social Security. Look at the amount of money people took out of Social Security. What they took out. My grandparents, who are deceased, were born roughly in 1900. They received about a 12 percent rate of return on their Social Security. That is great. My parents, who were born in the late 1920s and early 1930s respectively, they receive about a 4 percent rate of return on their Social Security. That is bad.

People in my generation, represented by those who were born in roughly 1960, we are getting about 2½ percent rate of return Social Security. That will barely cover the rate of inflation. And my children, who I spoke about earlier, they are due to receive a negative rate of return.

Madam Speaker, that is absolutely unfair. We need to do something, and we need to do something today. But something as big as reforming Social Security needs to be done on a bipartisan basis.

I wish we could be joined by Members on the other side of the aisle who would come in and work with us on a bipartisan basis to try to do something about Social Security. Members cannot deny the underlying demographic challenges in this program.

Right now the Government Accountability Office, the Social Security trustees, any agency that has looked at the problem says that the unfunded liability of Social Security is now $10.4 trillion. Nobody in America knows how much money that is, but to try to bring it down to a level we understand, that man, woman and child in America, to try to solve the long-term fiscal instability of this program, would have to write a $30,000 check out today to try to solve that problem. Surely that is not going to happen.

For those who continue to deny the problem, as so many of our colleagues on the other side of the aisle do, right now it is written in the current law that if we do not act, if we do nothing, in 20 years, before this problem there will be an automatic benefit cut of almost one-third.

Madam Speaker, I may not be here in 2042, but I hope and I pray that my children will be, and for generational fairness we need to do something.

What the gentleman from Arizona (Mr. SHADEE) has laid out is a simple plan and a very simple first step. I am surprised it is even debatable in this body. But for years and years and years the Social Security surplus has been taken by Congresses, and I will admit both Republicans and Democrats. They have taken the surplus and spent it on other areas of government. They have spent it on Medicare wheelchairs that cost five times as much as what they did at the VA. They spent it on $2 million studies of the sexual habits of older men, and that is a study I do not even care to know what the results said. The list goes on and on and on.

This country needs to be dedicated to Social Security and nothing else. Those on the other side of the aisle said want a second, this is very risky to create personal accounts for the Social Security surplus.

Madam Speaker, what is really risky is for Americans to leave their retirement security in the hands of Washington politicians and bureaucrats. The Social Security trust fund has been raided over 49 different times. Congress has just stepped in and spent that money on something else.

There have been over 20 tax increases in the Social Security system. Every time you are getting the same benefits but your taxes go up, your rate of return goes down. We are losing that security out of Social Security. There have been multiple benefit cuts. For example, the taxation of Social Security benefits that took place in the early 1980s. Also, very importantly, that the gentleman from Arizona (Mr. SHADEE) pointed out we have no ownership rights in our Social Security. None whatsoever. There have been several Supreme Court cases to
tell us that we do not own our Social Security.

So this is a very simple plan. We know we do have some remaining years of surplus: 10, 11, 12 years of surplus remaining. Let us take that. Let us dedicate that surplus here and let us get it out of Washington and put it into an account with your name on it that you own and that can be inherited and passed on, something that Washington cannot waste. What a simple proposition, and I am just saddened this is even an issue. I hope anyone who is listening to this debate will let their voice be heard. We need to enact our grow accounts. We need to keep the security in Social Security for future generations.

Mr. SHADEGG. Madam Speaker, I would like to engage in a brief discussion to make this a little more followable or reasonable for our listeners to understand.

Like me, I assume the gentleman has done all hall talk on this topic.

Mr. HENSARLING. Madam Speaker, I have done at least 30.

Mr. SHADEGG. And what reaction did you get back home when people began to learn from at least 1993 forward, have I had an ending surplus of Social Security revenues over the benefits we pay out to those currently retired?

Mr. HENSARLING. Madam Speaker, I think it is one of the most violent reactions I have ever seen at a town hall meeting, particularly when seniors realize they have worked and paid into this system, and for decades, Congress has taken that money and spent it on big government. They wanted it stopped today.

Mr. SHADEGG. Madam Speaker. I am guessing the gentleman’s experience is like mine, Americans have a simple image in their mind that if these are payroll taxes taken to fund Social Security they ought to be using them to fund Social Security.

Mr. HENSARLING. Madam Speaker. It is a very simple idea and they have been told for years that money is in the trust fund. In a technical legalistic sense maybe it is in the trust fund, but in any practical sense it is not. That money has been taken away and an IOU left in its place. That is like a person writing an IOU to themselves. The only way that IOU can be redeemed is by raising taxes on the American people.

People who are entering the job force today, if we do not do something to try to make up that IOU, their payroll taxes are going to have to be increased 43 percent and what is that going to do to your family incomes and job creation in America.

Mr. SHADEGG. Madam Speaker, the gentleman mentioned that we are quickly approaching the point where Social Security no longer has the word “security” in it. I have a female constituent in Arizona, born in Hungary, moved to the United States, lived here her life, paid into Social Security.

She comes to my town halls, and she used to come to my coffee cup meetings on Saturday mornings. Years ago she stood up and made it very clear that, based on a point the gentleman made a few moments ago, it is not accurately described as Social Security, it is not security as Social Security insecurity. Because as the gentleman pointed out, the United States Supreme Court has ruled in a series of decisions that if the Congress were to decide tomorrow to not fund Social Security benefits but to use that money for some other purpose, it could do so. If a taxpayer were to sue and say no, wait a minute, that is my money that I paid into the Social Security system so it would be used for my retirement, that taxpayer would simply lose that lawsuit.

So her description of it is because it is in the hands of the politicians and they can take it away at any time, she describes it as social insecurity.

It is important for our listeners to understand these GROW accounts would change that and change that forever. We would be taking the surplus and putting it aside in the name of the taxpayer, and from that instant forward, we could keep the money and they could keep it. That is a dramatic change in the system.

Mr. HENSARLING. Madam Speaker, it could not be more simple and I cannot believe that at least in my district there is not 90 percent of my constituents would not want to embrace that idea. Such a simple idea that number one, Social Security ought to be used for Social Security, pure and simple.

Second of all, you know own it. Washington cannot take it away. Social Security is used for Social Security, and you own it and Washington cannot take it away. That is what the GROW account is all about. There is nothing more secure than your own money and it is that simple, yet it is that important.

Again, I think we need to emphasize for those soon-to-be retired, we will be running surpluses. These people will be okay, but it is future generations. That is the challenge that we face now. Too many people in this town care about the next election and not the next generation. We could ignore this problem if we wanted to for 5, 10, 12 years, but how do you look yourself in the mirror and know that you have set the Nation on a path that 50 percent of our beneficiaries will not be able to retire?

Mr. SHADEGG. Madam Speaker, we have been joined by the gentlewoman from North Carolina (Ms. Foxx) and I am thrilled to have her join in the discussion. She comes to my town halls, and I am guessing the gentleman’s experience is to make this a little more exciting. I am going to repeat some of the things that both Members have said because I think it is important to repeat them. There are many times when we have to say the same things over and over in order to get the message across.

We have heard a lot about Social Security reform. I just came here this year. This is my first term. I was told it was going to be an exciting term, and a lot of things would be done, and I think that is true. We are currently engrossed in Social Security reforms.

There are a lot of strong opinions about doing this, but we get some of our best ideas not from Washington but from places like the Fifth District of North Carolina that I represent. That is why I commute to Washington to vote but return home every chance I get.

Recently, as I often do, I stopped by a restaurant in my district to have breakfast. While I was there, I engaged the people there in a discussion about Social Security reform. I shared with them some of the same things you have been talking about, and many people do not understand the fundamental facts about Social Security.

We have got to make sure that our current retirees and those near retirement have the peace of mind of knowing they are going to get their full Social Security benefits for their entire retirement. The government has promised them that, and that is an obligation we have. But we also have to make sure that the benefits are there for our children and grandchildren. The folks in my district know this and understand this and certainly agree with us, but we know right now that Social Security is financially broken.

I think that the President has done a good job of explaining that to the people, but again over and over we have to say it. As the gentleman from Texas (Mr. HENSARLING) said, back in 1950, we had 16 workers working for every person drawing from Social Security, for every beneficiary. Today, we just over 3 workers paying for each person receiving benefits. Within two decades only 2 people will be supporting each retiree.

I use his phrase about the law of demographics. He is absolutely right. We can repeal a lot of laws here and pass a lot of laws, but we simply cannot repeal the law of demographics, and we are facing that in this country. We have to deal with it. We have to understand that is a reality that has to be dealt with.

The life expectancy is much longer today than it was when Social Security
was created. As he said back in 1929, people were only expected to live 57 years. In 1937 when Social Security was adopted, people were expected to live to only 60. Well, Social Security was set up to be drawn out at age 65. The people and I agreed with him that they never expected many people to draw from Social Security. But today, most people live to be 80, and it is not too much in the distant future that most of us are going to be living to 100.

The other matter is that Social Security will begin running out of money in just 13 years and be completely broke in a matter of decades. For the millions of Americans who depend on Social Security, it is simply unacceptable. If we do not reform Social Security, taxes will have to be doubled or tripled in order for the system to keep its promises to future retirees.

In less than 40 years if we do not make changes, the government will have to take at least 30 to 40 percent of every worker’s wages to pay for Social Security benefits. Compare that to 1940 when workers paid only 1 percent of their salary into the system, and that was basically the promise that was made when Social Security was adopted.

President Bush has called on Congress to help fix the Social Security system, and I agree with him that we have to take action. I think that the GROW accounts are a great step in the right direction. We have to protect Social Security benefits for our current retirees and near retirees while giving younger workers control over their Social Security taxes. I like the idea of giving workers control and putting their money into their personal accounts. This gives them control over their money and the government less opportunity to misuse it. I am confident that once people focus on the facts and study this issue, they will realize that Social Security reform is essential.

Many people have been misled about the need for reform. However, once they have the facts, and I am convinced of this, they agree that something has to be done to protect the retirements of our future generations. We have a responsibility to save Social Security so our children and grandchildren can receive the benefits that we have enjoyed.

Several different programs have been recommended to deal with the Social Security problem, but I am convinced that the plan that has come together to be called the GROW accounts is the best plan that we have right now to move us in the right direction. As other people have said, we have an obligation not only to the people who are currently drawing Social Security but those of us who in the future may depend on Social Security. I am sure that their money is where they can draw it out and look to their retirement.

One of the things I ask people about all the time, too, is can anybody live on the average benefit that Social Security gives them. It is my understanding that is $921. That is the average benefit. So far in all the town hall meetings that I have had and all the discussions I have had, nobody that I know of says they can live off $921 a month.

I think that this discussion we have had on Social Security is performing a couple of good services for us. One, it is focusing us on Social Security; but it is also raising the awareness of the American public that you cannot just depend on Social Security for your retirement. You have got to be looking to other ways to have the kinds of funds that you need to live comfortably in your retirement, and I think that that is the other benefit that this discussion on Social Security has brought about.

I again want to commend the gentleman from Texas (Mr. SHADEGG) for what they have done in bringing to us the GROW accounts, and I want to tell you that you have my support on this. This may not be where we end up on salvaging Social Security, but it is certainly a step in the right direction. As they say, a journey of a thousand miles begins with one step. We are taking the first steps. I want to thank you for doing that and pledge my support to you in educating the American public about this and hope that even more good ideas will come as a result of the discussions.

Mr. SHADEGG. If the gentlewoman will remain for a moment, I would like to just ask her, I presume you have done Social Security town halls back home.

Ms. FOXX. We have.

Mr. SHADEGG. If they went like mine, you got a lot of feedback and a lot of confusion about how the Social Security system works.

Ms. FOXX. We did.

Mr. SHADEGG. I suppose, like a lot of us, people are confused about, well, what is the right overall solution and they are not quite sure exactly which proposal you have made I think is again a cruel hoax actually on the people of this country by letting them think that their Social Security was going to take care of them in the manner to which they have become accustomed. It is only one part of it, but it should be a secure part of their retirement. As the gentleman from Texas has said, the security part has gone away.

Mr. SHADEGG. I want to thank the gentlewoman for her contribution to this discussion and invite her to stay and discuss it further.

I do want to build on a couple of points she made. First of all, I want to whatever other program is out there and not spending their Social Security taxes to set aside for Social Security, not on Social Security benefits and not on paying future benefits, what kind of reaction did you get from your constituents?

Ms. FOXX. They are very upset by that. And the question is, why have you been spending the money? I am in the fortunate position, I have not been in Congress before, so I can say, I did not do that, although the gentleman from Texas is absolutely correct. It has been done by both Democrats and Republicans, so we have to fix this situation.

Mr. SHADEGG. I think it is a fair question for us to ask as Members of Congress today, and I think the gentleman from Texas was very fair on that point, both Republican Congressmen and Democrat Congressmen have used the Social Security surplus for non-Social Security purposes. I guess the question is, though, I want to ask you a question that I have thought about is, could I go home to my constituents and justify to them that it is appropriate for me to take their Social Security taxes and spend them on other purposes? I think the answer for me is no. Have you given that question some thought?

Ms. FOXX. I have. I agree with them. And when my constituents say that to me, again through this education process, I think they have listened to problems that have been created by Social Security, I think the right overall solution and they are not quite sure exactly which one it is. I think this discussion has brought up the point that they cannot just depend on Social Security taxes and spend them on some other purpose. I think the answer for me is no. Have you given that question some thought?

Ms. FOXX. That is right. So the proposal you have made I think is again a step in the right direction. Down the road we may find that we have to do other things, but the most important thing is to get people to get control of their retirement. As I said, I think that this issue has brought up the point that they cannot just depend on the Federal Government to look after them. I think we have performed a cruel hoax actually on the people of this country by letting them think that their Social Security was going to take care of them in the manner to which they have become accustomed. It is only one part of it, but it should be a secure part of their retirement. As the gentleman from Texas has said, the security part has gone away.

Mr. SHADEGG. I want to thank the gentlewoman for her contribution to this discussion and invite her to stay and discuss it further.

I do want to build on a couple of points she made. First of all, I want to 

Neighbors and their colleagues for what they have done in bringing to us the GROW accounts, and I want to tell you that you have my support on this. This may not be where we end up on salvaging Social Security, but it is certainly a step in the right direction. As they say, a journey of a thousand miles begins with one step. We are taking the first steps. I want to thank you for doing that and pledge my support to you in educating the American public about this and hope that even more good ideas will come as a result of the discussions.

Mr. SHADEGG. If the gentlewoman will remain for a moment, I would like to just ask her, I presume you have done Social Security town halls back home.

Ms. FOXX. We have.

Mr. SHADEGG. If they went like mine, you got a lot of feedback and a lot of confusion about how the Social Security system works.

Ms. FOXX. We did.

Mr. SHADEGG. I suppose, like a lot of us, people are confused about, well, what is the right overall solution and they are not quite sure exactly which proposal you have made I think is again a cruel hoax actually on the people of this country by letting them think that their Social Security was going to take care of them in the manner to which they have become accustomed. It is only one part of it, but it should be a secure part of their retirement. As the gentleman from Texas has said, the security part has gone away.

Mr. SHADEGG. I want to thank the gentlewoman for her contribution to this discussion and invite her to stay and discuss it further.

I do want to build on a couple of points she made. First of all, I want to
make it clear that this is not my idea. I am one of the people advancing it. Here in the House, it will be introduced by the gentleman from Florida (Mr. SHAW). I think his name will be the second on the bill. The first name on the bill will be the gentleman from Louisiana (Mr. McCrery) who is the chairman of the subcommittee on Ways and Means that deals with Social Security, so it will be the gentleman from Louisiana (Mr. McCrery) and then the gentleman from Florida (Mr. S. J. Adams), but the gentleman from Wisconsin (Mr. Ryan) along with the gentleman from Texas (Mr. Sam Johnson). Those will be the original cosponsors along with myself here on the House side.

But I think there are literally dozens, maybe even hundreds, I would hope, of Members here on the House side who will be cosponsors of the bill when it is introduced. I have to give credit where credit is due. The original idea was brokered earlier this year, brought to the Congress by my former colleague here in the House, now a member of the United States Senate, Jim Demint, and there are at least 11 Senators who have already signed on as a cosponsor. As I hope to build support for this idea on the Senate side as well, I think it is important that we build momentum for that.

When we have these discussions, it is useful, I think, to have a revenue source to know that they can go other places to learn more. The policy committee which I chair has a Web site with substantial information about this idea of taking the Social Security surplus and dedicating it to individual accounts for individual taxpayers and making it their money forever; but I am certain that at your personal Web site and at my personal Web site, they can gather other information and learn about it.

The one lesson that occurred to me in that question about how do you oppose this, and our colleague from Texas (Mr. Hensarling) said, Gosh, I don’t even want to know, but they can get more information on their Web site and at my personal Web site, they can gather other information and learn about it.

The one lesson that occurred to me in that question about how do you oppose this, and our colleague from Texas (Mr. Hensarling) said, Gosh, I don’t even want to know, but they can get more information on their Web site and at my personal Web site, they can gather other information and learn about it.

In this discussion tonight, we have talked about what is happening with Social Security and the whole notion of Social Security reform; but we have tried to focus on a simple idea that has come forward recently to deal with the several problems that are confronting the Social Security program.

The biggest problem, of course, is that Social Security is unsustainable over time. We have too many people paying and not working in benefits for the number of retirees. We have already heard about that tonight. In the long run, we are going to run out of money; but in the short run, we have a surplus and there is an idea that I think will protect America’s taxpayers and strengthen our Social Security system that has just surfaced here in Washington within the last 3 or 4 weeks that I think is a brilliantly simple idea, and I want to try to explain it.

It is embodied in a bill called the GROW Act; Growing Real Ownership for Workers Account is the name of the act. It is being introduced here on the House side by several Members of the Ways and Means Committee, led by the gentleman from Louisiana (Mr. McCrery) and on the Senate side by Senator Jim Demint and 11 of his colleagues.

I just want to explain very simply the concept of the bill. First of all, I have got a blank piece of paper here. I want to just graphically show what is going on with Social Security. The first thing I want to do is put a line on the chart which shows the benefits that we are currently paying out. Those benefits are fairly level. That line just runs across the chart from left to right. You can see benefits just move across that line. That is the amount of money we have to pay out every single year.

I want to start with today, and I want to show revenues. To show revenues, I want to show kind of the graphic notion of this temporary surplus. Right now, we are bringing in more money than we are spending in benefits. So the surplus stands out here. But this surplus begins just like that. All of this is money that we are collecting in excess of what we are spending in benefits. So this is the benefit line, I will label it “benefit,” and this is the revenue line. You can see benefits do it first graphically. It is being introduced here on the House side and the Senate, to come to a majority of the Members of Congress, Senator Jim Demint and 11 of his colleagues along with myself here on the House.

The other problem has been spent by Congress on Social Security. They may be good things. They may be welfare benefits for those in need. They may be forest fire fighting. It may be spent for missiles or tanks for our war in Iraq, but it is being spent on something other than Social Security. Fundamentally, the American people deserve to have their payroll taxes that are collected to fund Social Security spent on Social Security.

But the question is, what do we do with this surplus? I am going to label it “S” for the surplus. That is the money we have that comes in in payroll taxes that my constituents have deducted from their paychecks. I think it is the question we have to address. What is the surplus and spending it on something other than Social Security. We have more money coming in in Social Security taxes today than we are paying out benefits.

What that says is that today’s retirees and near retirees are secure. We are not going to do anything to touch their benefits. If you are 55 years of age or older, you are secure. But I just want to put a date on this. This is 2005. This year is 2017. What happens is that in 2017 that surplus disappears, and we begin to have a deficit. That will be a line that goes down like this. We have touched with our ability to pay our benefits during these years by using the trust fund.

But the question is, what do we do with this surplus? I am going to label it “S” for the surplus. That is the money we have that comes in in payroll taxes that my constituents have deducted from their paychecks. I think it is the question we have to address. What is the surplus and spending it on something other than Social Security. We have more money coming in in Social Security taxes today than we are paying out benefits.

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The GROW Act does, this bill that is being proposed here on the House side and there on the Senate side to deal with at least a part of the Social Security problem, is to say we need to stop spending this surplus, and I am going to label them surplus. I should show that block of money right here, that block of money that we need to stop the practice of spending that Social Security surplus on things other than Social Security. It is when we look at it graphically. Social Security money should be spent for Social Security benefits, and if there is a surplus, we should set it aside to pay the Social Security benefits of those who will retire in years to come.

Let me go through just a simple kind of a Q&A session about what this bill does because it might help people, and then I would urge people to get on the Web site of the Policy Committee or to get one of the books of the Republican conference here in Washington and look at what this bill does and how it works. But before I do that, let me go through a Q&A, just kind of a basic so people can understand what we are talking about.

First question: What will the GROW Act do? Simply put, it stops the government from spending the Social Security surplus, a person’s payroll taxes paid to fund Social Security when they retire, on anything other than Social Security. Again, in almost every year since 1983, Congress has spent this surplus plus payroll taxes over payroll benefits on something other than Social Security.

How would we stop doing that, how will Congress stop spending that? The answer is that we are going to put it into individual accounts. We will take this surplus. We will divide it by the number of people who are paying payroll taxes, and we will put it aside in an account with their name on it. From that instant forward, it is their money. It will be in an individual lock box, and that will change the way the program works rather dramatically. For one thing, as the gentleman from Texas (Mr. HENSARLING) pointed out a few moments ago, people’s current Social Security benefits are not guaranteed. If the government changes its mind, if Congress were to change its mind and stop paying those benefits or even reduce, people lose to that degree.

Once we start taking this money and put it into a GROW account with their name on it, in my case, my daughter is young enough to enroll in the program. It would only apply to Americans under age 55. She can enroll and her name would be on an account. It would say “Courtney Shadegg,” and a portion of the payroll taxes that she is paying in would go into that account in her name. If she were to pass away today, she would have those benefits to them and she would have nothing as an asset in her estate to pass on. But the moment we establish these GROW accounts, she would have the money in that account to give to her children if she wanted to.

People say to their themselves how much money in this surplus would that amount? If I am just an average worker in America, Congressman, that surplus and you allocate it in my name, over the 10 years that we have left during which there is clearly a surplus, without any other reform, how much money would it amount to? Well, in terms of dollars, terms of numbers, they give us the gross number, and it is $790 billion. But what does that mean for me, individual? On average it means that every single working American paying Social Security taxes right now would have roughly $5,000 in this account in 2017, just 10 years from now. If we were to start the accounts this year, in roughly 10 years, they would have $5,000 in an account in their name that they could pass on.

Now, what happens is that money if one of these death, to their spouse or, if they are unmarried or divorced, it goes to their other heirs. It can go to their children or their grandchildren or to their brother or sister or whoever they want to leave it to just like any other asset that they own.

How does it affect current retirees? It does not affect current retirees. Current retirees are secure because we do not need this money to pay their benefits. This is, after all, the surplus after the benefits have been paid. What is the budget impact of establishing these GROW accounts? I would call it truth in budgeting. What it says is that once we establish a GROW account and stop taking the Social Security surplus, a person’s payroll taxes paid to fund other operations of the government, we will be able to see the real deficit each year, and that way we will be able to know honestly and straightforwardly how much money we have.

What is the upside of these accounts? Well, there are so many upsides, it is hard to explain. Number one, it is a person’s asset. They can keep it. Number two, initially they get to invest it in a variety of ways. For the first 3 years they may buy a treasury bill, that is all they will be able to do is buy a treasury bill with it. But that treasury bill will be absolutely as secure as the Social Security funds are today, and indeed I will argue it will be more secure because it is theirs forever and the government cannot take it away. But 3 years from now the legislation provides that a board, an independent board, will be able to open up these GROW accounts so that they can invest them in a way that makes sense. Congress could invest in an investment vehicle or an investment opportunity that would make a slightly better rate of return.

They will not be able to invest them wherever they want. They will not be able to invest them in any risky scheme, and they will not be able to pick a private firm to invest them for them. But they will be able to direct how they are invested, whether they leave it in a lock box or, whether they put them in one of two or three other investment options. And I want to talk about that in a moment.

But there are two other basic things I want to touch upon. First, what about the issue of solvency? Well, GROW accounts alone will not solve the solvency problem. But they actually do make the solvency of the current system better. They make it better by roughly 2 years if we enact no other reform.

Let me see if I understand this, Congressman. You are telling me that this is a portion of the solution to the Social Security problem, it will set up a GROW account, we will stop spending this surplus on the Social Security; so every dime of Social Security taxes collected will go into Social Security and it also helps make the program more solvent over time?

I ask who would oppose that? Before I conclude, I do not know quite how much time I have left, but I would like to talk about the whole notion of personal accounts versus private accounts. This is a topic that has been discussed a lot in the press, and I think most Americans who I talk to in the public do not understand the difference between a personal account and a private account, and yet there are dramatic differences. Although they right now is that Republicans call them personal accounts or individual accounts and Democrats call them private accounts. But that is not true. There are dramatic, substantive differences.

Under this proposal the individual accounts that would be established would remain in the hands of the government. They would go to a contract manager, who would manage them for everybody and who would put them only in very, very safe investments. The three most likely investments are: a municipal bond index fund; the second one is a corporate bond index fund; and the third would be a stock index fund.

What do those terms mean? Number one, since this would be a decision made by an entity working for the government and it would be made for all of the money in the account, a person as an individual would not have to be particularly shrewd or in any way savvy about the markets to be able to participate because they are not going to pick the individual stock or the individual bond in which the money is invested. Rather, they will be given, like those of us in the Federal Thrift Savings Plan, a choice of probably three different investments or a couple different investments. They can leave it in a treasury, they can put it in a municipal bond index fund, a corporate bond index fund, or a stock.
index fund. And each of those will have slightly greater return.

So people do not need investment knowledge and that is very important because some critics say that one has to be a savvy investor to be able to make this work. That is simply not true.

The other point is that, because the investment decisions are made by an entity contracting with the government, the management fees are extremely low, and because they are managing a huge amount of money, the cost of investing remains extremely low.

The last point I want to make is the restriction and the difference between a personal account and a private account is not just that the government will control the funds that are picked and the manager of those funds, but also people will not be able to invest them in risky investments. Unfortunately, both Chile and England allowed true private accounts where they picked their individual stock market in which to place the money and they picked the broker and the fees were high and the investments were risky. That is not what is being talked about here.

I urge Americans to study the issue of GROW accounts. There is, I think, in reality no downside to these accounts. They enable the Congress to stop spending Social Security on anything other than Social Security, and they let everyday Americans have an individual share of the Social Security surplus that is theirs forever and can never be taken from them.

**LEAVE OF ABSENCE**

By unanimous consent, leave of absence was granted to:

- Ms. BALDWIN (at the request of Ms. PELOSI) for today on account of attending the memorial service for former U.S. Senator Gaylord Nelson.
- Mr. POMBO (at the request of Mr. DEFAZIO) for today on account of personal business.

**SPECIAL ORDERS GRANTED**

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

- The following Members (at the request of Ms. SOLIS) to revise and extend their remarks and include extraneous material:
  - Mr. BROWN of Ohio, for 5 minutes, today.
  - Mr. DEFAZIO, for 5 minutes, today.
  - Ms. WOOLSEY, for 5 minutes, today.
  - Mr. EMANUEL, for 5 minutes, today.
  - Ms. WATSON, for 5 minutes, today.
- (The following Members (at the request of Mr. CRENSHAW) to revise and extend their remarks and include extraneous material):
  - Mr. OSBORNE, for 5 minutes, today.
  - Mr. FLAKE, for 5 minutes, today.
  - Mr. BILIRIKIS, for 5 minutes, July 20.

Mr. POE, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. FITZPATRICK of Pennsylvania, for 5 minutes, today.

Mr. MACK, for 5 minutes, today.

Mr. NUSSELL, for 5 minutes, today.

Mr. RYAN of Wisconsin, for 5 minutes, today.

**ADJOURNMENT**

Mr. SHADEGG. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o’clock and 10 minutes p.m.), the House adjourned until tomorrow, Thursday, July 14, 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:

2638. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP–2005–0149; FRL–7722–3] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.


2641. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Two Isopropylamine Salts of Alkyl C4 and Alkyl C8–10 Epoxyethoxylated Olefins; Exemption; Requirement of a Tolerance [OPP–2005–0115; FRL–7711–1] received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.


2643. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Imidacloprid; Pesticide Tolerance [OPP–2005–0142; FRL–7720–1] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.


2647. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Ocean Dumping; De-Designation of Ocean Dredged Material Disposal Sites and Designation of New Sites; Correction [FRL–7590–7] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2648. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Air Quality Implementation Plans; Spokane County, WA; Springfield, OR; Community Right-to-Know [TRI–2005–0027; FRL–7922–3] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


2651. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Air Quality Implementation Plans; Spokane County, WA; Springfield, OR; Community Right-to-Know [TRI–2005–0027; FRL–7922–3] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2652. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Air Quality Implementation Plans; Spokane County, WA; Springfield, OR; Community Right-to-Know [TRI–2005–0027; FRL–7922–3] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2653. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule—Approval and Promulgation of Air Quality Implementation Plans; Spokane County, WA; Springfield, OR; Community Right-to-Know [TRI–2005–0027; FRL–7922–3] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.
Protection Agency, transmitting the Agency's final rule—Delegation of Authority to the States of Iowa and Kansas.


2657. A letter from the Principal Deputy Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of Authority to the States of Iowa and Kansas.

2658. A letter from the Principal Deputy Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of Authority to the States of Arizona.


2660. A letter from the Principal Deputy Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of Authority to the States of Arizona.


A bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants (Rept. 109–196). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1359. A bill to amend the Federal Water Pollution Control Act, for the purpose of providing for alternative water source projects; with an amendment (Rept. 109–197). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BLACKBURN:

H.R. 3262. A bill to modify the civil money penalties incurred for unlawful employment of aliens to be imposable on the employer (Rept. 109–164). Referred to the Committee on Appropriations. A bill to amend the Federal Water Pollution Control Act, for the purpose of providing for alternative water source projects; with an amendment (Rept. 109–197). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on Internal Relations. H.R. 280. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for expenses incurred in maintaining international relations (Rept. 109–165). Referred to the Committee on Ways and Means.

Mr. LEACH: H.R. 2869. A bill to amend the International Organizations Immunities Act to provide for the application of the Act to the Fund for International Organizations; to the Committee on International Relations.

By Ms. NORTON (for herself, Mr. MYICK, and Mr. CONAWAY):

H.R. 3267. A bill to provide benefits to do- mestic partners of Federal employees; to the Committee on Government Reform, 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. ROGERS of Michigan (for himself, Ms. HIKES, and Mr. GELRACH):

H.R. 3272. A bill to amend the Internal Revenue Code of 1986 to exclude from income gain from the conversion of property by reason of eminent domain; to the Committee on Ways and Means.

H.R. 2868. A bill to amend the Internal Revenue Code of 1986 to provide for the applicability of the Code to the Bank for International Settlements; to the Committee on External Affairs.

H.R. 3268. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for losses incurred in the purchase of real property for public transportation and rail systems in the United States, and for other purposes; to the Committee on Homeland Security, 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.

H.R. 3269. A bill to improve the security of public transportation and rail systems in the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, 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.

H.R. 3270. A bill to improve the enforce- ment of international trade agreements; to the Committee on Ways and Means.

H.R. 2869. A bill to provide for a demonstra- tion project under which a basic housing allowance will be afforded to Federal law enforcement officers serving in high-cost areas, and for other purposes; to the Committee on Government Reform.

H.R. 3271. A bill to amend the Internal Revenue Code of 1986 to provide for the deduction of interest on loans made to Federal law enforcement officers serving in high-cost areas, and for other purposes; to the Committee on Ways and Means.

By Mr. SAXTON (for himself and Mr. GELRACH):

H.R. 3272. A bill to amend the Internal Revenue Code of 1986 to exclude from income gain from the conversion of property for qualified clean-fuel vehicle refueling property and to amend the Clean Air Act to make ethanol fuels more available to motor- ists; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 3273. A bill to amend the Internal Revenue Code of 1986 to provide for the deduction of interest on loans made to Federal law enforcement officers serving in high-cost areas, and for other purposes; to the Committee on Ways and Means.

H.R. 3274. A bill to amend the Internal Revenue Code of 1986 to provide for the deduction of interest on loans made to Federal law enforcement officers serving in high-cost areas, and for other purposes; to the Committee on Ways and Means.

H.R. 3275. A bill to amend the Internal Revenue Code of 1986 to provide for the deduction of interest on loans made to Federal law enforcement officers serving in high-cost areas, and for other purposes; to the Committee on Ways and Means.

H.R. 3276. A bill to amend the Internal Revenue Code of 1986 to provide for the deduction of interest on loans made to Federal law enforcement officers serving in high-cost areas, and for other purposes; to the Committee on Ways and Means.

H.R. 3277. A bill to amend the Internal Revenue Code of 1986 to provide for the deduction of interest on loans made to Federal law enforcement officers serving in high-cost areas, and for other purposes; to the Committee on Ways and Means.

H.R. 3278. A bill to amend the Internal Revenue Code of 1986 to provide for the deduction of interest on loans made to Federal law enforcement officers serving in high-cost areas, and for other purposes; to the Committee on Ways and Means.

H.R. 3279. A bill to amend the Internal Revenue Code of 1986 to provide for the deduction of interest on loans made to Federal law enforcement officers serving in high-cost areas, and for other purposes; to the Committee on Ways and Means.

H.R. 3280. A bill to amend the Internal Revenue Code of 1986 to provide for the deduction of interest on loans made to Federal law enforcement officers serving in high-cost areas, and for other purposes; to the Committee on Ways and Means.

H.R. 3281. A bill to amend the Internal Revenue Code of 1986 to provide for the deduction of interest on loans made to Federal law enforcement officers serving in high-cost areas, and for other purposes; to the Committee on Ways and Means.
By Mrs. TAUSCHER (for herself and Mr. UDALL of Colorado):

H. Res. 3275. A bill to amend title 10, United States Code, to provide for an increase in the minimum end-strength level for active duty personnel for the United States Army, and for other purposes; to the Committee on Armed Services.

By Mr. ISTOK (for himself, Mr. TAYLOR of Mississippi, Mr. AKIN, Mr. RACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BASS, Mr. BEAUPREZ, Mr. BILIRAKIS, Mr. BISHOP of Georgia, Mr. Bishop of Utah, Mrs. BLACKBURN, Mr. BOHNER, Mr. BOOZMAN, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CASE, Mr. CHABOT, Mr. CHOCOLA, Mr. COLE of Oklahoma, Mr. CONAWAY, Mrs. CUBIN, Mr. CULBERSON, Mr. CUNNINGHAM, Mr. DAVIS of Kentucky, Mrs. JO ANN DAVIS of Virginia, Mr. DENT, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EDWARDS, Mr. EHlers, Mr. FEINEN, Mr. FLAKE, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mr. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GIBBONS, Mr. GILCHREST, Mr. GINGHER, Mr. GOMMET, Mr. GOODE, Mr. GOODLATTE, Mr. GRAVES, Mr. GREEN of Wisconsin, Mr. HALL, Mr. HARRIS, Mr. HAYWOOD, Mr. HENRY, Mr. HERGER, Mr. HOEKSTRA, Mr. INGOL of South Carolina, Mr. ISSA, Mr. JENNINGS, Mr. JINDAL, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. KINGSTON, Mr. KIRK, Mr. KUHL of New York, Mr. LAHOD, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LUCAS, Mr. MACK, Mr. MANZULLO, Mr. MARCHANT, Mr. MARSHALL, Mr. MATHIESON, Mr. McCaul of Texas, Mr. MCCOTTER, Mr. McHENRY, Mr. McINTYRE, Mr. McKINN, Miss McMORRIS, Mr. MICA, Mr. MICHAUD, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mrs. MOSSGRAVE, Mrs. MYRIECK, Mr. NUGEBAUER, Mr. NORWOOD, Mr. OTTER, Mr. PENCE, Mr. PETRI, Mr. FITTS, Mr. PLATTS, Mr. PRIEST of Georgia, Mr. RADANOVICH, Mr. REICHERT, Mr. ROSS, Mr. ROYCE, Mr. RYAN of Kansas, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGO, Mr. SHAYS, Mr. SHIMkus, Mr. SHuster, Mr. SIMMONS, Mr. SIMPSON, Mr. STEARNS, Mr. TANCREDO, Mr. TAYLOR of North Carolina, Mr. TERRY, Mr. WALDEN of Oregon, Mr. WAMP, Mr. WELLON of Florida, Mr. WELLER, Mr. WESTMORELAND, and Mr. WILSON of South Carolina):

H. Res. 36. A joint resolution proposing a balanced budget amendment the Constitution of the United States; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. SENSENBRENNER, Ms. PELOSI, Mr. NADLER, Mr. MEEHAN, Ms. BALDWIN, Mr. SCHAFF, Mr. VAN HOLLEN, Mr. HALL, Mr. PALLONE, Mr. McDERMOTT, Mr. MORAN of Virginia, Mr. SANDERS, Mr. COOPER, Mr. FARR, Ms. EDDIE BERNECKE JOHNSON of Texas, Mr. GENE GREEN of Texas, Mr. THOMSON of Minnesota, Mr. MALONEY, Mr. JACKSON of Illinois, Mr. DOUGETT, Ms. CARSON, Mr. DAVIS of Illinois, Ms. LEW, Mr. SHIMkus, Mr. BERKLEY, Mr. CROWLEY, Ms. SCHAFF, Mrs. JONES of Ohio, Mr. HOLT, Mr. SMITH of Washington, Mr. HONDA, Ms. WATSON, Ms. MCCOLLUM of Minnesota, Ms. SOLIS, Mrs. GRIJALVA, Mr. SCOTT of Georgia, Ms. MOORE of Wisconsin, Mr. FITZPATRICK of Pennsylvania, Mr. CLEAVER, Ms. HERSHE, and Ms. MATSUI):

H. Res. 208. Concurrent resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society; to the Committee on the Judiciary.

By Mr. BUYER (for himself and Mr. EVANS):

H. Res. 361. A resolution recognizing the 75th anniversary of the establishment of the Veterans Administration on July 21, 1930; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H. Res. 11: Mr. MOORE of Kansas.
H. Res. 13: Mr. SIMPSON.
H. Res. 23: Ms. SCHWARTZ of Pennsylvania.
H. Res. 58: Ms. MILLER of Ohio, Mr. CUELLAR, Mr. BONNER, Mr. LaFOOTTE, Mr. JONES of North Carolina, Mr. BURTON of Indiana, Mr. SHEERMAN, and Mr. AL GREEN of Texas.
H. Res. 223: Mr. TERRY.
H. Res. 314: Mr. SIMPSON.
H. Res. 408: Mr. DANIEL E. LUNGREN of California.
H. Res. 475: Ms. SCHWARTZ of Pennsylvania.
H. Res. 550: Mr. LEVIN and Ms. VELAZQUEZ.
H. Res. 551: Ms. MILLER of Pennsylvania, Mr. RYAN of Ohio, Mr. CUELLAR, Mr. BONNER, Mr. LaFOOTTE, Mr. JONES of North Carolina, Mr. BURTON of Indiana, Mr. SHEERMAN, and Mr. AL GREEN of Texas.
H. Res. 586: Mr. PAUL.
H. Res. 595: Mr. FATTAH.
H. Res. 633: Mr. BOUCHER.
H. Res. 818: Mrs. MALONEY.
H. Res. 896: Mr. SCHIFF.
H. Res. 917: Mr. GRIJALVA and Mr. ROTH-ABACHERI.
H. Res. 1039: Mrs. EMERSON and Mr. HERGER.
H. Res. 1081: Mr. VISCOLSKY.
H. Res. 1188: Mr. UDALL of Colorado, Mrs. CHRISTENSON, Mr. FALKOMAVARDIA, and Mr. GRIJALVA.
H. Res. 1202: Mr. KING and Mr. CONYERS.
H. Res. 1214: Ms. ROYBAL-ALLARD and Ms. SCHAKOWSKY.
H. Res. 1245: Mr. CROWLEY.
H. Res. 1246: Mr. JENNINGS, Mr. FORD, and Mr. SKEELTON.
H. Res. 1297: Mr. BIGGERT.
H. Res. 1288: Mr. SHERWOOD, Mr. ROGERS of Michigan, and Mrs. CAPTTO.
H. Res. 1298: Mr. BOREN.
H. Res. 1299: Mr. MARSHALL.
H. Res. 1480: Mr. THIERRY.
H. Res. 1532: Mr. WIEHER, Mr. GUTERREZ, and Mr. STARK.
H. Res. 1554: Mr. MICHAUD.
H. Res. 1600: Mr. DOYLE.
H. Res. 1667: Mr. ABERCROMBIE and Mr. CONYER.
H. Res. 2103: Ms. WOOLSEY, Ms. MCKINNEY, and Mr. MCCAU of Texas.
H. Res. 2121: Ms. HART and Mrs. McCARTHY.
H. Res. 2207: Mr. WEXLER, Mr. FILNER, and Mr. PAYNE.
H. Res. 2338: Mr. REHBER.
H. Res. 2355: Mr. SIMMONS.
H. Res. 2492: Mr. ROYCE.
H. Res. 2962: Mr. WALDEN of Oregon, Mr. FARR, Mr. HUNTER, Mrs. TAUSCHER, and Mr. CULBERSON.
H. Res. 2969: Mrs. CUBIN and Ms. ESHOO.
H. Res. 3009: Mr. OWENS, Mr. KIDLEE, and Mr. MCCOTTER.
H. Res. 3067: Mr. SESSIONS.
H. Res. 3137: Mr. SESSIONS, Mr. TANCREDO, Mr. PLATTS, Mrs. JO ANN Davis of Virginia, Ms. GINNY BROWN-WAITE of Florida, and Mr. BRADLEY of New Hampshire.
H. Res. 3147: Mr. CARLSON.
H. Res. 3200: Mr. UDALL of New Mexico.
H. J. Res. 55: Mr. TINNEY, Mr. MARKET, and Mr. GRIJALVA.
H. Con. Res. 138: Mr. BISHOP of Georgia and Mr. CONYERS.
H. Con. Res. 140: Mr. KLINE.
H. Con. Res. 174: Mr. STRICKLAND.
H. Con. Res. 175: Mr. McDermott, Mr. MARKET, and Ms. KAPTUR.
H. Res. 220: Mr. NUSSEIL, Mr. POMEROY, Mrs. MYRICK, Mr. JINDAL, Mr. ISTOK, Mr. ROTH-ABACHERI, Mr. INGOL of South Carolina, Mr. BROWN of South Carolina, and Mr. JEFFERSON.
H. Res. 276: Mr. DAVIS of Florida, Mr. WAXMAN, and Mr. DENT.
H. Res. 313: Mr. EVANS and Mr. ROTH-ABACHERI.
H. Res. 389: Mrs. BRADY of Pennsylvania and Mr. CASE.
The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible God, thank You for the opportunity to share Your love and compassion with others. Guide us to those who need words of encouragement, and make us Your voice of hope in our world. Use us to bless others, and empower us with Your goodness and mercy.

Strengthen our Senators for today's work. Give them wise speech that will bring life and engender trust. Direct their steps on the roads they travel, and bring them safely to their desired destination. As they make decisions with potentially cataclysmic consequences, Lord, help them to count the cost.

Bless the many people who work with our leaders. Remind them often that their labors are not in vain.

Search our spirits and purify our motives. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS, President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will return to the pending business of the Homeland Security appropriations bill. We have six amendments that were called up yesterday and are currently pending. The two managers have been working on the sequencing of amendments. Therefore, we should have an additional lineup of amendments that are expected during today's session.

As we stated at closing last night, we have two Senate delegations today, one attending the funeral of former Senator Gaylord Nelson and another delegation in Florida. It is lining up in such a way that we will have very productive debate over the course of the day, but we will be voting later this evening. I do not know exactly what time that will be. We will have the exact timing of these votes announced later today as we look at the appropriate schedules. I doubt that there will be voting before 7:45 or so tonight.

We will be voting tonight.

I have said on many occasions that we will be finishing homeland security legislation before we leave this week. I believe we have a good shot at completing that bill tomorrow night. I don't know what time that will be. We will go to another bill on Friday. That bill will be determined over the course of today.

The funding legislation we are currently addressing in the Senate is too important to not complete this week. We will be using debate time throughout the course of the day. We will have the votes this evening. We will have a very busy session tomorrow.

I also wish to take the opportunity to remind my colleagues we will have an all-Senate briefing this afternoon, for those who are interested, from 3 to 4 o'clock by Director Negroponte. I believe Secretary Chertoff will also be coming by as well.

SUPREME COURT CONFIRMATION

Mr. FRIST. Mr. President, I have some brief remarks about confirmation of a new Supreme Court Justice. As we all have witnessed, the process is off to a great start. Consultation is well underway between the President of the United States and the Senate. It is ongoing. The President and his staff are reaching out to Senators from both parties to listen to their suggestions, both in person and through phone calls. To date, the administration, the President and his staff, have contacted directly more than 60 Senators, more than two-thirds of the Democratic caucus, every member of the Judiciary Committee. The President's approach has been bipartisan and open and unprecedented in scope. I commend him for that effort.

As we look ahead, I encourage each Senator to reflect upon the nominee we will consider and the confirmation process we will undertake. As Senators, confirming a nominee to the Supreme Court is one of our highest constitutional duties. The new Justice, whoever the President chooses, will influence American law for years and
years to come. He or she will impact the lives of millions of Americans.

As Senators, we should ask ourselves, What kind of Justice does America expect on the Supreme Court? I am confident President Bush will choose a qualified individual who will make America proud, someone of demonstrated character and integrity, someone who is fair, intelligent, open-minded, and impartial; he or she will listen to the merits of every case and make a determination based on the facts, the law, and the Constitution, not driven to prejudge cases, predetermine outcomes, or advance a personal political agenda; the nominee will treat litigants and their attorneys fairly and with dignity and respect; and above all, this person will uphold the Constitution and be fully committed to equal justice under the law.

I am confident of all these things because every day I have seen the care, seriousness, and the thoughtfulness President Bush brings to this task.

In addition to considering the type of nominee America expects, I also encourage my colleagues to ask themselves, What kind of Supreme Court nomination process does America expect from the Senate? The American people, through their votes, have put their trust in us. They have entrusted us to govern as their elected representatives. History will reflect on the Senate’s deliberations, how Senators conduct themselves, how we treat a nominee, and how we reach a decision.

We owe it to the American people to conduct a fair process that treats nominees with dignity and respect. It should include a fair hearing, a floor debate in which all views are heard, and then an up-or-down vote on the confirmation. This process should not become a trial. It is a process by which we examine the character and credentials of someone willing to volunteer to serve as our highest court.

In the past, the judicial nominations process has been marked by obstruction, many times partisan obstruction, and attacks on the character and integrity of nominees. I hope we have put this painful and humiliating process behind us. Given the monumental role this nominee will play sitting on America’s highest court, we need the best of the best legal minds. This requires common sense and self-restraint.

As we consider the nominee who will soon come before the Senate, I encourage my colleagues to focus on questions that are relevant to the nominee’s qualifications and experience, questions such as: Will the nominee be fair, independent, and unbiased? Will the nominee consider each case before the Court with an open mind, examining the facts and the law and the Constitution very carefully? Will the nominee place the Constitution and the law above personal political ideology?

Will the nominee approach his or her role as a Justice as an interpreter of the Constitution and not as a lawmaker who will legislate from the bench? Is the nominee qualified to serve on our highest court? Does he or she have the necessary experience to serve as a Supreme Court Justice?

These are the questions nominees should be asked to answer honestly and thoroughly. They should not be asked to prejudge cases or to speculate on how they would rule or not rule on a hypothetical scenario that may or may not come before the Court.

I look forward to working with our colleagues on both sides of the aisle in the coming weeks. We should work together to conduct the kind of confirmation process America expects from its elected representatives, a fair and thorough confirmation process that treats nominees with dignity and respect and confirms a new Justice before the Supreme Court term begins on October 3. I am confident the President will nominate someone who will make America proud, someone who will be worthy of this seat or she or he will fill. This is what the American people expect, what America needs, and what our Nation and the nominee deserves.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore, The Democratic leader is recognized.

SUPREME COURT NOMINATION PROCESS

Mr. REID. Mr. President, regarding the statement of my distinguished friend, my counterpart, the Republican leader, 90 percent of what he said is right on target. It is absolutely true that we need a process. That is why Senator Biden and I have been working on this for several weeks prior to the resignation of Sandra Day O’Connor. The process is moving along very well.

I acknowledge that the meetings I have had with the President on this matter have been very productive. They have been good and are pointed in the right direction.

However, on a couple of things I disagree. My friend, the senior Senator from Tennessee; that is, we need to be very careful and put these problems we have had behind us, dealing with the so-called nuclear option. It is easy to throw words around like “obstructionism,” but the fact is the vast majority of the President’s nominees were approved easily. I don’t know the exact numbers, but I believe 210 out of 219 were approved, and a number of them withdrew. The battles over 5 turned out to be 5 out of 219. We do not need words like that. We need to look at this in a positive sense.

There are times, as has been indicated in the recent debate that occurred in the Senate, where certain nominees have to be viewed very cautiously and carefully. For example, the person the President has chosen to go to the United Nations has caused close scrutiny of this individual.

The other two people the President sent to the United Nations as our Ambassador are people who the minority proudly voted for. Ambassador Negroponte went through here very quickly. And then, of course, Jack Danforth, the former Senator from Missouri, whom the President appointed, and was our United Nations Ambassador. John Bolton is a different story. We asked for certain information. It was not forthcoming.

So as I said, I agree with my friend from Tennessee that this is a process that needs to have the view of the American public, and they need to be proud of the work we do. I think we are headed in the right direction. I am cautiously optimistic we can move through this. I have given President Bush the benefit of every doubt that he is doing this with his heart in the right place. I have told him personally and in writing how much I appreciate his reaching out to me. And I continually will be optimistic until there is no need to do so.

It would be so good for the country if they could see the Senate at its best, moving a nomination that is a consensus candidate: that is, someone Democrats and Republicans both support to this very high, honorable position, a member of the U.S. Supreme Court.

I look forward to my continued consultation with the administration. I had a conversation yesterday with one of the President’s representatives, his legal counsel. I am going to continue to do whatever I can to make this process move as quickly as possible, and not only as quickly as possible but as dignified as possible. And having done this, it would be a strong message for us to send to the people of America.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the
Senate will resume consideration of H.R. 2360, which the clerk will report. The legislative clerk read as follows:

A bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Byrd amendment No. 1200, to provide funds for certain programs authorized by the Federal Fire Prevention and Control Act of 1974. Akaka amendment No. 1112, to increase funding for State and local grant programs.

Akaka amendment No. 1113, to increase funding for State and local grant programs and firefighter assistance grants.

Dorgan amendment No. 1111, to prohibit the use of funds appropriated under this Act to implement the national homeland defense strategy delineated under paragraph (1) of the advisory directive meant to replace or augment that national homeland defense presidential directive.

(1) involve enough respondents to get an adequate, representational response from local government emergency officials, as determined by the Secretary of Homeland Security as a result of the survey.

On page 77, line 20, insert —of which $367,562,000 shall be transferred to Customs and Border Protection for hiring an additional 1,000 additional border agents and related expenditures.—

Mr. GREGG. Mr. President, I have sent the amendment to the desk on behalf of Senator Ensign. I do not necessarily support this amendment as the chairman of the subcommittee, but as a courtesy to the Senator, I wanted to send it up to get him in the queue. We look forward to having the Senator forward his amendments forward, and we will try to assist them in getting time and votes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. Vitter) Mr. President, I ask unanimous consent that the pending amendment be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. Salazar] proposes amendments numbered 1207, 1209, and 1210, in bloc.

Mr. Salazar. Mr. President, I send to the desk three amendments on bloc, Nos. 1207, 1209, and 1210.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The Senator from Colorado [Mr. Salazar] proposes amendments numbered 1207, 1209, and 1210.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1207

(Purpose: To provide for a report on the effectiveness of programs concerning State and local government emergency officials, and for other purposes)

At the appropriate place, insert the following:

SEC. (a) Not later than September 30, 2006, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives that includes:

(1) the results of the survey under subsection (c); and

(2) a plan to implement changes to address problems identified in the survey.

(b) Not later than June 30, 2006, the Secretary of Homeland Security shall submit an interim report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives on the specific design of the survey under subsection (c).

(c) In preparing the report under subsection (a), the Secretary of Homeland Security shall conduct a survey of State and local government officials that:

(1) involve enough respondents to get an adequate, representational response from police, fire, medical, and emergency planners on the regional, State, county, and municipal levels, and other State and local homeland security officials as determined by the Secretary; and

(2) identifies problems relating to the effectiveness and user-friendliness of programs in which the Department of Homeland Security works with State and local government officials, including, but not limited to, grant management, intelligence sharing, training, incident management, regional coordination, critical infrastructure protection, and long-term homeland security planning.

AMENDMENT NO. 1209

(Purpose: To require a quadrennial review by the Department of Homeland Security)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. QUADRENNIAL HOMELAND DEFENSE REVIEW

(a) IN GENERAL.—

(1) FREQUENCY AND SCOPE.—Beginning in fiscal year 2008, and every 4 years thereafter, the Secretary of Homeland Security shall conduct every 4 years, during a year following a year evenly divisible by 4, a comprehensive examination of the national homeland defense strategy, including interagency coordination, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States with a view toward determining and expressing the homeland defense strategy of the United States and establishing a homeland defense strategy for the next 20 years. Each review under this paragraph shall be known as the ‘‘quadrennial homeland defense review’’.

(2) CONTENTS OF REVIEW.—Each quadrennial homeland defense review shall—

(A) delineate a national homeland defense strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive 5 or any directive meant to replace or augment that directive;

(B) describe the inter-agency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States associated with the national homeland security strategy required to execute successfully the full range of missions called for in the national homeland defense strategy, and for other purposes.

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary of Homeland Security shall submit a report regarding each quadrennial homeland defense review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall include—
Mr. SALAZAR. Mr. President, I rise today to address an issue that is perhaps the most important challenge of our National Government, and that is protecting the security of our people in this Nation, securing our borders, and making sure we have a homeland security that addresses the concerns of the post-9/11 world in which we live.

For years, I had the honor of serving with 14,000 men and women who are peace officers in the State of Colorado. I worked with them to ensure that we had public safety on our streets and to help in the development of the best strategies we could develop in creating a homeland security that addressed the war on terror and the threats from terrorism within the State of Colorado.

The legislative proposals that are currently considered in this legislation are specifically intended to address that issue on a national level. While there can be no doubt we have spent billions of dollars on the issue of homeland security since 9/11, the recent events in London remind us all that we can never be too far from having this issue at the forefront of our radar screens. It is with that approach that I would like to speak about these amendments, as well as the amendment I cosponsored with Senators LIEBERMAN and COLLINS yesterday.

I commend Senator COLLINS and Senator LIEBERMAN on their efforts to dramatically improve our Nation's homeland security grant process. I also want to thank Senator LIEBERMAN for his simple and straightforward amendments to the Homeland Security appropriations bill.

Before I arrived in the Senate, I was Colorado's attorney general. I worked hard to combat our country's coordination between law enforcement agencies at the local, regional, and State level. This is a complicated task because often what happens with law enforcement agencies is they work within the stovepipes of their jurisdictions. So bringing law enforcement agencies together to make sure they are coordinating and providing the greatest degree of public safety has been one of the monumental challenges of the last several years.

Unfortunately, at a national level, there is often very little consultation with local officials. Too often, lawmakers in Washington develop Federal policy without taking advantage of the expertise of the people who are on the ground. Too many local emergency officials in my State feel that the Department of Homeland Security policies are dictated to them from above. One of the first things I did when I came to Washington was to survey Colorado's emergency response officials to ask them what they thought about a variety of issues. Those responses were alarming. Those chiefs of police and sheriffs told me that 66 percent of emergency responders faced significant problems using radio equipment to communicate with other agencies. Fifty-nine percent said that Federal grants are not going to the right priorities. Fifty-nine percent said that the Federal grants were not going to the right priorities. And by a 4-to-1 margin, Colorado officials feel unprepared to handle a weapon of mass destruction. That is 4 to 1 of people on the ground in my State feel they are unprepared to handle a weapon-of-mass-destruction attack within my State.

By a 3-to-1 margin, responders feel that antiterrorism information they receive from the Federal Government is insufficient or not actionable. That is a 3-to-1 margin. So my survey at the bottom line says that we must do better in preparing our homeland to be more secure.

Senator COLLINS and Senator LIEBERMAN have both sponsored, and we in this Senate last night adopted, a thoughtful and comprehensive piece of legislation that will make Americans safer. It will significantly increase the amount of Federal money targeted to high-risk States and cities while assuring those first responders who states receive the necessary equipment and training to prevent and to be prepared for potential terrorist acts. That is an important balance.

We obviously have to focus money where there has historically been a greater threat. New York and Washington in the past have been targets, and there are other areas of the Nation that have been impacted. Likewise, in California, an attack on the ports of Los Angeles could cost the Nation's economy billions of dollars. We clearly need to step up security efforts in America's largest cities and in the port cities of our Nation.

However, in the past, we also have seen that the terrorists are constantly looking for targets of opportunity no matter where they lie. Whether it was the bombing of the USS Cole in Yemen or the Oklahoma City bombing or the hostage takeover in the Russian schoolhouse in Beslan or the bombing of hotels in Bali, the terrorists struck, and they will strike where they can. We cannot, therefore, make any assumptions about where the enemy will strike. If we can make New York a fortress, the terrorists may hit Philadelphia or Seattle or Denver or any of the rural communities in the countryside of America. Our national security is only as strong as our weakest link.

This amendment, which I was proud to cosponsor, succeeds in maintaining that critical balance between assuring that our Nation's top cities are protected and that the entire Nation has the resources and infrastructure to keep us safe.

The amendment also takes huge steps toward reducing waste in Federal homeland security spending and giving States and local officials the space and resources needed to improve long-term planning and grant administration. Its focus on essential capabilities and coordination of homeland security grants across the Federal agencies will help make sure we get the most bang for our homeland security bucks.

I was proud to work with Senator COLLINS and Senator LIEBERMAN to improve their already good amendment. My proposals included in this amendment would ensure that State and local officials would have a say when Federal officials review the Homeland Security Grant Program. We task the Department of Homeland Security to...
make grant applications as user-friendly as possible, especially for the smaller police and fire departments of our Nation. My changes would also stiffen requirements on States that do proper long-term planning and administration.

Together these changes will make it much easier for State and local officials to work with the Department of Homeland Security. They should ease the burdens on local first responders and help make America safer.

My first amendment would improve the Department of Homeland Security’s long-term planning. Every 4 years, the Department of Defense conducts a Quadrennial Defense Review. This invaluable document paints a detailed picture of the threats our country faces and our ability to confront those threats in the future. My amendment would simply require the Department of Homeland Security to do the same.

The Homeland Security Secretary would work with the Director of National Intelligence to identify the greatest threats to our homeland security. The Secretary also would consult with the Department of Defense and other Federal agencies on how best to work toward a common approach.

This is not just another reporting requirement. It is a move toward rational, strategic, long-term planning that will empower the Department of Homeland Security and Congress to make better decisions to protect the American people.

My second amendment would build on the knowledge I gained from the recent survey in Colorado. It would require the Department of Homeland Security to conduct a nationwide survey of police, fire, medical, and emergency management officials about the problems they are experiencing with Federal grants, intelligence sharing, infrastructure protection, and regional coordination. The Department of Homeland Security would have to report the results to Congress and come up with a plan on how to address the problems the locals have identified. This survey would help ensure that our significant investments in homeland security are going where they are needed. The survey would help officials are getting better direction to guide their efforts.

This sounds like a simple task, and it is, but I promise you that when we get this survey back, we will all learn something new that will help us improve America’s security.

My last amendment is a sense of the Senate in support of research on tunnel rail safety. We have known for some time that subway and rail tunnels are particularly tempting terrorist targets. For the cost of a subway fare, a would-be bomber has access to thousands of people crammed into a very small space. A relatively small amount of explosives can cause many deaths and bring an entire city to a halt, as we have recently seen in London. That carnage in London last week showed that a handful of terrorists can strike subway tunnels and cause grave havoc for a city. Our prayers go out to the families of more than 50 people who perished during that cowardly attack. America has known the terrible pain of terrorism, and last week, Americans were all Londoners.

In America, there are more than 898 miles of rail tunnels and transit systems across the country. Many of our rail tunnels have structural deficiencies, ventilation problems, lack of communications equipment, and insufficient emergency access and exits. Detection systems, dispersal control, and decontamination techniques can greatly mitigate the effects of an attack, as can adequate training for emergency responders.

The Department of Transportation has long recognized the need to improve rail safety and has invested millions of dollars in researching new technologies training first responders. The Department of Transportation’s Transportation Technology Center in Pueblo, CO, is one of the largest and most advanced safety centers in the world. The Transportation Technology Center also conducts full-scale testing, dynamic modeling, performance monitoring, technical analyses, feasibility and economic studies, as well as training classes to prepare first responders and test new safety technologies. The center features 48 miles of test track and a variety of freight, passenger, and hazardous material cars, as well as other test vehicles. What the center does not yet have is the capability to simulate rail tunnel accidents.

The Transportation Technology Center’s backers are now hoping to build a facility for underground rail safety testing. This proposed complex of 1.5 miles of above-ground tunnels would simulate every major rail tunnel system in the country.

My amendment would not single out this or any particular facility. It simply encourages investment in research to promote tunnel rail safety as well as training to ensure first responders are prepared to respond to rail tunnel emergencies. It would put the Senate on record for taking a small step forward in protecting the millions of Americans who depend on subways and passenger trains all across the country.

I urge my colleagues to support these three amendments, and I urge my colleagues to move forward in working on what is our most important agenda, and that is to look at what we are doing and everything we can to protect America’s homeland from the kinds of attacks we saw on 9/11 or the attacks we saw last week in London.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first, I congratulate my friend and colleague from Colorado for his excellent statement and his leadership on this issue and so many other issues. Since coming to the Senate 6 months ago, the Senator from Colorado has demonstrated his commitment, intelligence, and ability to speak to the issues that people in this country desperately care about and desperately need. I congratulate him, once again, on having amendments that are very important for the families of our nation.

AMENDMENT NO. 1217

Ms. STABENOW. Mr. President, I ask unanimous consent that the pending amendments be set aside and call up my amendment No. 1217.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is pending.

Ms. STABENOW. Mr. President, I ask further unanimous consent that Senators Levin, Corzine, Akaka, Dodd, and Lautenberg be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.
That is what my amendment speaks to, the ability to make sure that every part of our emergency preparedness system has the ability to communicate with each other. Interoperability is the term often used.

Right now, we are not able to communicate with each other. How much more basic can we get than creating a way for everyone to be able to talk to each other, to literally be on the same wavelength as well as figuratively. Too many first responders, whom I have spoken to, have moved around Michigan in the last 4 years, have said to me that their communications, alerts going up or down, often come from CNN. The communications are received from CNN before they actually receive them directly to their departments. This does not make any sense.

A June 2004 survey by the U.S. Conference of Mayors found that 80 percent of the cities that responded do not have communications equipment and the ability to communicate with the Department of Homeland Security or the Justice Department. My guess is that the people we represent in our States assume something very different, as they should. After September 11, 2001, everyone assumed that these things have been addressed, and yet they have not been addressed.

The survey also found that 94 percent of cities do not have their rail operations connected, their police, their fire, and their emergency responders. This is especially troubling, given what just happened and the tragic attacks on London’s subway system last week.

Their survey also said almost half of the cities said that a lack of interoperable communications had made a response to an incident within the last year very difficult. Sixty percent of the cities said they do not have the communications capability within the State emergency operations centers. I have spoken with police and fire chiefs across my State, and overwhelmingly they have expressed concern about this issue, as well as the fact that they actually have fewer police and firefighters in their departments now than they did before 9/11.

I believe we find ourselves in a very vulnerable situation for a number of reasons as it relates to homeland security, but a basic area that needs improvement, in terms of infrastructure, is our ability to have our communications systems connected so that our emergency responders can talk to each other and can respond quickly, both before something happens and during an emergency, and do it effectively.

This is, right now, not just a nagging inconvenience. Our lack of interoperable communications is a crisis in this country.

The September 11 attacks highlighted the crisis and we in New York knew that our communications systems were affected and could not communicate. After 50 different public safety organizations from Maryland, Virginia, and the District of Columbia reported to the Pentagon that they could not talk to each other.

On more than one occasion now, we have had circumstances where we have been on the Senate floor, and there has come an incident that has very clearly demonstrated how bad it is. We have been forced to move out away from the Capital complex over to Union Station or to other places around the city. We assume that folks are able to talk to each other, are able to communicate what is going on. But it's not human nature for us to talk. How do we get systems that need to be in place and are not in place for full interoperable communications?

Nearly 4 years after September 11, 2001, the No. 1 request for appropriations that I receive each year from the communities is on communication systems. This year, Michigan communities made over 41 requests. They requested over $75 million for interoperable communications in this bill and in the Homeland Security appropriations bill alone. My guess is, if I went to every community, they would gladly have a request for help to be able to be connected. We can do something about it, and that is what this amendment does.

Most estimates place the cost of equipping America’s first responders with interoperable communications in excess of $15 billion. In November 2003, the Congressional Budget Office testified before Congress that there is insufficient funding in place to solve our Nation’s communications problems, and it would cost over $15 billion to begin to fix the problem.

So my amendment begins that process by suggesting a 3-year funding stream. My amendment would provide the first year funding for that, $5 billion for interoperable communications grants for America’s first responders to provide a strong Federal commitment to the safety of our citizens. I might add, while that is a substantial sum of dollars, it is easily what we are investing in Iraq each month. So my amendment would ask that we commit 1 month for America; 1 month for America’s preparedness to protect the people of America; 1 month to be able to say that we have provided the resources, we have begun to make sure that we are prepared, that we are protected, that our communications systems are connected, and that we are doing all we can do to keep our families safe.

I urge the support of the Stabenow amendment on communications.

I see my colleague standing, I assume to make a motion, but I want to speak to one other amendment, briefly.

Mr. GREGG. Will the Senator from Michigan yield?

Ms. STABENOW. I would be happy to yield while retaining the floor, yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, my hope is that we can accept the amendments of the Senator from Colorado, then we will have further discussion of the pending amendment of the Senator from Michigan, probably with a point of order being made at that point, and then we would turn to the Senator from Massachusetts for up to 15 minutes. That is the game plan, hopefully. So when the Senator from Michigan completes her statement, I will proceed with that proposal.

Ms. STABENOW. Mr. President, I rise to speak to an amendment that Senator Dodd will be offering on his and my behalf in the next hour. I am sure he will have a great deal of what needs to happen to make sure that we are thoroughly prepared and protected. Again, that is our goal, to be prepared and protected. That is what we are fighting for. That is what we are working toward. That is what we need to do together.

My amendment would invest in the interoperable communication so that everyone could speak to each other and be able to respond. This is another amendment that Senator Dodd and I are introducing that speaks to the larger question of whether we are providing all that we need to, to invest at home in our first responders and what they need to be successful. Right now, based on a report that was done back in the spring of 2003, there was a blue ribbon panel of experts, led by former Republican Senator Warren Rudman, that found the United States is drastically unprepared for homeland security responders and, in their words, remains dangerously unprepared to handle a catastrophic attack on American soil. They recommended at that time a major investment over a 5-year period to fully prepare us so that our families and communities are protected.

After that report was given to us, Senator Dodd and I came to the Senate floor 2 years ago and offered an amendment for the first year of that 5-year funding stream. It was not passed. We came last year and offered it again. We stand today asking our colleagues, with an even greater sense of urgency, to finally pass this amendment so that we can begin that 5-year process of fully preparing our first responders and supporting them so that our families are protected. It is a major investment of $15 billion this year. But when we look at what we are spending abroad, we continue just combatting the terrorist in somebody else’s country. We know we have to be prepared to fight it here. Yet we see hundreds of billions being spent in Iraq, being spent overseas. I supported those dollars so our troops are successful, so they have what they need, but that is not enough.

If the troops on the ground in America—our police officers, our firefighters, our emergency responders—do not have the same commitment from us in the Senate, we are going to make sure our troops have what they need overseas and then dramatically underfund what they need at home? It makes absolutely no sense.
This is way beyond anything that is viewed as a partisan issue because it does not matter, Democrat or Republican, when we look at the vulnerabilities for our families and communities for us right now, this is something we should all be rallying around. We are in a situation looking back at some point and saying we should have done this but, rather, aren’t we glad that we did.

The Rudman report that was given to us in the spring of 2003 found that, on average, our fire departments have only half the number of radios they need, and I spoke to that in my other amendment, only enough breathing apparatus for one-third of their firefighters. So one out of three gets breathing equipment. Police departments across America do not have the protective gear to respond to a WMD attack. Our public health laboratories lack the basic equipment to respond to a chemical or biological attack and most report that they are overwhelmed with testing requests.

Finally, our first responders do not have the equipment they need to determine what kind of hazardous material they may be facing. The administration’s support for first responders has been on a steady decline. It is less in this budget than it was in last year’s budget. That makes no sense.

For example, last year’s funding for Michigan State homeland security grants was $27 million. In this budget, the administration eliminates the law enforcement terrorism training program, cutting another $400 million from our first responders.

Last week’s tragedy in London has again shown how important it is to be able to respond quickly and effectively, for them to be able to speak to each other, for us to be able to have enough personnel who can respond. Michigan has the third largest amount of commercial crossings in the United States—approximately 3,200 miles of coastline, three nuclear powerplants, ports, and other numerous critical infrastructure that we must protect. Our homeland security needs are somewhere between $1.4 billion and $2.7 billion that we need to invest in every year, yet the allocation in this budget is less than $30 million—again, down from $47 million. That is not even close to what we need to be prepared and protected—not even close.

I have also spoken with police and fire chiefs across the State. Again, it is amazing to me. I do not believe the average person would believe what is happening until they talk to local law enforcement officials. When I talk to them, there are fewer police officers on the beat today than 9/11/2001. It is shocking. It is truly shocking, and I believe it is truly irresponsible.

Last month we spent about $5 billion in Iraq and Afghanistan. We need to put this in perspective. If we take 3 months of what we are spending there, we can fully fund what the Rudman report says is necessary for our first responders. I believe we cannot afford another day without acting on this and other critical areas of infrastructure need. This is about whether we are going to be committed to protect the people of America.

The two amendments about which I have spoken today address and would make sure that we begin to invest in being fully prepared in case of a terrorist attack here at home, and that our families are needed.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to respond to the Senator from Michigan, and prior to that, I yield to the Senator from Colorado so we can straighten out his amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows: Amended Amendment No. 1209, as modified on page 100, between lines 11 and 12, Insert the following:

SEC. 519. QUADRENNIAL HOMELAND DEFENSE REVIEW.

(a) FINDINGS.

(1) QUADRENNIAL HOMELAND DEFENSE REVIEW:

(1) FREQUENCY AND SCOPE.—Beginning in fiscal year 2008, and every 4 years thereafter, the Secretary of Homeland Security shall conduct, at least 4 years during a year following a year evenly divisible by 4, a comprehensive examination of the national homeland defense strategy, inter-agency cooperation, preparation and planning for Homeland Security Presidential Directive 5 or any directive meant to replace or augment that directive.

(2) CONSULTATION.—Each quadrennial homeland defense review of the type referred to in paragraph (1) shall be conducted in consultation with the Attorney General of the United States and the Secretaries of State, Defense, Health and Human Services, and the Treasury.

(b) CONTENTS OF REVIEW.—Each quadrennial homeland defense review shall—

(1) delineate a national homeland defense strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive 5 or any directive meant to replace or augment that directive;

(2) describe the inter-agency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States with a view toward determining and expressing the homeland defense strategy of the United States and establishing a homeland defense program for the next 20 years. Each review under this paragraph shall be known as the “quadrennial homeland defense review”;

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Secretary of Homeland Security in consultation with the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary of Homeland Security shall submit a report regarding the quadrennial homeland defense review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives. The report shall be submitted not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland defense review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security; and

(D) any other matter the Secretary of Homeland Security considers appropriate.

Amendment No. 1210, as modified on page 100, between lines 11 and 12, Insert the following:

SEC. 519. RAIL TUNNEL SECURITY RESEARCH.

(a) FINDINGS.—The Senate finds that—

(1) railroad tunnels, and underground stations, have been identified as particularly high risk terrorist targets based on the potential for large passenger volumes, confined spaces, relatively unrestricted access, and the potential for network disruptions and significant economic, political and social impact;

(2) many rail tunnels have safety problems including structural deficiencies, ventilation problems, lack of communications equipment and insufficient emergency access and exits;

(3) there are more than 890 miles of rail tunnels in transit systems across the country;

(4) security experts have identified a number of technical needs to prevent attacks on tunnels and to mitigate and remediate the impact of such attacks;

(b) TECHNOLOGICAL NEEDS.—The Secretary of Homeland Security in consultation with the Committee on Homeland Security and Governmental Affairs of the Senate, shall establish a rail tunnel security research program to promote the development of countermeasures and technology and sufficient emergency access and exits.

Mr. GREGG. I ask unanimous consent the three amendments which are pending, by the Senator from Colorado, 1207, 1209, and 1210 to be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 1207); (No. 1209), as modified; and (No. 1210), as modified, were agreed to.
Mr. GREGG. Mr. President, the Senator from Michigan has offered one amendment and intends to offer another amendment. The first amendment that is pending is her amendment relative to interoperability which would increase spending in the account by $5 billion next year. The entire budget for homeland security, of course, is $30 billion, so this would be a 20-percent-plus-up in her amendment for the entire budget in one line item which line item does not exist. Interoperability is obviously a major issue of concern.

It should be noted, however, that the purchasing of communication equipment has traditionally fallen to the responsibility of and to the decision-making process of the local departments, whether they be fire, police, or first responders in the area of health. Equipment purchasing has been done by those departments over the years, city by city, town by town, State by State. To have interoperability is not so much a Federal failure, it is a decision made at the local level for local reasons not to have interoperability. If a local police department wants to buy a type of communication equipment and they decide to buy communications equipment that does not communicate with each other, that is a local decision. That equipment is physically in place. It is not as if these departments don’t have the equipment. They purchased the equipment.

It is not the Federal role to come in and rebuy equipment for every police, fire, and health first responder in this country. That still remains a local responsibility to a large degree. However, we do as a Federal Government request that States put forward what is known as a plan of action relative to first responder communications.

As part of their plan of action, a State can decide to fund interoperability grants to local communities. As part of the first responder initiative, that has occurred and is occurring across the country. In fact, within the first responder grants that have gone out so far, approximately $1.8 or $1.9 billion of that has been spent on interoperability activity by States deciding they wanted to pursue interoperability or deciding they wanted to pursue interoperability.

However, the concept that we should increase funding in this interoperability initiative by $5 billion in 1 year is essentially an extraordinary statement as to what the priorities should be for the Federal Government in fighting terrorism. The Department of Homeland Security has a lot of issues of responsibility. The Federal Government has priority responsibility, for example, for protecting our borders. It has priority responsibility for example, for protecting our airlines and air travel. It has priority responsibility for making sure we are ready to fight and address the threat of weapons of mass destruction.

It does not necessarily have, as a first responsibility, making sure that every police department and fire department in this country buys new radio equipment, can communicate with every other police and fire department. In fact, this effort is, and always has been, a State and local effort. In fact, there is still no consensus as to how interoperability would occur. There has been an attempt to reach a standard agreement on interoperability going on for 25 years, called the P-25 standards, and those standards simply have not been reached. I know from my experience in New Hampshire we had a problem in Vermont. The New Hampshire police couldn’t talk to the Vermont police and our State police couldn’t talk to our local police and our Fish and Game people couldn’t talk to our State Police and our Customs officers couldn’t talk to anybody other than the other Customs officers, so we sat down in a room and figured out how to do it and we got everybody on the same page. But that was a State decision on the issue of interoperability. That is one State decided to take funds and use them to fund interoperability coming through the State grants.

That is the way you approach this problem. But the Homeland Security budget and increasing it 20 percent for a line item that doesn’t exist to fund interoperability grants is, in my opinion, not the best way to spend dollars in this present context. It should be put in the fuller context, which is this: These funds would go into a pot of money which presently exists, first responder money, of which $7 billion still has not been spent. Seven billion dollars is still sitting in the Treasury waiting to be spent because the plans are not in place for how to efficiently spend it at the State and local level. So to put another $5 billion on top of that, and then understandation and the Senator from Michigan are going to come forward with another $15 billion or $20 billion plus-up of State and local grants for next year when we still have $7 billion in the pipeline that hasn’t been spent is to say the least, I think not good management of our dollars in the area of how we protect our Nation.

Much higher priorities exist. To the extent we can find additional resources, those high priorities such as the borders, such as fighting weapons of mass destruction, such as hardening our systems in the area of chemical plants, in the area of nuclear plants, in the area of intelligence gathering—which is the key to this whole exercise—are priorities.

Yesterday Secretary Chertoff outlined how he intends to refocus the priorities of the Homeland Security agency and, yes, first responders are a key part of this. But a 20-percent-plus-up makes no sense.

This amendment has, as part of its elements, an emergency designation. Under the Budget Act an emergency is something that is sudden, urgent, and unforeseen. The failure of the police department to be able to talk to the fire department in Epping, NH, has been occurring for a long time. It is not a sudden, urgent, unforeseen event. It is something that has been going on for 25 years. I am not picking Epping out, because I suspect Epping actually has everybody speaking to each other, knowing it is a very well-run town. But interoperability is not a sudden, unforeseen issue. It is an event that needs to be addressed, it needs to be managed, and needs to be managed within the context of the plans the States have for developing their first responder response.

We know it is a big issue. Each State is hopefully grappling with this and coming forward with their plans. But clearly it does not fall within the context of an emergency designation as the budget perceives emergency designation. So this amendment as proposed is clearly outside the emergency designation qualification and it does represent a $5 billion plus-up, which would be an addition to our deficit of $5 billion were it to pass, and therefore is subject to a point of order and is not, in my humble opinion, good policy to pursue at this time.

Therefore, pursuant to section 401(b)(5) of H. Con. Res. 95 for the fiscal year 2006 Budget Resolution, I raise a point of order against the emergency designation proposed in this amendment and make that point of order.

Ms. STABENOW. Mr. President, I move to waive the applicable sections of the Congressional Budget Act for purposes of considering my amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were ordered.

Mr. GREGG. Mr. President, at a later time today we will set up this motion to waive the Budget Act vote. It looks as if we are not going to have votes until quite late this evening, probably not starting until 7:30 or 8 o’clock. This will obviously be one of those votes, should the leader decide he wants to hold votes at that time, and I appreciate the courtesy of the Senator from Michigan.

Pursuant to the prior discussion, I yield the floor to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.
Mr. CORNYN. 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. CORNYN. Mr. President, I will speak briefly and highlight some of the important provisions of this appropriations bill, specifically as they pertain to the issue of border security. The Senator from New Hampshire, the chairman of the Subcommittee on Immigration, Border Security and Citizenship of the Senate Judiciary Committee, has held a number of hearings on this issue of border security and immigration enforcement. They have been quite revealing. I will share some of the information with our colleagues because it supports the direction in which this Homeland Security appropriations bill takes us, and puts us on the right path to the final goal: control of our borders and a secure, orderly immigration process.

The Department of Homeland Security has testified recently that they do not have operational control over parts of the southern border. That is obvious to those who live and work along that border and represent those States.

My constituents have told me as recently as last week when I traveled to south Texas, to Laredo, TX, when I traveled to McAllen, TX, and the Rio Grande Valley that the nature of the immigrants coming across our southern border is vastly different from what it has historically been. For example, over the last 3 years, the number of illegal aliens detected and removed in the so-called "OTM"—that is, those who came from countries that you would expect: Mexico and countries in Central and South America, chief among these, Chief Aguilar, has testified at one of our hearings that 400 aliens from special-interest countries had been apprehended last year. Some come from countries that support international terrorism. That ought to be a grave concern to all of us. We need to expend additional resources, both to ensure we are apprehending aliens who are trying to enter our country illegally, and to make sure we detain them and remove them in an expeditious manner.

Let me bring to the attention of our colleagues some of the facts because they may not be aware of them. I think they will be shocked to find out how unsuccessful we are, despite the best efforts of the Department of Homeland Security.

Last year alone, the Border Patrol detained roughly 1.1 million people coming across our borders. Now, my information, from those who are on the ground, to the extent that it is a day-in, day-out basis, is that they think they probably are capturing between one out of every three or one out of every four. Yet last year alone they captured approximately 1.1 million and detained them.

But the concern is that we only have roughly 20,000 detention beds. So what the Border Patrol does is, after doing a background check, after they run these aliens' names against a terrorist watch list and various criminal justice data bases, they engage in what can only be called a catch-and-release program. In other words, they release them on their own recognizance based on their promise to return for further proceedings later on. It should come as no surprise that the overwhelming number of these detainees do not reappear for their hearing, and they simply melt into the landscape.

As a result of this flawed policy, we know we have approximately 10 million people living in our country outside of our laws. And those numbers are getting bigger, not smaller.

I do not know how we can stand here, particularly in the face of the threat of international terrorism, and tell the American people we are doing the job they sent us here to do. Because we know that organized crime groups, which are only interested in making money, do not care whether they deal with human beings who want to come here to work, whether they engage in human trafficking, whether they engage in illegal drug transactions, illegal arms transactions, or any one of a number of other activities that are deplorable. If you do not believe that, read the witness statements by these organized smuggling activities, many of which originate from Asia and the Middle East, people are literally brought across the ocean to South America, or to Mexico, or Central America, and then at the hedge of our porous southern border and potentially threaten our national security.

I hope, and indeed I believe, that most of the people who come to this country across our border outside of our laws are coming here for the same reason they have always come here; and that is, to find work and the ability to support their families because they cannot do so where they live. But we have to acknowledge this porous border we have and our failure to obtain operational security of our borders is a national security threat because the same avenues of entry into the country by which construction workers and others might come are available for exploitation by international terrorists.

We have no idea, and no agency of the Federal Government can tell us, whether or not we have sleeper cells of terrorists who have exploited that border to come here. But we know they continue to come, that vulnerability continues to exist, as long as the Federal Government fails to live up to its responsibility to secure our border.

Separately, the bill includes $81 million for construction requirements associated with 1,000 new Border Patrol agents. I mentioned the issue of detention beds. There are only 20,000 beds right now, which is woefully inadequate. Give us the full $3.1 billion that would fund construction requirements and provide the funds for additional resources needed to secure our border.
Federal agencies are simply left with this unworkable and inexcusable system of catch-and-release, which merely exacerbates the problem we have in this country with illegal immigration. This bill moves us in the right direction toward adding 2,300 detention beds, with a $77 million increase, bringing the total up to almost 23,000 beds. It is still not enough, but clearly this moves us in the right direction.

The Intelligence Reform Act authorizes 8,000 beds per year, and the Iraq war supplemental funded almost 2,000 beds.

The bill I alluded to earlier that Senator Kyl and I intend to file shortly calls for an additional 10,000 detention beds to be constructed each year, at an estimated cost of $330 million, which is an increase of 2,000 beds per year over what was authorized in the Intelligence Reform Act.

The surge of people coming illegally into our country outside of just our immediate neighbor of Mexico demonstrates this catch-and-release policy must be changed. It is only through the commitment of resources, such as being done in this bill, that we are going to get to where we need to be.

I am pleased to see the recommendations that are made as to additional resources in this bill, but I remind my colleagues there is still much that needs to be done. It comes to ensuring our security and our safety by enforcement of our laws.

I hope at another time to be able to come back and address my colleagues on the details of the bill Senator Kyl and I intend to introduce which is composed of four main provisions.

One provision has to do with enhanced border security, which I have already alluded to here. The second provision has to do with interior enforcement. In other words, once people get past the border, then they are simply lost to our Federal law enforcement agencies. We simply, as the Federal Government, do not provide them the additional resources they need in order to be partners in our law enforcement effort when it comes to border security and immigration law enforcement.

Last week, I visited with a group of sheriffs in Victoria and Goliad Counties. Each one 200 miles inland. But you may recall, Mr. President, and my colleagues may recall, it was about 2 years ago when 19 immigrants, who had been smuggled illegally into the country, were left to die in a trailer because the human smuggler—a coyote, as they are called in our part of the country—cared nothing about them and left them to die in over 100-degrees temperature inside a cattle trailer.

These local law enforcement officials are willing to help and willing to be assistance once they get the training and they need additional resources so they can hire the personnel. We must meet our obligations to provide the additional resources they need so we can work as partners with local law enforcement and State law enforcement to enforce the law.

So the first component is enhanced border security, and the second component is enhanced interior enforcement.

The third component of the bill Senator Kyl and I will file has to do with employer accountability. It may come as a shock to the people of America to know currently do not have in place an employer accountability to authoritatively determine whether the person standing in front of them, who wants to be hired, is in fact authorized to work in the United States of America or whether they happen to be an illegal immigrant who cannot legally be hired by American employers.

What our bill will do is remedy that deficiency and provide employers with a reliable means to document the fact that indeed this perspective employee is authorized to work in the United States, and to do so in a reliable fashion.

We will also at the same time insist that employers, once we give them the tools they need, enforce the law and make sure they document that, in fact, this perspective employee is authorized to work in the United States.

The fourth and last component has to do with a temporary worker program. The President talked about this a couple of years ago, and it is exactly right. But the problem is, it has to be combined with enhanced border security, enhanced interior enforcement, and tools that employers need in order to determine the legal status of the perspective employees that stand in front of them. But we also have to acknowledge the facts: America’s economy is strong, and we have a demand for the labor many immigrants provide, but we simply need to provide a legal means for people to work and perform jobs that American citizens do not want or are not available to do.

Then we need to provide a means to return those individuals who come here on a temporary basis and work in the United States under this legal regime, to return them to their home, with the skills and the savings they have acquired working in the United States. Because unless we deal also with the economic aspects of this problem that affects our national security, we will never have any hope of solving it.

I will speak more on that later. But I did want to give our colleagues a preview of what is being worked on as a comprehensive solution. And I did want to come to the floor and express my great appreciation to the Senator from New Hampshire, the chairman of the subcommittee, and all of those who have made it possible for us to focus our efforts on enhanced border security, and to explain why I believe it is absolutely critical to the safety and security of our American people that we obtain operational security of our border. It is something we cannot claim now and which, indeed, law enforcement officials of the U.S. Government admit we do not currently have.

With that, I yield the floor and suggest the absence of a quorum.

THE PRESIDENT: Mr. McConnell, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDENT: Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I would like to take about a minute more of our colleagues’ time. I neglected to some additional brief comments that I would like to make on the space shuttle launch that is occurring today.

It was my very first speech on the Senate floor, sadly, when I paid tribute to the astronauts who lost their lives in the Columbia disaster in February of 2003. The thoughts and admiration of the Nation are with the brave astronauts aboard Discovery today as they make their journey into space. It is the first one this Nation has attempted since that terrible tragedy in February 2003.

I believe the robust manned space program is critical to both America’s proud tradition of exploration and its commercial and military preeminence in space.

NASA’s missions foster technological and scientific advances and help ensure our national security as well as create jobs for thousands of Texans and thousands of Americans.

I believe the mission of NASA, together with the President’s vision for future space exploration, will also encourage young people to study math and science and prepare for space-related careers. As so many young children have done in the past, they are inspired by the feats of daring and accomplishment by these brave astronauts who are launching into space again today. These goals are set not just for our current benefit, but also for future generations of leaders and innovators in Texas and across America.

I yield the floor and suggest the absence of a quorum.

THE PRESIDENT: Mr. McConnell, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDENT: Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent to proceed as in the morning business.

THE PRESIDENT: Without objection, it is so ordered.

(Notes of Mr. McConnell are printed in today’s Record under “‘Morning Business.’”)

Mr. CORNYN. I suggest the absence of a quorum.

THE PRESIDENT: Mr. McConnell, The clerk will call the roll.

Mr. CORNYN. Mr. President, I suggest the absence of a quorum.

THE PRESIDENT: Mr. McConnell, The clerk will call the roll.
The legislative clerk proceeded to call the roll.  
Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.  

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I call up amendment No. 1202 and ask for its immediate consideration.  

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.  
The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. Dodd], for himself, Mr. STABENOW, Mr. LUTENBERG, and Mr. CORZINE, proposes an amendment numbered 1202.

Mr. DODD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.  

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fund urgent priorities for our Nation’s firefighters, law enforcement personnel, emergency medical personnel, and all Americans by reducing the tax breaks for individuals with annual incomes in excess of $1 million)

On page 77, line 22, strike $425,000,000 and insert $2,058,176,673.

On page 78, line 13, strike $385,000,000 and insert $1,876,088,040.

On page 78, line 18, strike $200,000,000 and insert $1,029,859,337.

On page 78, line 22, strike $5,000,000 and insert $25,727,233.

On page 78, line 24, strike $10,000,000 and insert $51,454,467.

On page 77, line 18, strike $2,694,000 and insert $13,863,977,000.

On page 77, line 20, strike $1,518,000,000 and insert $7,810,788,066.

On page 79, line 1, strike $100,000,000 and insert $514,544,668.

On page 79, line 5, strike $50,000,000 and insert $257,272,334.

On page 79, line 7, strike $50,000,000 and insert $257,272,334.

On page 79, line 9, strike $40,000,000 and insert $407,867,867.

On page 79, line 21, strike $322,500,000 and insert $1,655,232,019.

On page 81, line 24, strike $615,000,000 and insert $3,164,802,000.

On page 81, line 24, strike $550,000,000 and insert $2,830,311,000.

On page 81, line 26, strike $65,000,000 and insert $241,003,000.

On page 82, line 12, strike $180,000,000 and insert $926,284,000.

On page 82, line 12, strike $203,499,000 and insert $1,047,210,000.

On page 89, line 3, strike $194,000,000 and insert $998,327,800.

Mr. DODD. Madam President, I offer this amendment on behalf of myself and my colleague from Michigan, Senator STABENOW, along with Senators STABENOW and LUTENBERG from New Jersey.

The purpose of this amendment is very simple, although the amount I am asking for here is rather large. The purpose is to sufficiently fund the urgent priorities of our Nation’s firefighters, law enforcement personnel, emergency medical personnel, transportation systems, and other critical infrastructure such as our ports and chemical plants. The amendment’s language suggests paying for these vital priorities by limiting some of the tax breaks for individuals with annual income in excess of $1 million. I assume that any American who can persuade a colleague from New Hampshire or others will make a point of order against this amendment. I will then move to waive that point of order. In the meantime, let me explain the amendment. It is offered two years ago during a similar debate regarding homeland security. I was not successful in having the amendment adopted then. I am hopeful that I will be successful today, especially in light of events last year in London. But I understand, given the size of the amount I am requesting, that the chances of this amendment being adopted are not great.

Nevertheless, it is important to offer this measure because it isn’t an amendment I crafted per se, although I offer it here legislatively. The language and request of this amendment were a result of two task forces conducted by the Council on Foreign Relations that examined America’s needs in the wake of the attacks on September 11, 2001, and laid out, by our former colleagues Senators Warren Rudman and Gary Hart, along with members of their task force, the vital importance of preparing for the inevitable events that are occurring at the hands of terrorist organizations. I don’t know how many more events it is going to take for us to respond with the kinds of resources we need to have in place.

I was a Member of this body when the Marine barracks in Lebanon were hit, the Lockerbie incident happened, the World Trade Center was first bombed, the USS Cole was attacked, the embassies in that part of Africa were bombed, and, of course, when the World Trade Center was attacked for the second time. We have seen in Tokyo the subway attacks in 1996, the Madrid train bombing in March of 2004 and, of course, the London Underground attacks only a few days ago. These are just a few of the hundreds of terrorist attacks that have taken place around our world over the last couple of decades.

Mr. DODD. Let me outline the Rudman report and why this amendment is important.

Two years ago the Council on Foreign Relations convened an independent task force to identify the challenges faced by our Nation in preventing and responding to acts of terrorism. This task force was chaired by our former colleague Senator Rudman. In June 2003, the task force issued a comprehensive report entitled “Emergency Responders: Dramatically Underfunded, Dangerously Unprepared.” The purpose of the report was joined on this task force by a very distinguished group of our fellow American citizens. I ask unanimous consent to print in the RECORD the entire list of those people who prepared the report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TASK FORCE MEMBERS

Charles G. Boyd is currently Chief Executive Officer and President of Business Executive for National Security (BENS). Before retiring from the U.S. Air Force in August 1995, General Boyd served as Deputy Commander in Chief for the U.S. European Command.

Richard A. Clarke is Senior Advisor to the Council on Foreign Relations and is currently Chairman of Good Harbor Consulting, LLC. Previously Mr. Clarke served under the last three presidents as a senior White House adviser.

William J. Crowe is Senior Advisor at Global Options. Previously, Admiral Crowe served as Chairman of the Joint Chiefs of Staff under President Ronald Reagan.

Margaret A. Hamburg is Vice President for Biological Threat Initiative at the Department of Energy.

James Kallstrom is Senior Executive Vice President at MBNA America Bank. After September 11, 2001, Mr. Kallstrom took a leave of absence from MBNA America and served for two years as Chairmen and Chief Executive Officer of Paine Webber Group, Inc., until its merger with UBS in 2000.

Donald B. Marron is Chairman of UBS America and currently serves as President Emeritus and Sackler Foundation Scholar at Rockefeller University.

Joshua Ledereberg is a Nobel Laureate and currently serves as President Emeritus and Senior Counselor to the Continuity of Government Commission.

James Kallstrom is Senior Executive Vice President at MBNA America Bank. After September 11, 2001, Mr. Kallstrom took a leave of absence from MBNA America and served for two years as Chairmen and Chief Executive Officer of Paine Webber Group, Inc., until its merger with UBS in 2000.

Norman J. Ornstein is a Resident Scholar at the American Enterprise Institute, and Senior Counselor to the Continuity of Government Commission.

Dennis Reimer is Director of the National Memorial Institute for the Prevention of Terrorism in Oklahoma City. Prior to that, General Reimer served in the U.S. Army in a variety of joint and combined assignments, retiring after 37 years as the Chief of Staff of the U.S. Army in 1994.

Warren B. Rudman is Chairman of the Independent Task Force on Emergency Responders. He is currently a partner in the international law firm of Pills, Wharton and Garrison and formerly Chairman of the President’s Foreign Intelligence Advisory Board under President Clinton.


George P. Shultz is the Thomas W. and Susan B. Ford Distinguished Fellow at the Hoover Institution. He has served as Secretary of State, Secretary of the Treasury, Secretary of Labor, and director of the Office of Management and Budget.

James W. Stock is Dean of the Woodrow Wilson School of Public and International Affairs at Princeton University.

S8163

July 13, 2005 CONGRESSIONAL RECORD—SENATE
Prior to her appointment at Princeton, she was the J. Sinclair Armstrong Professor of International, Foreign and Comparative Law at Harvard Law School.

Charles Boyd is the chief executive officer of Memorial Sloan-Kettering Cancer Center. Previously, he served as interim executive officer of Memorial Sloan-Kettering Cancer Institute; and chief executive officer of the University; and Harold Varmus, president of the International Affairs at Princeton University; and Norman Ornstein, resident scholar at the Senate Foreign Relations Committee; and Harold Varmus, president of the American Enterprise Institute; and Anne-Marie Slaughter, dean of the Woodrow Wilson School of Public and International Affairs at Princeton University; and Harold Varmus, president and chief executive officer of the Memorial Sloan-Kettering Cancer Institute.

The list goes on. These are the people who have longstanding experience in their capacities as Chairman and Ranking Member on the Homeland Security Appropriations Subcommittee respectively. It is not easy to put together these bills under budget caps. I understand that, and I have respect for it. I understand the constraints under which the agencies and Congress operate. Certainly, they are trying to provide adequate resources for our emergency responders and critical infrastructure needs in this country.

If the tragic events in London and the attacks on the World Trade Center at the outset of this year say anything to us as a people, it is that we must renew and redouble our efforts to prevent and respond to terrorism at home. The Rudman report only underscores the sense of urgency that we ought to have about protecting our country from the risk of terrorism. I appreciate that the managers of the bill are seeking to have $100 million of added resources for transit security. They are working within very tight budget constraints. They concluded, the security needs of our country far exceed what the managers are able to provide with the limited resources they have been given under this bill.

The Rudman report says our Nation should immediately spend—and this was 2 years ago—$20 billion per year for 5 years to hire, equip, and train first responders and to better protect our critical infrastructure from attack. This bill spends roughly $3.9 billion, less than one-fifth of what the Rudman report called for. That, in addition, is close to $700 million less than was spent 2 years ago. So it appears we are headed in the wrong direction and doing less than what we should be doing. I would like to read various passages of the Rudman report to try to persuade Members of the sense of urgency that Senator Rudman and the Commission certainly had 2 years ago, and to shed light, if you will, on a survey and study done with the help of very knowledgeable about the challenges posed by international terrorism and about the needs and steps that need to be taken to make our Nation more prepared to meet those challenges.

I will read the conclusion of the report prepared by Senator Rudman:

The terrible events of September 11 have shown the American people how vulnerable they are because attacks on that scale had never been carried out on United States soil. The United States and the American people were caught underprotected and unaware of the magnitude of the threat facing them.

In the wake of September 11, ignorance of the nature of the threat or of what the United States must do to prepare for future attacks can no longer explain America’s continuing failure to allocate sufficient resources in preparing local emergency responders. It would be a terrible tragedy indeed if it took another catastrophic attack to drive the point home.

I do not think any words can express the problem before us more clearly than those of Senator Rudman.

I will quote from the foreword written by Les Gelb, the former President of the Council on Foreign Relations:

As I sit to write this forward, it is likely that a terrorist group somewhere in the world is developing plans to attack the United States and its interests abroad using chemical, biological, radiological, nuclear or catastrophic conventional means. At the very same time, diplomats, legislators, military, intelligence, police, and emergency medical personnel, and others in the U.S. and across the globe are working feverishly to prevent or respond to such attacks. Two groups of people are ultimately in a race with one another. This is a race we cannot afford to lose.

Several months prior to the issuance of the Rudman report, in October 2002, the Council on Foreign Relations convened another task force, the Independent Task Force on Homeland Security, which issued the report, “America: Still Unprepared, Still in Danger.” The task force, co-chaired by Senators Rudman and Hart, came to the general conclusion that:

America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil.

The report further warned that:

America’s own ill-prepared response could have been a greater tragedy than any single attack by a terrorist, and the risk of self-inflicted harm to America’s liberties and the way of life is greatest during, and immediately following a national trauma.

So here you have two seminal reports, issued within 8 months of one another, prepared by some of the most respected individuals in this country, who have longstanding experience in the matters of diplomacy and national security. These are not lightweights who made these recommendations I am offering as part of this amendment. They are top experts and they have seen the alarm go off. They sounded it after 9/11; they sounded it before Madrid and London. How many more events before we put the kind of resources in place that allows this Nation to have a much higher sense of security, as we ought to have in light of the attacks presently being prepared and focused against us?

The funding level that Senator Stabenow and I are proposing in this amendment is over $16 billion. It is huge; I understand that. It supplants the appropriation of $8 billion that the underlying measure devotes to emergency responders and infrastructure security. Together the bill and the amendment provide $20 billion in emergency responder funding over the next year.

This is the recommendation of the Rudman report. This is the recommendation of the individuals who helped prepare that report. It is a recommendation made by respected experts and leaders in the fields of national security, intelligence, foreign relations, military affairs, bio-terrorism, business, public health, and budget analysis. These distinguished
men and women spent significant time analyzing the problems facing our first responders and our Nation’s security. They gave us their best professional judgment of what we need to do. Regrettably, we are falling woefully short of what needs to be done in this country.

I understand the need for a budget resolution that sets caps on appropriations bills. Effective budget resolutions in the Senate are those that achieve balanced budgets, primarily through tax cuts that only benefit the most affluent States, one of the most affluent States of our citizens. Unfortunately, I don’t find the current budget resolution and the caps it has imposed very balanced at all. While constraining our ability to invest adequately in our emergency responders and domestic security, this resolution causes, in my view, the national deficit to increase by at least $130 billion over the next 5 years, principally through tax cuts that only benefit the most affluent States.

I represent if not the most affluent State, one of the most affluent States in the country. I have no doubt that the people of Connecticut would certainly be prepared—when asked whether the government is going to do something in order to provide the Nation with more security—to agree. They understand this issue. I believe that given the choice, they would rather see the tax cuts they are receiving go to this kind of investment.

The report before us represents an uncomfortable reality that we have to face as a nation. I certainly applaud the hard and groundbreaking work done so far to reduce the threat of terrorism in this Nation. A lot of good people are working hard at this. Yet as the tragedy in London vividly showed us last week, no nation, including ours, is invulnerable. We still possess weaknesses in our domestic security and our infrastructure that must be strengthened.

For over 2 years now, we have possessed in the form of the Rudman and Hart recommendations and the budget resolutions— and note that this morning Secretary Chertoff announced some significant administrative changes to the Department of Homeland Security, and I applaud him for that—I think many more changes and reforms are needed to modernize and provided respectively to meet the Rudman report recommendations fully. I think we ought to be doing more by supporting the financial needs that are going to provide for the various gaps that occur in the security of our various infrastructure systems.

Finally, we all know that the cost of this amendment is large. I want to put this figure in perspective. We are spending roughly $5 billion every month in Iraq and Afghanistan—$1 billion a week in Iraq and $1 billion a month in Afghanistan. That is $15 billion in vital spending and funding every 3 months to ensure that our men and women in uniform can deal with the threats in those foreign lands. Senator Hagel and the sponsors of this amendment, and I are asking for $16 billion for a whole year to make us more secure at home. I understand the needs and I have supported the funding for our troops in the field. We know as a result of the Rudman report that we are woefully short in what needs to be done at home to keep our Nation more secure.

As I mentioned a moment ago at the outset of these remarks, how many more incidents need to occur before we do what the Rudman report has called for? How many more times do we have to be attacked to realize what major steps need to be taken to be better prepared?

I believe that if we have the will, we can find the resources that we know are needed to make sure we have the infrastructure security in place and the personnel support in place to give our fellow citizenry the greater sense of security that this amendment proposes.

With that, at the appropriate time, I will ask for the yeas and nays on this amendment.

I yield the floor.

Mr. Gregg. Madam President, it is my intention to respond to the amendment proposed by Senator Byrd from Connecticut and make a point of order relative to it. Prior to doing that, I will yield to the Senator from Arkansas for 5 minutes so he may offer an amendment and get it in the queue. The clerks can agree to that.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. Pryor. Madam President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The amendment is as follows:

(Amendment No. 1125)

Mr. Pryor. Madam President, I ask that amendment No. 1125 be called up.

The PRESIDING OFFICER. The amendment has been put into it. The amendment has been agreed to. I thank my staff as well for their assistance on this amendment.

The amendment is as follows:

(Purpose: To encourage the acquisition by the Secretary of Homeland Security of an integrated mobile medical system)

On page 83, line 26, before the period, insert: Provided further, that of the total amount made available under this heading for the support and acquisition of mobile medical units to be used by the Federal Emergency Management Agency, Director of Emergency Preparedness and Response, in response to domestic disasters, the Secretary of Homeland Security is encouraged to acquire an integrated mobile medical system for testing and evaluation in accordance with subsection V of chapter 35 of title 31, United States Code (commonly known as the “Competition in Contracting Act”).

Mr. Gregg. Madam President, my amendment simply encourages the Secretary of Homeland Security to consider an integrated mobile medical system as part of the Department’s requirement for mobile medical systems.

The DOD is currently evaluating a fully integrated mobile medical system, and it appears that this system holds very promising results to provide quality medical treatment for emergency situations.

My amendment encourages the Department of Homeland Security to look at this issue and maybe allocate some resources for it.

I thank the majority staff, as well as the minority staff, and the two bill managers for their assistance on this amendment. The amendment has been agreed to. I thank my staff as well for all the hard work and diligence they put into it. The amendment has been cleared on both sides. I thank specifically Chairman Gregg and Senator Byrd for their support and assistance.
Madam President, I ask for the immediate consideration of amendment No. 1125.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1125) was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1125

Mr. GREGG. Madam President, the Senator from Connecticut, joined by the Senator from Michigan, as I understand it, has offered an amendment which would increase the funding for first responder activity by $16 billion. I note, as an initial comment, that this represents a 50-percent increase in funding for this bill in toto. In other words, the entire funding of the Homeland Security agency is about $31 billion, and $15 billion on top of that would be a dramatic increase, to say the least.

The logic for the approach is that there is a representation that the Rudman Commission and other people who have looked at this issue say first responders need more money. It is hard to argue with the fact that first responders do need more money, but the question being asked is in a world where we do not have unlimited resources, where should we put the resources to get the best results in this fight on the war on terrorism?

An additional logic for their position is because we are spending significant dollars in Iraq and Afghanistan on a monthly basis, $5 billion is the number suggested by both Senators that we should be able to simply, easily afford and $15 billion of additional spending for the Homeland Security agency in the area of first responder activity.

I suggest, at the beginning, that type of logic could lead to basically there being no end of spending on all sorts of programs. If we are going to use the example of a dollar, if we want to keep our service people properly equipped and properly armed and properly taken care of when they are in a field of battle, when they are engaged with an enemy on a daily basis, if we are going to use that number as the number which defines what we should spend, whether it is fire departments in New Hampshire or education departments in Connecticut or libraries in Michigan or colleges in West Virginia.

We have committed significant resources in this bill. We have moved more than $600 billion from various accounts into border security, specifically writing more money in the border in the sense of adding more Border Patrol personnel, giving those Border Patrol personnel the capital structure they need to support themselves, physical infrastructure, adding more detention beds, focusing on upgrading our computer and IT systems relative to entry-exit activity, especially the US-VISIT Program. That is because that is a huge threat.

Those are the two huge priority threats on which we focused.

The issue of first responders is a priority for us as a nation, but is it the No. 1 item that should be focused on in this bill? No. Is it Homeland Security’s first line of activity? Quite honestly, it is not, but the first lines of activity are the ones for which Federal Government is primarily responsible, such as airline safety, border safety, making sure we are ready to deal with weapons of mass destruction. That is why we mention those issues. But in the specific area of first responder accounts, this proposal, which would up the funding in first responders by $16 billion and the proposal of the Senator from Michigan which would increase the funding for first responders by $5 billion in total, would create a new line item in first responders of $5 billion for communications assistance, truly is a misallocation of resources.

Even if we could afford it, we would not want to put that money into those accounts at that level. Why? Because these groups involved in developing first responder capability are not capable of spending that amount of money. How do we know that? Because we have $7 billion—$3 billion from the year 2004 through the process of Chertoff sitting in Washington, in the Federal Treasury, which has not gone out yet for first responder funding activity.
First off, the theory behind this, that we can spend another $21 billion because we are spending $30 billion in Iraq is—I think that theory totally disconnects.

Secondly, the concept that this may be paid for name that by repealing the budget point on permanent extension of tax cuts is purely incorrect because there were no permanent extensions in the budget.

Thirdly, if we are going to spend money, then it will not be paid for. When you have a plan for how you are going to spend this money, if you just send it back to the States and to the communities without a plan which they have to follow, you are going to be doing is revenue sharing. It is going to end up being a plus-up for local agencies. Some will buy new cruisers or buy bomb dogs or just buy dogs, and they will buy whatever they want to buy without any plan or organization.

The $1 billion still is in the Treasury instead of out there on the streets helping out the fire, police, and local agencies that is the assessment plans, which are critical to the effort of getting in place a thoughtful approach to first responder funding and how they use these dollars, have not yet been completed. States are still working on assessment plans so they can come forward with these plans, and then the money will go out, and it will be spent in an orderly way instead of a haphazard way.

We do not want to get back into the situation we had in the 1970s, where essentially we were sending out hundreds of millions of dollars—not billions of dollars as we are today—to various groups across the country in the name of better law enforcement. A great deal of it ended up buying equipment and items that turned out to be not only not productive but counterproductive and interoperability communications was bought with that money when there was no plan overlying the LEA money to require interoperability. So the police department would get a grant for $20,000, $30,000 and go out and buy their system of communications, and then the fire department in the same town would get their $20,000 or $30,000, and they would go out and buy theirs, and neither could talk to each other because there was no plan.

The whole concept behind the assessment approach is so we can have a plan so that the civil defense centers in the States—fire in the States, police in the States, first responder health care communities in the States—are all coordinated and the money goes out in a coordinated way, that when it is completed, we actually have a situation where, if there is an incident and these folks who are so committed to making their communities stronger and better have their hands on a focused and coordinated way pursuant to a plan which has been funded and focused in a coordinated way.

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Secondly, the concept that this may be paid for name that by repealing the budget point on permanent extension of tax cuts is purely incorrect because there were no permanent extensions in the budget.

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First off, the theory behind this, that we can spend another $21 billion because we are spending $30 billion in Iraq is—I think that theory totally disconnects.

Secondly, the concept that this may be paid for name that by repealing the budget point on permanent extension of tax cuts is purely incorrect because there were no permanent extensions in the budget.

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The underlying point needs to be made that we are not doing enough in the areas where we are terribly vulnerable. I will state how we are spending this money and lay it out. First, we are spending actually less this year than we have in the previous 2 years. In the Office of State and Local Government Coordination and Preparedness, which covers port security, truck security, rail security, training, technical assistance and development, we are going to spend just under $2.7 billion. Last year, it was over $4 billion. The numbers are coming down, and yet almost everyone now knows in this country that our ports across the Nation are entirely vulnerable.

Less than 5 percent of containers have any screening done on them. Our rail and freight systems are virtually wide open. Stories get written every single day about the vulnerabilities that exist. We take the bulk of the funding proposed by this amendment—indeed, of this Nation—and put it into these critical areas.

Again, I know it is a lot of money, but let another attack occur in this country, as I believe it will, and then look back and say: I wonder if we might have been more prepared in those little monsoon areas where we were vulnerable to prevent the attack, or I wonder whether or not the Senator from Connecticut was asking for too much. I merely cited Iraq and Afghanistan to give a sense of proportionality. I have strongly supported the resources that ensure our troops receive the adequate funding they need.

And by the way, in certain areas like equipment, they are not even getting what they ought to be getting. I make the point that there we are spending roughly $15 billion every 3 months. This amendment costs roughly the same amount over a full year. I have a pretty good sense, after all the numbers are in, as to what is going to happen with this amendment. It is probably going to fail. But I want the American public to know there are those of us who believe that if one has the will, one can find a way to do this. Whether one likes my proposed offset or not, if one believes that we ought to be doing more to make our ports, our rail systems, our truck security, and other infrastructure far better prepared than they are today, then they ought to support this amendment.

If we are doing enough already, then vote against it. I believe we are not doing enough, and I think many people in this country believe that as well. That is why I offer this amendment.

In conclusion, I would like to add a summary of the conclusions and recommendations of the Rudman report. The full report is some 70 or 80 pages and that is too long to include in the Record. It is available to Members who would like to have a full copy of it. This is approximately 12 pages. I ask unanimous consent that the conclusions and recommendations of the Rudman Report on Homeland Security be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

**REPORT PREPARED BY THE COUNCIL ON FOREIGN RELATIONS—CONCLUSIONS AND RECOMMENDATIONS**

1. DEFINE AND PROVIDE FOR MINIMUM ESSENTIAL CAPABILITIES

   The Task Force found that there is no systematic national standard that defines the essential minimums for emergency responders that every jurisdiction of a given population size should possess or be able to access. Because of this, there are currently no systematic, and consistent, frameworks, principles or measures against which the degree and quality of preparedness can be tracked nationwide. Current efforts to develop such standards are inconsistent and dispersed among various government agencies and nongovernmental organizations. Additionally, existing standards for minimum capabilities for emergency responders are a patchwork with many missing pieces that lacks systematic integration, are insufficiently address challenges including that of catastrophic terrorism involving WMD—and are not harmonized across the many types of emergency responders. While existing standards provide a useful starting point, they do not constitute "national standards for national security response training and preparedness," as called for in the National Strategy for Homeland Security. (A selection from this document is included in Appendix B.) At the end of five years of federal funding, therefore, some metropolitan areas lack fundamental emergency responder capabilities.

   Congress should require DHS and HHS to work with other federal agencies, state and local emergency responders and officials, and standard-setting bodies from the emergency responder community to establish clearly defined standards and guidelines for federal, state, and local government emergency preparedness and response in such areas as training, interoperable communication systems, and response equipment. These standards must be sufficiently flexible to allow official local officials to set priorities based on their needs, provided that they reach nationally determined preparedness levels within a timeframe. These standards must be measurable and subject to federal audit.

   Congress should require that the FY04 budget request for HHS be accompanied by a minimum essential emergency responder capability standard of WMD—and terrorism-related disaster equipment and training for 100,000 people in a metropolitan region, and by separate standards for rural areas. Each recipient state and metropolitan area should then be required to submit a plan detailing how it intends to achieve this standard, to incorporate it into all appropriate training programs, and to regularly test its effectiveness.

   National performance standards could be implemented through an incentive grant system making federal funding conditional and available to those localities that adopt federally approved standards of preparedness.

2. DEVELOP REQUIREMENTS METHODOLOGY

   National capability standards for levels of preparedness must drive an emergency preparedness system. The process must evolve into one similar to that currently used by the U.S. military. Threats must be identified, capabilities for addressing them defined and measured through metrics, and then the incremental costs of achieving them budgeted. Congress should accompany all authorizations for emergency preparedness across the United States. This report should indicate the levels of federal, state, and local expenditures for emergency preparedness, evaluate how effectively that funding is being used, and assess the status of preparedness in each state based on national preparedness standards.

   Congress should require that DHS and HHS submit a coordinated plan for meeting national preparedness standards by the end of FY07.

   Congress should require that DHS and HHS report annually on the status of emergency preparedness across the United States. This report should indicate the levels of federal, state, and local expenditures for emergency preparedness, evaluate how effectively that funding is being used, and assess the status of preparedness in each state based on national preparedness standards.

3. ACQUIRE NECESSARY BURDEN-SHARING

   The Task Force found that there were no accepted national guidelines for determining the nature of burden-sharing between the federal government and state and local jurisdictions. Broad jurisdictional and political considerations should maintain primary responsibility for funding normal levels of public health and safety readiness. The Task Force found that the federal government should be responsible for providing the funds necessary to cover the incremental costs of achieving essential standards in responding to the additional national security threat posed by terrorism. In some outlying and rural areas, federal funds may be required to enhance state and local emergency responder infrastructure that has been starved of resources if the deterioration of capabilities is such that it poses a threat to national security and state and local resources are not reasonably sufficient for addressing this shortfall.

4. GUARANTEE SUSTAINED MULTYEAR FUNDING

   The Task Force found that many state and local governments are unwilling or unable to accept federal funding for programs that will generate long-term cost savings and that lack systematic integration, are insufficiently address challenges including that of catastrophic terrorism involving WMD—and are not harmonized across the many types of emergency responders. While existing standards provide a useful starting point, they do not constitute "national standards for national security response training and preparedness," as called for in the National Strategy for Homeland Security. (A selection from this document is included in Appendix B.) At the end of five years of federal funding, therefore, some metropolitan areas lack fundamental emergency responder capabilities.

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receives $10.00 per capita from DHS for emergency preparedness while New York State receives only $1.40 per capita. While this approach may have political appeal, it unnecessarily diverts resources from areas of highest priority. In addition, decision by state officials regarding the allocation of funds in their states have not sufficiently taken into account unique challenges within the state.

Congress should establish a system for allocating scarce resources based less on dividing up funds based on addressing identified threats and vulnerabilities. To do this, the federal government should consider such factors as population, population density, vulnerability, and percent of critical infrastructure within each state. State governments should be required to use the same criteria for distributing funds within their state.

Congress should also require each state receiving federal emergency preparedness funds to develop an analysis based on the same criteria to justify the distribution of funds in that state.

6. RATIONALIZE CONGRESSIONAL OVERSIGHT

The Task Force found that the proliferation of subcommittees in Congress makes it hard to devise a coherent homeland security policy and a focused homeland defense system. Congress needs to have a lead committee, or an efficient joint committee, to shape overall policy. Otherwise, the system is likely to be fragmented and plagued with pork.

The U.S. House of Representatives should transform the House Select Committee on Homeland Security into a standing committee and give it a formal, leading role in the authorization of all emergency responder expenditures in order to streamline the federal budgetary process.

The U.S. Senate should consolidate emergency preparedness and response oversight into the Senate Government Affairs Committee.

7. ACCELERATE DELIVERY OF ASSISTANCE

The Task Force found that many metropolitan areas and states had actually received and spent only a small portion of the funds for emergency responders that have been appropriated by Congress since September 11. The current inflexible structure of homeland security funding, along with shifting requirements and large amounts of paperwork, places unnecessary burdens on state and local governments as they attempt to provide badly needed funds to emergency responders. While a balance of amounts should be maintained between the need for the rapid allocation of emergency preparedness funds and the maintenance of appropriate oversight to ensure that such funds are well spent, the current constraint is too great to allow for business as usual. According to the National Emergency Managers Association, “appropriation cycles have been erratic causing extreme burdens on state and local governments to continue preparedness activities when there is no federal funding, and they have to spend several years of past federal funds and millions of dollars at one time.” (N.E.M.A., State Spending and Homeland Security Funds, April 2, 2003) As a first step toward addressing this problem, Congress instructed the DHS Office of Domestic Preparedness to consolidate and codify emergency preparedness appropriations measure (P.L. 108-7) to distribute grant funds to states within 60 days of the enactment of the bill and required states to distribute federal funds to localities within 45 days of receipt.

Congress should ensure that all future appropriations bills funding emergency responders distribute these funds in a timely manner. Congress should also consider developing uniform distribution timeframes as exemplified by the FY03 consolidated appropriations measure.

Congress should require states to submit data regarding the speed of distribution of the federal funds for emergency responders appropriated to states.

DHS should move the Office of Domestic Preparedness from the Bureau of Border and Transportation Security to the Office of State and Local Coordination in order to consolidate oversight of grants to emergency responders within the Office of the Secretary.

States should develop a prioritized list of requirements in order to ensure that federal funding is allocated to achieve the best return on investments.

Congress should require DHS to work with other federal agencies to streamline homeland security grant programs in a way that reduces unnecessary duplication and establishes coordinating “one-stop shopping” for state and local authorities seeking grant funds. Efforts to streamline the grants process should not, however, be used as a justification for eliminating existing block grant programs that support day-to-day operations of emergency responder entities. In many cases, such grants must be expanded.

Congress should appropriate funds to allow for the establishment of a national interagency committee to eliminate duplication in homeland security grants requirements and simplify the application process for federal grants.

9. DISSEMINATE BEST PRACTICES

Although emergency responders have consistently identified as a high priority the need to systematically share best practices and lessons learned, the Task Force found insufficient national coordination of efforts to systematically capture and disseminate best practices among emergency responders. While various federal agencies, professional associations, and educational institutions have begun initiatives to develop and promulgate best practices, these efforts are generally narrow and unsystematic and have not sufficiently reached potential beneficiaries. Such information-sharing could be one of the most effective ways to extract the greatest amount of preparedness from a finite resource pool. Once centralized and catalogued, such data will allow emergency responders to learn from past experiences and improve the quality of their efforts, thereby assuring taxpayers the maximum return on their investment. Furthermore, access to this resource will provide the analytical foundation for future decisions regarding priorities, planning, training, and equipment.

Congress should establish within DHS a National Institute for Best Practices in Emergency Preparedness to work with state and local governments, emergency preparedness professional associations, and other partners to establish and promote a universal best practices/lessons learned knowledge base. The National Institute should establish a website for emergency preparedness information and should coordinate closely with the DHS to ensure that practices for responding to biological attacks are sufficiently incorporated into the knowledge base.

20. ENHANCE COORDINATION AND PLANNING

The Task Force found that although effective coordination and planning are among the most important elements of preparedness, jurisdictions across the country are not consistently coordinating response disciplines within their jurisdictional lines in order to coordinate their efforts with neighboring communities. Although Title VI of the Stafford Act (P.L. 106-390) authorizes the Director of FEMA to coordinate federal and state emergency preparedness plans, states have not sufficiently coordinated to ensure that all levels of coordination and planning in the event of state and federal and local jurisdictions. In addition, because many law enforcement and fire agencies lack the resources to develop and maintain critical emergency management capabilities, these activities should be done to encourage and facilitate mutual aid and other cross-jurisdictional agreements that pool resources, minimize costs, and enhance national preparedness.

DHS should require that all states and territories submit statewide mutual assistance plans, including cross-border plans for all cities and counties adjoining state or territorial borders. Reference to such plans should be included in all homeland security grant applications for federal funding. Wherever possible, grants should be structured to reward the pooling of assets across jurisdictional lines.

Congress should develop a comprehensive national program for exercises that coordinates exercise activities involving federal agencies, state and local governments, and representatives from private sector entities including hospitals, the media, telecommunications providers, and others. These exercises should prepare emergency responders for a wide variety of types of hazardous threats and events with a specific focus on WMD detection and response. When necessary, funds should be provided to ensure that exercises do not interfere with the day-to-day activities of emergency responders.

Congress should work with DHS to expand the capacity of existing training facilities involved in the National Domestic Preparedness Consortium and to identify any new training facilities for emergency responders that may be required.

Mr. DODD. Again, I have great respect for my colleague from New Hampshire. He has a very difficult job, and there are constraints, but I also have been around long enough to know that we have a way of getting around those constraints and doing what needs to be done. We have certainly done that in Iraq. We have done it in Afghanistan. I believe we ought to do it at home as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.
The PRESIDING OFFICER (Mr. Chafee.) The Senator from Arizona.

Mr. MCCAIN. Mr. President, I send a consent that the Senator from Delaware, Mr. Biden, be listed as a cosponsor of the Rail Security Act.

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The amendment is as follows:

(Purpose: To specify how certain vehicles are to be deployed to enhance border security)

On page 61, line 26, insert “which may be deployed between ports of entry along the southwestern border of the United States, taking into consideration the unique security risks in the area and the need for constant surveillance of such border,” after “unmanned aerial vehicles.”

Mr. MCCAiN. Mr. President, despite the worthy efforts that have been made to secure our homeland, much remains to be done. I, for one, do not believe we can ever expect to fully secure our Nation until we enact comprehensive immigration reform that includes strong and effective enforcement elements. We cannot accomplish that in this pending bill, but in the meantime we can still take additional measures to better secure our border.

I commend the chairman, subcommittee chairman, and the ranking members for putting forward an appropriations bill that includes a number of sound border security funding provisions. One area I would like to see strengthened, as is proposed by this amendment, is to ensure we are more fully monitoring the southwestern border where most of the illegal crossing and needless deaths occur annually.

Let me cite a few of the more alarming statistics about what is going on in the southwestern border region. Over 300,000 were died in the Arizona desert last year trying to cross the border. About 200 of those deaths occurred in the Arizona desert. The Border Patrol is currently apprehending approximately 1,300 undocumented immigrants a day in Arizona. This number is expected to rise. As documented, 3,000 illegal immigrants enter the United States illegally from Mexico every single day. Last year, 11 million illegal immigrants were caught by the Border Patrol and more than half of those were in the State of Arizona. The Border Patrol releases more than 90 percent of the people they catch through voluntary repatriation, because the system is simply overwhelmed.

I want to repeat that, Mr. President. Anybody who has visited our border has seen just how the system is simply overwhelmed.

The PRESIDING OFFICER (Mr. Chafee.) The Senator from Delaware, Mr. Biden, be listed as a cosponsor of the Rail Security Act.

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I want to repeat that, Mr. President. Anybody who has visited our border has seen just how the system is simply overwhelmed.
We have our work cut out for us. We need more manpower and better focused technology. This legislation provides some needed funding for both, but I hope by the time it passes the Senate that we redirect some of the $31.8 billion in the bill to allow us to fulfill a commitment I made just 7 months ago as part of the intelligence reform legislation. In that law we authorize for the coming year 2,000 more Border Patrol agents, twice as many as would be provided for in the underlying bill, and $367,552,000 more than provided for in the bill before us. I filed amendments to fulfill these authorized levels and would like to work with the bill managers to address these important security issues.

Another area of particular concern along the southwestern border, particularly to Arizonans, since our State is now the leading gateway to illegal entry, is the Federal Government’s use of technologies that are already available to help ensure our security today. Manpower alone is not the answer when we are dealing with a 6,000-mile border area. The February grounding of the unmanned aerial vehicles, UAVs, in southern Arizona sent the absolute wrong message to those seeking to illegally enter our country. They are a helpful and needed deterrent to illegal entry and have been very useful in helping to monitor and better secure our southern border. Halting this program arbitrarily and needlessly jeopardizes our citizens and Nation.

The temperature today on the border between Arizona and Mexico is probably, in the middle of the day, 120 degrees. It is a harsh, hard life for Border Patrol people, and there is no way we can patrol these hundreds of miles of border simply with ground vehicles. UAVs have proved extremely effective in Afghanistan, Iraq, and other places in the world. Clearly it would have tremendous deterrent value in letting what is happening along our borders, not only to prevent illegal crossings but also, once those crossings are made, to track them, that we redirect some of the $31.8 billion in this bill to allow us to fulfill a commitment we made just 7 months ago as part of the intelligence reform legislation.

Mr. President, a dangerous state of lawlessness exists along the southern border, and it is increasingly volatile. The Federal Government’s inability to stem the illegal traffic flowing across the border has shifted substantial financial and social burdens to residents of the border region. Recent action by minute along the Arizona border provided the Nation with an image of the frustration felt by many Americans. Border States are suffering from the immediate and downstream problems associated with illegal immigration. Our hospitals are burdened with enormous uncompensated costs, and so are our State and local law enforcement agencies. We simply need more manpower to protect the border in the near term. While I strongly believe that once we fix our broken immigration system, we will see the day that some of our border resources can be shifted to other priorities, until then Congress must have the will to take action needed to reform our broken immigration system. We need to have a robust Border Patrol force hired, trained, and on the job.

While providing solid resources to state and local officials to ensure the readiness of our first responders is imperative, the men and women serving in the Border Patrol are literally on the front lines in the fight to help keep the terrorists out of our country. CIA Director Porter has said that more and more people from “countries of interest” are looking at our southwestern border as a possible point of entry into the important border security funding provisions. Clearly, they do not have an easy job. And I know they have worked to fund critical homeland security needs.

One area that I strongly believe should be strengthened, however, concerns the number of Border Patrol agents as they play one of the most critical roles in securing our homeland. To help my colleagues to understand the great need for these agents, let me cite just a few of the more alarming statistics about what is going on in the southwestern border region. Over 300 people died last year; an estimated 3,000 people enter the United States from Mexico every day. A few weeks ago, 79 people were found in a Phoenix alley crammed into a commercial horse trailer. The heat was over 100 degrees, and they had been there for several days. Of the 79, 11 were children, 4 of whom died from dehydration. At the beginning of the summer, when the temperature in the desert rose unexpectedly, 12 people died crossing into Arizona in 1 weekend.

Mr. President, we have our work cut out for us. We need more manpower and better focused technology. This legislation provides some needed funding for both. But I hope that by the time it passes the Senate, we redirect some of the $31.8 billion in this bill to allow us to fulfill a commitment we made just 7 months ago as part of the intelligence reform legislation.

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So what’s the answer? While some say more legal immigration is needed, others want the borders effectively closed. Both sides seem to agree that giving illegal immigrants a free pass is no solution at all.

From another article, “Loophole to America”:
In the silvery-blue light of dusk, 20 Brazilians glided across the Rio Grande in rubber rafts propelled by Mexican smugglers who leaned forward and breast-stroked through the gentle current.

Once on the Mexican side, the Brazilians scrambled ashore and started looking for the Border Patrol. Their quick and well-rehearsed surrender was part of a growing trend that is demoralizing the Border Patrol and becoming a rising number of illegal immigrants from countries beyond Mexico.

“We used to chase them; now they’re chasing us,” Border Patrol Agent Gus Balderas said as he frisked the Brazilians and collected their passports late last month.

What happened next explains the odd reversal.

The group was detained overnight and given a court summons that allowed them to return to the United States for an immigration hearing. Then a Border Patrol agent drove them to the McAllen bus station, where they continued their journey into America.

The formal term for the court summons is a “notice to appear.” Border Patrol agents have another name for it. They call it a “no-show rate.”

Of the 8,908 notices to appear that the immigration court in nearby Harlingen issued last year to non-Mexicans, 83.7 percent failed to show up for their hearings, according to statistics compiled by the Justice Department’s Executive Office of Immigration Review.

This is a no-show rate that is simply unacceptable.

The problem is that U.S. immigration authorities are short on detention space. They can send Mexicans back across the border in hours. But international law prohibits them from sending non-Mexicans to Mexico. Instead, they must arrange travel documents and flights directly to the immigrants’ country of origin. The process, which the U.S. government pays for, takes weeks or even months.

The result is an unintended avenue of entry to a rapidly growing class of illegal immigrants from Central and South America who now see the Border Patrol more as a welcome wagon than a barrier.

All is one example of what’s known in the “seamless web of enforcement” that immigration authorities vowed to establish along the U.S.-Mexico border during the 1990s, when they spent billions of dollars on strategically placed lights, sensors, roads, fences and agents. It also helps explain why the nation’s illegal immigrant population has grown to record levels despite the buildup.

The morning after Agent Balderas encountered the 20 Brazilians, another Border Patrol agent drove them to the bus station where they headed toward their destinations. They were armed with notices to appear that carried them safely past Border Patrol checkpoints.

Two days later, Gracie De Oliveira-Silva and three companions from Brazil were working for her relatives’ housecleaning business in Atlanta.

It is a world turned upside down for the Border Patrol, especially here in South Texas. In 1989, there were 6,000 agents. Now there are 18,000. In 1989, there were 3,300 agents. Now there are 18,000.

Now smugglers operate with impunity. After their loads of immigrants splash...
ashore, the smugglers slip back across the river. As word of this border loophole filters back to Central and South America, the volume of people coming in will likely to grow, according to Border Patrol agents. A Guatemalan arrested late last month in the McAllen sector who gave his name as Hugo said that when word gets back home, "anyone who has a little money will be coming." 

Mr. President, I ask unanimous consent that both articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From FoxNews.com, July 11, 2005]

OTHER THAN MEXICAN? WELCOME TO AMERICA

LA MARCA DE LA MIGRACIÓN: OTM'S

—By Jerry Kammer

MCALLEN, TX.—In the silvery-blue light of dusk, 20 Brazilians glided across the Rio Grande in rubber rafts propelled by Mexican smugglers who leaned forward and breast-stroked the current

Once on the U.S. side, the Brazilians scrambled ashore and started looking for the Border Patrol. Their quick and well-rehearsed surrender was part of a growing trend that is demoralizing the Border Patrol and beckoning a rising number of illegal immigrants to try to enter the United States.

"We used to chase them; now they're chasing us," Border Patrol Agent Gus Balderas said as he frisked the Brazilians and collected their identification cards at the Rio Grande City station, where they continued their journey into America.

The formal term for the court summons is a "notice to appear." Border Patrol agents have another name for it. They call it a "notice to disappear." Of the 8,908 notices to appear that the immigration court in nearby Harlingen issued last year to non-Mexicans, 8,767 failed to show up for their hearings, according to statistics compiled by the Justice Department's Executive Office for U.S. Attorneys.

That is a no-show rate of 98 percent.

The problem is that U.S. immigration authorities are short on detention space. They can send an immigrant to detention only if that individual can be processed within hours. But international law prohibits them from sending non-Mexicans to Mexico. Instead, they must arrange travel to the immigration hearing, the court proceedings in the immigrant's country of origin. The process, which the U.S. government pays for, takes weeks or even months.

The result is an unintended avenue of entry for a rapidly growing class of illegal immigrants from Central and South America who now see the Border Patrol more as a welcome stop than a policing presence.

It is one example of the tears in the system—"a seamless web of enforcement" that immigration authorities vowed to establish along the U.S.-Mexico border during the 1990s, when they spent billions of dollars on strategically placed lights, sensors, roads, fences and agents.

It also helps explain why the nation's illegal immigrant population has grown to record levels despite the buildup. 

The vulnerability of a porous border is a security problem, and we always have to be concerned that the real bad guys will exploit those vulnerabilities," said Frank Sharry, executive director of the National Immigration Forum. (to the sending countries) instantaneously. Statistics aren't the only evidence. Interviews with immigrants caught sneaking across the border recently suggest the problem will only increase as Central and South Americans learn of the unintended opportunity.

"We thought they were going to deport us," said Cecy Milady Canales Alvarez, a 22-year-old Honduran recruited by the Border Patrol in the McAllen sector. She said a cousin in Atlanta had encouraged her to make the trip. So she quit her $50-a-week law sewing job and panned across the Rio Grande to the United States and crossed the border. A Guatemalan arrested late last month in the McAllen sector who gave his name as Hugo said that when news got back home, "anyone who has a little money will be coming."

In his office on Capitol Hill, Rep. Silvestre Reyes, D-Texas, fumed at the news from South Texas and called for emergency measures similar to those he adopted in 1989, when he was the Border Patrol's agent in charge of the McAllen sector.

"We need somebody with a stiff spine who can make a decision and say, 'We're going to depopulate this temporary facility,'" Reyes said. "We need to send a message that anybody who crosses that border illegally is going to be detained. That message gets back (to the surrounding countries) very quickly."

Sixteen years ago, Reyes faced a rush of immigrants fleeing the violence of Central American civil wars. Most of their asylum claims were rejected, and only after the migrants had moved far away, armed with notices to appear in court.

"They were coming across and flagging my down," Reyes said. "It was destroying their morale."

He got permission from the commissioner of the old Immigration and Naturalization Service to establish a city with several thousand beds for detained immigrants. That measure, coupled with an increase in the number of agents at key border crossing points, shut off the flow, Reyes said.

But the current director of immigration detention and removal operations in South Texas wants nothing to do with such emergency measures.

"Anytime you have temporary facilities, you have a degradation of services, you have a degradation of conditions," said Mark Mooney, who administers 1,700 detention spaces.

Reyes reacted angrily to Moore's remarks. While a temporary facility would be expensive and might not be as permanent as he would like, Reyes said, "All these things are worth it given the alternative of the permiso syndrome."

Central and South Americans call the notice to appear their "permiso." In Spanish means permission slip. About 19,450 immigration detention beds are available nationwide under funding levels established by Congress. Although that is twice the number of beds Congress funded a decade ago, it is far less than the number needed.

With the shortage of beds, immigration authorities must choose between using a bed to house an immigrant with a criminal record in the United States or one who has come across the border without a criminal record. It's an easy choice. They release the immigrant with "permit" detention.

Many Border Patrol agents express frustration over the dilemma. They also worry that the high volume of non-Mexicans is taking up much of their time and might be making it easier for potential terrorists to slip past. Some said they spend much of their 10-hour shift processing non-Mexicans.

A Guatemalan arrested late last month in the McAllen sector who gave his name as Hugo said that when news got back home, "anyone who has a little money will be coming."
only seven agents were patrolling the 84 miles of river under their watch. Agent Isidro Noyola, who that night de-
tained illegal immigrants from Brazil and Honduras, said, “Our fear is that when we are
processing and not patrolling the border, somebody else is going to be coming
through.”

The agent expressed astonishment at the cheekiness of some of the migrants. “They come up to you and say, ‘I want my
permisso,”’ Agent Larry Alvarez said. “They want us to hurry up and get them out of here.”

Others with the Border Patrol complained that they are being reduced to little more than road agents in uniforms.

In particular, the growth in the number of Brazilians taking advantage of the loophole has been spectacular, largely because of that
country’s poor economic conditions. In 1999, the Border Patrol detained 260 Brazilians
along the Mexican border. Five years later, the number had grown to 1,241. But over the past eight months, it has soared to some
22,000.

The number of Brazilians floating north over the Rio Grande might continue to in-
crease; it is the theme of a popular soap opera in Brazil whose central character is smuggled
across the Mexican border and finds work as an

Since its first episode aired in March, “America” has become Brazil’s most popular
telenovela. In a country of 178 million, it has an audience of some 60 million.

Mr. McCAIN. I am not sure this
amendment will solve that problem, but
I do believe a clear case is made for
more detention beds. The underlying
bill adds 2,240 new detention beds for
fiscal year 2006. The amendment I am
offering today further increases the
number of detention beds by 5,760 beds,
bringing the number of new beds to the
level we authorized 7 months ago in the
Intelligence Reform and Terrorism

Lest there be any mistake made about my authorizing on an appropri-
tions bill, this is authorized by the In-
elligence Reform and Terrorism Pre-
vention Act, as is the previous amend-
ment.

I look forward to working with the managers on both of these
amendments. I am grateful the first
amendment I proposed has been agreed
to.

I yield the floor.

The PRESIDING OFFICER. The Senator
from New York.

Mr. SCHUMER. Mr. President, I ask
unanimous consent the pending amend-
ment be laid aside.

The PRESIDING OFFICER. Without
objection, it is so ordered.

AMENDMENT NO. 1183 WITHDRAWN

Mr. SCHUMER. Mr. President, I ask
that amendment 1183 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:
The Senator from New York (Mr. SCHU-
MER) proposes an amendment numbered 1183.

Mr. SCHUMER. Mr. President, I ask
unanimous consent the reading of the
amendment be dispensed with.

The PRESIDING OFFICER. Without
objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding to
counter man portable air defense systems)

On page 91, line 23, insert before the period “Provided, further, that of the total funds
made available under this heading, not less than $140,000,000 shall be for activities
to demonstrate the viability, economic costs,
and effectiveness of adapting military tech-
tology to protect commercial aircraft
against the threat of man portable air defense
systems (MANPADS).

Mr. SCHUMER. I now ask that
amendment 1183 be withdrawn.

The PRESIDING OFFICER. Without
objection, it is so ordered.

The amendment (No. 1183) was with-
drawn.

AMENDMENT NO. 1184, AS MODIFIED

Mr. SCHUMER. Mr. President, I ask
that the pending amendment be set
aside.

The PRESIDING OFFICER. Without
objection, it is so ordered.

Mr. SCHUMER. I rise to call up
amendment 1184, as modified, and ask
for its immediate consideration.

The PRESIDING OFFICER. Without
objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New York (Mr. SCHU-
MER), for himself and Mrs. BOXER, proposes
an amendment numbered 1184.

Mr. SCHUMER. I ask unanimous con-
sent the reading of the amendment be
dispensed with.

The PRESIDING OFFICER. Without
objection, it is so ordered.

The amendment is as follows:

(Purpose: To encourage the Secretary of
Homeland Security to designate an agency
within the Department of Homeland Secu-
rity as having responsibility for counter-
measures for man portable air defense sys-
tems (MANPAD),

On page 100, between lines 11 and 12, insert the following:

Sect. 519. Upon completion of the Department of
Homeland Security’s operational testing of
man portable air defense system (MANPAD) countermeasure systems for
commercial aircraft, the Secretary of Home-
land Security is encouraged to designate an
agency within the Department of Homeland Secu-
rity as having responsibility for managing the
procurement and installation of such systems, and may use any
unobligated funds provided under title I to establish an office within the des-
ignated agency for that purpose.

Mr. SCHUMER. Mr. President, this
amendment is about something the Senator from California and I have long cared about, arming our planes with
Stinger missiles.

It is my understanding the managers of the bill have cleared the modified text. I ask unanimous consent the amend-
ment as modified be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amend-
ment.

The amendment (No. 1184), as modified, was agreed to.

AMENDMENT NO. 1189

Mr. SCHUMER. Mr. President, I rise
to call up amendment No. 1189.

The PRESIDING OFFICER. Without
objection, the pending amendment is set
aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New York (Mr. SCHU-
MER), for himself and Mr. LIEBERMAN, pro-
poses an amendment numbered 1189.

Mr. SCHUMER. I ask unanimous con-
sent the reading of the amendment be
dispensed with.

The PRESIDING OFFICER. Without
objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that certain air cargo
security programs are implemented, and
for other purposes)

On page 69, beginning on line 2, strike $4,452,318,000 and all that follows through
“and Terrorism Prevention Act of 2004 (Public
Law 108-9458; 118 Stat. 3728): Provided, fur-
ther, That of the amount made available under
this heading, not to exceed $100,000,000 shall
be available to carry out the improvements described in section 4052(b) of the In-

telligence Reform and Terrorism Prevention Act of 2004 (Public
Law 108-9458; 118 Stat. 3728): Provided further, That of the amount made available under
this heading, not to exceed $200,000,000 shall
be available to carry out the research and development described section 4052(c) of the Intelligence Reform
and Terrorism Prevention Act of 2004 (Public
Law 108-9458; 118 Stat. 3728): Provided further, That”.

Mr. SCHUMER. Mr. President, my
amendment addresses the issues of air
cargo security and how we need to be
doing much more to protect our Na-
tion’s skies. Right now, TSA security
procedures leave a staggering 95 per-
cent of cargo on passenger and all-
cargo flights unscreened. In addition, TSA security regulations are voluntary
and go unenforced.

My amendment provides a total of
$200 million for fiscal year 2006 to
improve air cargo security. We all know
not only are there planes that carry
cargo exclusively but most commercial
flights have cargo in the belly of their
plane.

I ask a rhetorical question: What
good does it do to make sure all of the
passengers onboard the plane are
screened so that there are no explo-
sives or any other weapons, yet allow
cargo that would ride in the belly of the
plane to not be screened 18 out of 20
times, thus keeping our cargo on that
plane, as well as the pilots and ev-
eryone else, at risk? The answer is ob-
vious. It makes no sense.

For all the money we have put into
passenger screening, we are leaving a
gaping hole alongside, and that is
cargo screening. While passenger
screening has, indeed, improved rather
significantly—anyone who goes to any
airport in this country knows that—
cargo security has not.

My amendment provides $200 million to
increase the existing air cargo security
measure and $100 million for a competi-
tive grant program to fund private re-
search and development into air cargo
screening. I have incorporated
Amendment 1189, which ensures that
the total amount provided for the
security program, including the
$100 million in grants, is $300 million.
security technology, and $2 million to fund a pilot program to evaluate the use of blast-resistant cargo containers in commercial and all-cargo aircraft.

Last year, I was proud to join our good friend, former Senator Hollings from South Carolina, in cosponsoring an amendment included in the Intelligence Reform and Terrorism Prevention Act and signed into law by the President, authorizing these exact funding levels, totaling almost $1 billion over 3 years to improve air cargo security.

My amendment would fully fund 1 year of the 3 years of authorization. This is the second step in something that this body has found very necessary: that is, adequately protecting us from terrorists who might put bombs, explosives, or whatever in air cargo. The potential threat from unchecked air cargo is just as serious, just as dangerous as a threat from an actual terrorist boarding a commercial flight.

It has been reported that TSA considers the likelihood of a terrorist bombing a passenger airplane to be between 35 and 65 percent. It is the likely primary aviation target for terrorists. An analysis done by the RAND Corporation on security measures at Los Angeles International Airport determined that a bomb smuggled onto a passenger plane by a passenger but undetected would pose the greatest threat relative to other types of attack. RAND determined it would be the most likely to succeed and, unfortunately, the most likely to kill the most people.

Twenty-six percent of all air cargo in the United States is not carried on cargo planes but rather on passenger flights, and only a tiny fraction of that is inspected. Even more cause for alarm is the fact that 46 percent of all international air cargo is carried on international cargo flights. The best way to protect against biological, chemical, or nuclear weapons being smuggled onto a flight is to ensure that as much cargo as possible is screened through advanced detection systems. However, TSA only screens 5 percent of the nearly 3 billion tons of cargo carried on commercial flights each year.

My amendment does three things. It gives $200 million to improve existing air cargo security measures, in addition to the $50 million already recommended by the committee for air cargo security activities.

Right now, TSA’s principal means for checking cargo are through known shipper programs, where so-called “trusted” shippers can avoid additional screening in exchange for following stricter security protocols. However, TSA does little to ensure that shippers are trustworthy and have adequate security measures in place. In addition, enrollment in a known shipper program is voluntary, with only a third of domestic shippers currently participating. Since the TSA screens such a small percentage of cargo, it is very likely something could be missed.

It is clear we need an additional line of defense. That is why I am proposing such a significant investment in new screening equipment and security infrastructure. The amendment will fund research into new cargo screening technology, including the use of x rays, CT scans, and chemical trace detection to speed up the screening process and allow more cargo to be screened more effectively.

Third, my amendment would fully fund a pilot program to evaluate the use of blast-resistant cargo containers, cargo baggage containers. You put the baggage in a container and even if, God forbid, it is found, it cannot detonate at the plane. The 9/11 Commission recommended every passenger aircraft have at least one hardened container in which questionable or suspicious cargo can be shipped to reduce or eliminate the risk to passengers in the case of an explosion.

I know there are many competing demands for Homeland Security funding, but we are not investing enough time, effort, and resources into air cargo security. This amendment will help address this critical area. I hope my colleagues will support the amendment.

AMENDMENT NO. 1190

Mr. SCHUMER. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I call up amendment number 1190.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate $70,000,000 to identify and track hazardous materials shipments)

On page 71, between lines 10 and 11, insert the following:

For necessary expenses of the Transportation Security Administration related to developing and implementing a system for identifying and tracking hazardous material shipments using global positioning system technology, $70,000,000.

Mr. SCHUMER. Mr. President, this amendment is about truck security and cargo security technology. This amendment will fund research into new ways to protect our highways and communities from the threat of truck bombs and stolen hazardous material.

Madrid was a wake-up call for us. And now London is a second wake-up call. Obviously, there is a lot of focus on rail. I support that focus and had my amendment which was going to add another $300 million to the $100 million already requested in rail security, but I opposed efforts with the Senator from Alabama, Mr. SHELBY, and the Senator from Maryland, Mr. SARBANES, and the Senator from Rhode Island, Mr. REED, and others to have one mass transit amendment which will have an end date. That amendment I was going to propose—and we will also have a colloquy—so that money can go to more things.

The MTA, in my area, the leading mass transit agency that runs New York City subways, the Long Island railroad, Metro-North, carrying millions of passengers every year—billions of passengers every year, and millions, I guess, every week—has said they cannot spend the money on what they need, such as explosive-detecting dogs, which is one of the ways to stop explosive. But that is rail security. As I said, that will come for another time in debate, I believe, tomorrow.

But what Madrid also teaches us and London also teaches us is that terrorists look for weak pressure points. If we strengthen air, they may look to rail. If we strengthen rail, they may look to trucks. If we strengthen trucks, they may look to our ports. So it is extremely important we have a multifaceted war on terror at home.

As you know, I support a strong war on terror abroad. And we are fighting a strong war on terror abroad, maybe too strong in the eyes of some. But we also have to have not only a good offense in the war on terror, we have to have a good defense. We have to look across the board. It has been a great concern of mine that we are not doing enough in various areas. I have tried to put my efforts into the areas where there is clearly a great danger compared toember effort. Truck security is one of those areas.

My amendment gives $70 million—not a large sum in this very large budget—to the Transportation Security Administration to develop and implement a system for identifying and tracking hazardous material shipments using global positioning system technology.

According to the 1997 Census of Interstate Commerce, 740,000 Hazmat shipments travel by truck each day in the United States. Approximately 50,000 trips are made daily by gasoline tankers, and many of them hold as much fuel as a Boeing 757. These trips often end with a late-night delivery to a deserted gas station.

Trucks also cross the country carrying potentially deadly chemicals, such as ammonium nitrate, chlorine, sulfuric acid. These types of chemicals could cause an even greater level of destruction because these chemicals can form clouds of...
deadly fumes which would affect individuals miles away from the site of a terrorist incident.

My amendment simply provides TSA with the financial resources to look into how we go about monitoring what has become a vulnerability within our existing plan to secure our country from terrorist threats.

Have we forgotten the initial attack on the World Trade Center in 1993 and the bombing of the Alfred P. Murrah Federal Building in Oklahoma City in 1995, both of which were the result of terrorist activities? The bombing of the Alfred P. Murrah Federal Building in Oklahoma City in 1995, both of which were the result of terrorist attacks on the World Trade Center in 1993 and the Oklahoma City bombing in 1995. The decisions we make today will have a longer way to go, but we have come a long way—we have done next to nothing to secure our country from the danger that can be caused by a truck filled with explosives, chemicals, or biological weapons.

Today, on their own, many of the largest trucking companies have GPS systems on their trucks, like many of the largest companies do. Frankly, they have put the GPS systems on to deal with theft as much as to deal with the threat from terrorism. The systems allow the companies to know where the trucks in the fleet are. If the truck moves off a route, the company knows. If a truck is stolen, the company knows.

I believe it is important the TSA take a similar approach and create a nationwide tracking system so that if a terrorist should steal or hijack a truck loaded with dangerous materials, we will find them quickly. It would be very similar to when a plane goes off track, we now know that. F-16s are scrambled. We have learned that here in the Capitol over the last year, twice. The same thing can be done with trucks, not very expensively.

My amendment provides TSA with the resources needed to monitor and secure our trucking infrastructure and to work with the trucking industry to develop a comprehensive truck-tracking program that would allow for the tracking of potentially dangerous materials. The amendment also would amend existing laws to make it a criminal offense to transport or attempt to transport hazardous materials in a manner that is not consistent with safety regulations. The amendment would provide the necessary funding to support the implementation of the program and would require the Secretary of Homeland Security to develop a plan for the implementation of the program.

Mr. President, I ask unanimous consent that the amendment be in order to request the yeas and nays on amendment No. 1171, Senator McCain’s amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. It is in order to request the yeas and nays on that amendment.

Mr. GREGG. Mr. President, I ask for the yeas and nays on amendment No. 1171.

The PRESIDING OFFICER. The PRESIDING OFFICER. The Senate is making it against 1189? Mr. GREGG. Yes, 1189.

The PRESIDING OFFICER. The Senate is making it against 1189? Mr. SCHUMER. Correct.

The PRESIDING OFFICER. The Senate is making it against 1189? Mr. SCHUMER. I believe I have sent that it be in order to request the yeas and nays.

The PRESIDING OFFICER. The Senate is making it against 1189? Mr. SCHUMER. Yes. The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I move to waive the Budget Act as applicable to 1189 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I make a budget point of order against amendment No. 1190 by the Senator from New York. It is the same point of order I just made against 1189.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I make a budget point of order against amendment No. 1190 by the Senator from New York. It is the same point of order I just made against 1189.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I would like to spend a few moments talking about an issue of great concern, and that is transit security. I know my colleagues are working as we speak. I will be working with them—the Senator from New Hampshire; the Senator from West Virginia; my colleague, Senator SHELBY from Alabama—to raise the amount of resources devoted to transit security. The sticking point at the moment is how much we can raise these funds. I have urged a significant increase because of the significant threat.
We were all shocked last Thursday when we became aware of the news that 52 innocent transit riders in London were killed and over 700 injured in a series of cowardly attacks in the heart of London on their transit system, both on their underground system and on their above-ground railways. The terrorist attack was reminiscent of other attacks across the globe.

Every workday, 14 million Americans take a train or a bus. To put that in perspective, that is roughly 28 times the population of the State of Wyoming. Each and every day these 14 million Americans get on a bus or take a metro subway to work and to other necessary locations. We also understand that our system in the United States is still vulnerable to those types of attacks.

Every workday, 14 million Americans take a train or a bus. To put that in perspective, that is roughly 28 times the population of the State of Wyoming. Each and every day these 14 million Americans get on a bus or take a metro subway to work and to other necessary locations. We also understand that our system in the United States is still vulnerable to those types of attacks.

Now, after September 11, when I was serving as chairman of the Subcommittee on Housing and Transportation, I held a hearing on the topic of transit security. At that time it was clear that we needed to do more than simply rely on the Federal Transit Administration, whose expertise is building systems, not essentially making them secure. Their efforts were commendable but limited. They were reviewing the security of the transit systems. They were trying to disseminate information. But they were not able to be because of their expertise as well as because of the resources needed to go in and start making significant capital improvements, substantial operational changes, doing all those things that are absolutely key to protecting our security systems, our transit systems.

After the hearing, Senator SARBANES and I asked the General Accounting Office to do a study on transit security. That report was completed in 2002. They found that one-third of all terrorist attacks throughout the world were directed against transit. Yet we have nowhere committed the resources necessary to confront this threat.

Typically, in the United States, transit systems are local systems. They depend upon riders’ fares, local and State subsidies, and all of these sources are highly constrained in terms of coming up with additional resources to protect the system. Because of these conclusions from the GAO report, from our hearings, Senator SARBANES and I have come to the floor on several occasions to argue for additional funding.

I have been pleased to work with many colleagues, particularly Senator SHELBY, chairman of the Banking Committee. Last year we were able to pass authorizing legislation in the Senate that would have created a threat-based transit security policy, along with authorizing $3.5 billion to help transit systems deter, detect and respond to terrorist attacks. While the Senate did not take action, regrettably it was not passed by the House, nor was it supported with the kind of energy and enthusiasm by the administration which is so critical to achieving the objective of improved transit security. We are here again today on this legislation in the wake of London, arguing for additional resources so that we can meet this threat to our transit systems.

There are some who might oppose these efforts. They might say it is too much money. Frankly, when you look at what has to be done—6,000 transit systems—when you look at the amount of training, the amount of capital equipment—just in terms of communications, for example—that is a huge number. And when you measure that with the threat—a third of all terrorist attacks over the last several decades have been directed at transit, and we have seen it in Madrid, in London, in Moscow, in Tokyo infanital group attempted to disperse a chemical agent in the tunnels—the threat is there; the resources are not.

Since 1992, the Federal Government adiply has invested $14 billion to con- struct transit systems, but we haven’t yet been able to commit ourselves to protecting those systems adequately. It has been estimated that roughly $6 million is necessary to provide the kind of protection that at least provides a minimal level of protection. These investments range from fencing to high-tech explosive detection systems, to communication upgrades. All of these could be put in place, enhancing significantly the security of our systems.

In the wake of London, in the wake of Madrid, in the wake of the transit attacks in Russia, I don’t think it is too much to ask to spend 12 cents per transit passenger, some amendments have been proposed, to provide the resources.

I also hope that we can continue to support these efforts, understanding that the primary responsibility is local. These systems are local or regional. The States and the localities have an obligation. But the reality is—and I don’t think I have to spend too much time saying this—that transit systems are already just scraping by in terms of keeping their ridership up, making sure fares are affordable, making sure that they can make improvements in their basic rolling stock and facilities. These additional resources for security properly could be supported by the Federal Government.

We also authorized and created a few years ago the Department of Homeland Security. It is the appropriations that are necessary for the Department to be passing today. With respect to that Department, there was an acknowledgment that the Federal Government was stepping up to the issue of protecting all of our vital infrastructure, including transit, that we do have an obligation. We have assumed that obligation with the creation of the Department of Homeland Security and other steps to protect all of our vital infrastructure. Indeed, our situation with respect to transit is one that cries out for additional resources.

The President just ordered, in the wake of London, our transit systems to go to alert level orange. The threat is...
there. I hope our efforts over today and tomorrow will not only recognize this threat but match it with commensurate resources so that we can begin to seriously protect our transit systems and our riders.

One point, too. Our transit systems—buses, subways—are integral parts of our economy. That is one reason why they are so attractive to terrorists. The attack in London was planned so that the bombs would go off right in the middle of the financial district, not only with the intent to cause the loss of life, the symbolic and psychological horror of such a dastardly act, but also to cripple the economy. If a successful attack is conducted against a transit system in a major city, it will not be measured just in terms of casualties but also in potentially huge economic losses. Our efforts today are not only sensible because of the threat, sensible because of the need to protect ourselves in areas where they are vulnerable, but to avoid the kind of economic chaos that could result from a successful attack against transit.

I hope in the next few hours we can come together with support for these efforts. I know Senators BYRD and GREGG and BYRD and thank them for this. I offer an amendment that would increase the funding of the Emergency Management Assistance Program by $10 million. I am joined on this amendment by Senators COLLINS and GREGG and BYRD and thank them for their diligence in coming to a consensus on this crucial legislation. The balance between enhanced security and responsible stewardship of the tax-payers' dollars is a fine one. I applaud their attention to both, and I support the legislation.

In an effort to increase the sound management of homeland security funds, an amendment that would increase the funding of the Emergency Management Performance Grant Program by $10 million. I am joined on this amendment by Senators COLLINS and LIEBERMAN, the chair and ranking members of the Homeland Security and Governmental Affairs Committee, as well as 17 other Senators. I thank them all for their support. I believe that re-directing funds to the EMPG Program, which has a proven track record, is both fiscally responsible and strategically sound.

The EMPG Program assists the emergency management agencies and programs of the States, the District of Columbia, U.S. Territories, and local and tribal governments to prepare for all hazards and disasters, both natural and manmade. The EMPG Program is the only source of Federal assistance that supports comprehensive emergency management, coordination, and planning.

Funding for this program is split 50/50 between the Federal and State governments. This unique and important program supports local and state efforts with the flexibility to allocate funds according to risk, which helps address their most urgent needs in disaster mitigation, preparedness, response and recovery. Most importantly, EMPG funds are also used to pay for personnel costs, including training and exercises. This aspect of the program is important given the tight budget constraints and increased counterterrorism responsibilities currently faced by State and local governments. States also have the flexibility to develop intrastate emergency management systems that encourage the building of partnerships which include government, business, volunteer, and community organizations.

As Governor of Ohio, I had first-hand experience with the EMPG Program and would note some examples that illustrate its effectiveness. Since 2002, Ohio has issued eight major disaster declarations and two emergency declarations. The 2005 winter storm was the most widespread disaster in Ohio's history, with 59 counties declared disaster areas with damage estimated at $290 million. EMPG funding has played a critical role in allowing Ohio State and local emergency management agencies to plan for these disasters, respond in a timely manner to those areas hit hardest, and pay for personnel costs, including training and exercises. This is one of the few funding streams that allow for brick and mortar type projects. At any given time there are several counties benefiting from the use of these dollars.

Ohio is not the only State that has benefited from the EMPG Program. For example, EMPG funds play a critical role in helping the State of Alabama develop its plans to respond to natural disasters, particularly hurricanes. EMPG grants have been used for contingency planning, including evacuation plans, debris removal plans, and plans for postdisaster distribution of critical aid to those affected by the storm.

The State of Kansas is struck by nearly 50 tornadoes each year. Without local government emergency management staff paid for by EMPG funding, there wouldn't be adequate coordination to help respond to those tornadoes in a timely manner.

York County, ME, has had 12 declared disasters in 12 years, including coastal flooding and severe ice storms. The York County Office of Emergency Management works with 29 towns on the full range of emergency management, including preparedness, response, recovery and mitigation. Without the help of EMPG funds they would have only one full-time person; with EMPG support they have three.

Additionally, during last year's devastating hurricane season, the EMPG Program proved its worth. The Emergency Management Assistance Compact, which is funded by the EMPG, enabled 38 States to provide $15 million worth of aid and over 800 personnel to support Florida and the other impacted States for over 85 days.

These are just a few examples of how EMPG funds are used to help State and local governments prepare for the worst situations. They demonstrate that EMPG funds are the backbone of Homeland Security, emergency management and disaster response in America.

Many of the people who have been involved in emergency management in the States have been impacted by the terrorist crisis we are facing in many States throughout the country. In Ohio, for example, they substantially cut back on the State funds for local and State government. Again, they are being asked to do the ordinary work that they are being asked to do in emergency management and, at the same time, take on added responsibilities to deal with the issue of responding to terrorists.

I will now address how EMPG funds have been spent relative to other grant programs. The Senator from New Hampshire has noted how billions of dollars of Department of Homeland Security grant money remains unspent by State and local government. However, according to the Department of Homeland Security, EMPG funds are spent rapidly compared to other programs. In other words, there may be a problem with some of these other funds getting through to the folks who need them, but in this particular case, these monies flow very rapidly. EMPG funds are spent rapidly compared to other programs. In other words, there may be a problem with some of these other funds getting through to the folks who need them, but in this particular case, these monies flow very rapidly. EMPG funds are spent rapidly compared to other programs. In other words, there may be a problem with some of these other funds getting through to the folks who need them, but in this particular case, these monies flow very rapidly.

In other words, if Congress appropriates extra EMPG funding, it will not go unused. Although both Congress and President Bush have recognized the importance of this program, it still faces a shortfall. The disaster relief fund is our Government's rainy day fund, and it is robust in comparison to other programs in this bill. Therefore, my amendment would take $10 million from the $2 billion增加 in disaster relief for the disaster relief fund. Increased EMPG funding will ensure strong management and planning prior to any disaster. In other words, when asked about the logic of taking $10 million out of the $2 billion account for the disaster relief fund, our arguments would be, as a result of this additional money, we can do a lot better job of preventing more of these disasters in the long run and make sure the dollars that are spent in the disaster relief fund are spent in the most efficient and effective way.

Increased EMPG funding will ensure strong management and planning prior to any disaster. In other words, when asked about the logic of taking $10 million out of the $2 billion account for the disaster relief fund, our arguments would be, as a result of this additional money, we can do a lot better job of preventing more of these disasters in the long run and make sure the dollars that are spent in the disaster relief fund are spent in the most efficient and effective way.
to any disaster. In other words, redirecting these funds will enhance the effectiveness of every disaster relief fund dollar directed toward response and recovery and ensure we get the biggest bang for the buck when it comes to Federal disaster relief funding.

Again, there are some other funds in the Homeland Security appropriations. It was our best judgment that going after the disaster relief fund was the most logical way to pay and add this $10 million to the EMPG program.

As I mentioned, this amendment is sponsored by both the chairman and ranking member of the Homeland Security and Governmental Affairs Committee which has the oversight responsibility for homeland security, as well as 17 other Senators, including Senator Grassley, chairman of the Finance Committee, which is significant.

In the wake of the prolonging for terrorist attacks in addition to natural disasters. The EMPG program is a proven method of doing this. It is my strong belief that by enhancing the EMPG funding, we increase the capacity of state and local emergency management agencies to get the job done when the needs of our citizens are the greatest.

Once again I applaud the efforts of Senator Gregg and Senator Byrd, and I ask my colleagues to support increased funding for the EMPG program.

Mr. President, I was going to ask for the yeas and nays, but the fact is, we are negotiating now with Senator Gregg’s staff and Senator Gregg and perhaps we can find some other language that might be more acceptable to them. I am not going to ask for the yeas and nays now. If we are unable to reach an agreement, I will ask for the yeas and nays at a later date. I yield the floor.

The PRESIDING OFFICER. If the Senator will withhold, does the Senator wish to request that the pending amendments be set aside so his amendment can be called up?

Mr. Voinovich. Yes, I do request that.

The PRESIDING OFFICER. Without objection, the amendment will be considered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. Voinovich] proposes an amendment numbered 1075.

The amendment is as follows:

(Purpose: To increase funds for emergency management performance grants, with an offset)

On page 92, line 12, strike “$180,000,000” and insert “$190,000,000”.

On page 95, line 17, strike “$2,000,000,000” and insert “$1,990,000,000”.

Mr. Voinovich. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded as follows:

The Senator from Ohio [Mr. Voinovich] proposes an amendment numbered 1218.

Mr. Reid. Under the authority of the agreement pending before the Senate, I send an amendment to the desk on behalf of Senator Byrd.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. Reid], for Mr. Byrd, proposes an amendment numbered 1218.

Mr. Reid. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for intercity passenger rail transportation, freight rail, and mass transit)

On page 77, line 13, strike “$2,694,300,000” and insert “$4,025,300,000”.

On page 78, line 13, strike “$365,000,000” and insert “$1,696,000,000”.

On page 79, lines 1 through 4 and insert the following:

(D) $255,000,000 shall be for intercity passenger rail transportation (as defined in section 2402 of title 49, United States Code) and freight rail and $1,166,000,000 for transit security grants; and

Mr. Reed. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. Gregg. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. Gregg. Mr. President, I ask unanimous consent the Senate stand in recess until 4 o’clock.

There being no objection, the Senate, at 3:02 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. Coburn).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006—Continued

The PRESIDING OFFICER. The Senator from Arizona.

Mr. Kyl. Mr. President, I will speak to the conclusion of the bill for a moment. I find it interesting in debating this Homeland Security appropriations bill, there have been many colleagues come to the floor expressing the intention to amend the bill to add more resources here or there or someplace else. I think it is importante that the chairman of this subcommittee has this year determined it is beyond the time that we need to begin fully funding some of the particular accounts that enable us to better control our border and that my colleagues are now coming, I suggest in the case of some later than I would like, but at least to the realization that we have not begun to put the resources to controlling our border and some of our other homeland areas of need that we should have.

This is a good development in the sense that we are finally beginning to realize we have many, many things we should do. But I am troubled a little bit that there is still not adequate funding available to do everything we need to do on the border that I am concerned about, and that is our southwest border.

Compliments to the subcommittee and to the Appropriations Committee for substantially increasing the funding for more Border Patrol agents, for more detention space for people whom we have to detain who should not be in the United States and who cannot be returned to their country of origin immediately, for the technology which is funded here, and for all the other things we are trying to do on our border. Congratulations to Chairman Gregg and to the other members of the committee for doing this. For my colleagues who would like to add more, I appreciate their efforts as well because we all know that whatever we are able to do this year, it is still not going to be enough to actually gain control of our border.

One of the problems that has arisen is the problem of what the control calls “other than Mexican” illegal immigrants. As we all know, most of the people coming across our southwestern border are from the country of Mexico, but a lot of them are simply transiting through Mexico. This population is of increasing concern to us. In fact, we were recently informed that already this fiscal year over 190,000 third-country nationals, that is third country other than Mexico, have been apprehended crossing our border. We know there is a rough rule of thumb that three or four are not apprehended for every one that is apprehended, so you get a situation here where it is pretty clear that we have a huge influx of people coming into the United States from countries other than Mexico.

What does this mean? We know most of the people coming in from Mexico are coming for work. Perhaps some have criminal backgrounds or other nefarious purposes, but at least we don’t suspect most of them are coming here for purposes of harming us. In the case of these “other than Mexican” nationals, the same thing cannot be said because between 20 and 30 countries are countries of special interest to the United States; in other words, countries from which terrorists have come. The question is both on the southern and on the northern border. One of our colleagues has already asked, how many of the folks coming into this country from countries other than Mexico mean us harm?
We all know, for example, that in the days of testimony from former DHS Deputy Secretary Loy, advising the Senate Intelligence Committee, that: ‘recent information from ongoing investigations, detentions and emerging threat streams suggest that al-Qaeda leaders believe operatives can pay their way into the United States through Mexico, and also believe illegal entry is more advantageous than legal entries for operational security reasons.

Secretary of State Rice commented later that:

‘We have from time to time had reports about al-Qaida trying to use our southern border. . . . [it] is no secret that al-Qaida will try to get into this country . . . by any means they possibly can. . . . [t]hat’s how they managed to do it before and they will do everything they can to cross the borders.

There is at least one specific case of a terrorist having been apprehended coming into the United States.

There is more we can discuss here, much of it involving intelligence, but on both the northern and southern border there is a threat that people could come into this country and we would not know how to stop them. We wouldn’t even know they were here. And because of that means of entry as opposed to coming, say, from an airplane, there is at least be carrying contraband here that could be detrimental to us in the form of a chemical or biological agent.

That is how many of them voluntarily return for removal to their country of origin? The percentages differ, but you get my drift. A very high percentage choose to simply meld into American society and become part of our illegal population here.

That cannot continue. We have called repeatedly on Homeland Security to come up with a plan to ensure that we can detain these individuals until their time for removal. It has yet to come to us.

One very worthwhile program is called expedited removal. The chief of the Border Patrol, David Aguilar, testified before my Terrorism Sub-committee recently that it is their intention and hope to begin to expand this expedited removal program to all of the Border Patrol sectors on the southern and southwestern border. There are 20-some sectors, but only two have expedited removal today, the Laredo, TX and Tucson, AZ sectors. Here is why that is important. In most cases the average time to remove one of these illegal aliens from the country is at least 3 months. It is about 90-some days. In the case of expedited removal we can actually accomplish this within less than 30 days, so at least you lessen the time for detention. You cut that in half. And before if you have to put somebody in a detention space that is federally owned, you don’t have to kick somebody else out in order to detain this person. If you have to rent the space from somebody else, it is going to cost you about one-third as much. It costs about $90 a day to house one of these detainees, and you can do that in State and local detention facilities.

The bottom line is we don’t have enough of that detention space, so even today people are not being detained. They are being released on their own recognizance, told to come back when the paperwork has been developed with their country of origin so they can be returned.

That is wrong. We have to get the money to detain these folks and make sure we have a policy to do so at the same time we are trying to expand the expedited removal. There is money in this bill for that detention.

Again, I thank Senator GREGG for his alertness to this problem and willingness to put money in against the problem. But I fear the Department of Homeland Security has still not got a plan in place. What pursue the expedited removal for all sectors and, in the meantime, detain those who need to be detained.

If we should have a situation arise, as it has in England recently, in Great Britain, where people have come into the country, in this case, they appear to be indigenous to the country itself— but where they have decided to engage in some act of terrorism, and it has been our own fault that we have allowed them to meld into our society illegitimately, we have no one to blame but ourselves.

I am calling this to the attention of my colleagues in the hope we can continue to both provide the funding the administration needs and to encourage the administration to get onto the solution of this particular problem as well.

The problem here is multipronged. I think a lot of us have of late been with the event in Great Britain a week ago, it illustrates to us the kind of harm that can be caused by a conventional kind of attack of terrorists. It doesn’t take a major 9/11 kind of attack to create this kind of threat. It calls into question what we could do to provide total security within our homeland, because a train station, a bus station, other places of public congregation—be they shopping areas, sports events or the like—all suggest it is a virtual impossibility before the fact to provide 100-percent security. It simply cannot be done. That is why you have to try to prevent the problem from arising in the first place.

I will close by noting that part of our enforcement bill, in order to control the border itself, is to provide a thousand new Border Patrol agents at the border, also 300 new Immigration and Customs investigators, the new enforcement agents. This bill adds about $490 of the $75 billion, all of these are in addition to numbers provided in the supplemental appropriations bill. So we have added to the number that we already acted on at the end of last year.

We fund over 40,000 positions dedicated to protecting our borders and enforcing immigration laws. To break it down, over 12,000 Border Patrol agents, 18,000 Customs and border protection officers, nearly 6,000 criminal investigators, nearly 1,300 deportation officers, 2,700 immigration enforcement agents and detention officers. We also have money for more training of Border Patrol and immigration enforcement personnel.

We have money to support the deployment of the US VISIT Program, which will help us better track the people who both come into our country and leave the country. We have over a half billion dollars for air and marine operations, as I mentioned before, money for over 2,000 new detention beds for these apprehended illegal aliens, and with the supplemental, that adds about 4,000 new detention spaces for this purpose.

We more than double the number of ports that have our container security initiative, 41 that take part in that, and nearly $1 billion for biological countermeasures. These things, by and large, are in place to try to prevent the capability of the terrorists from pulling off an attack in the first place. They are not responding to an attack after it has occurred. We have to have responses, but our primary goal here should be to take the fight to the enemy, to try to provide the protection we can. Incidentally, once they are in the United States, to protect every bit of this wide-open and liberty-loving society. So it is better to
try to stop them before they get here, and it is better to try to degrade their ability to attack us by taking the flight to them.

That is why later on we are going to get into things such as reauthorizing the PATRIOT Act, on which we just heard, and reauthorizing a critical component in our war on terror and protecting our homeland and other ways in which we can take the fight to the enemy. For now, this appropriations bill provides us a significant capability to stop the terrorists at our borders as well as providing some internal protection in those areas that have the highest priority and for which we can get the biggest bang for the buck in terms of protection.

Again, I compliment the members of the Appropriations Committee, particularly the chairman of the Subcommittee on Homeland Security, for their attentiveness to this issue, their willingness to make a significant effort to help fight this battle.

Mr. DURBIN. Mr. President, I ask unanimous consent that after I be recognized to speak at that time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that after I be recognized to speak for 10, no more than 15 minutes, Senator CLINTON of New York be recognized to speak at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the Chair.

Mr. President, I just returned from a week back in my State of Illinois traveling from Chicago through downstate southern Illinois meeting with many people at Fourth of July parades, the usual standard procedure in scheduling for many Members of the Senate and Congress. Many people came to say hello, but there were a couple who stand out in my memory of that week. One was a man in southern Illinois who, as I walked by, recognized me and said, "Bring our troops home." And another, a man standing at O'Hare Airport, as I walked by, recognized me and said, "Support our troops."

I think in those two brief sentences we really have a lot of the public sentiment of America. Support our troops. That is clear. These are our sons and daughters. If you have been there, as I was this last March, and seen them, in Iraq, in Baghdad, risk their lives, see those fresh-faced young people who are standing there so proudly on behalf of our country, you can't help but support these men and women. You must. And we have. We should continue to do so.

But there is a growing sentiment as well that they should come home. Some say bring them home right now. I am not one of those people. I do not believe we can just end our commitment today and leave Iraq. I am afraid what would be left behind would be chaos and for terrorism that would threaten not only the Middle East but the entire world. But yet I do believe all of us feel, even the President, that we should be looking to the day when our troops do come home and how we will reach that day because every single day we wait in anticipation of those troops coming home we are losing soldiers.

This morning, the Washington Post, as it does every day, published the number of American soldiers killed in Iraq to this moment: 1,755—1,755—and more than 13,000 grievously wounded. Many of them I have met and seen. Some of the Illinois families I have been to for their funerals met their families, dropped notes to and spoken to them. It breaks your heart to think that they have lost someone they love so much.

How do we reach this point where we can bring these troops home and feel that we have achieved what we set out to do? Well, we came up with a way to try to measure this and set us on a course for it to happen. When Congress passed the supplemental appropriations bill, we authorized $36 billion directly to pay salaries and pensions to Iraqis in the military, the police, the civil service, and $5.7 billion on top of that to train and equip Iraqi security forces. That is the way we bring American soldiers home, by training and equipping Iraqis to take their place.

That same bill required the Secretary of Defense to provide a detailed report on how the training was progressing and what U.S. troop levels would likely be by the end of the year. The report that was mandated by that supplemental appropriations bill was due in 60 days after it was enacted. The due date was July 11. Today is July 13, and we still have not received the report required by law. Some media reports the Pentagon is still working on it. Others say the report is on Secretary Rumsfeld's desk. When we call the Pentagon, the answers are conflicting.

Congress has approved over $200 billion for the war in Iraq. Although I have serious misgivings about the initial invasion of Iraq as to whether we had a plan for success, not just for deposing Saddam Hussein but for building a peace, while I was concerned that we did not have allies to stand with our troops in Iraq, I think the British came forward with any substantial numbers—and while I was concerned about the American burden of this war not only in human life but in treasure, I have decided, and I think most of my colleagues agree, we will not shortchange our troops in the field.

The last time we had a supplemental appropriations bill, $82 billion for our troops passed unanimously in the Senate. Many of us who had voted against the war voted for that money. If it were my son or daughter, I would want them to receive every single penny they needed to perform their mission, to perform as they have, and come home safely.

Despite having voted for this money, I stand here today with my colleagues in the Senate uncertain as to our progress because this report from the Pentagon which we had asked for, one which attempts to measure how we are progressing, how the Iraqis are progressing, has still not been delivered, and it is a concern to me because I think this report really goes to the heart of what we are trying to achieve. And we are trying to secure to where we stand in Iraq, how soon our troops are likely to come home. There have been a lot of claims—150,000 Iraqi soldiers ready to come into battle—and yet when it comes to the real battles it is the American soldiers and the Iraqi soldiers—risking their lives. That is why we have asked for the Pentagon to tell us what progress is being made.

The conference report to the supplemental stated that a new assessment is necessary because the Pentagon's existing performance indicators and measures of stability and security in Iraq are not adequate. We have heard about these claims, how many Iraqi soldiers, and police are ready. Police have been recruited by the tens of thousands, according to reports from the Pentagon, but many are just missing in action.

The report that we require under law asks for a detailed assessment of Iraqi military, political and economic progress. Iraqi battalions must be able to operate on their own against the insurgency, and Iraqi forces must be able to secure their own borders. The draft of the new constitution in Iraq is due next month. The Iraqis have made some progress toward creating a new political system of government, and they had an absolutely historical election with turning out a thirst for new leadership in their country, but Iraqi unemployment may be as high as 50 percent, and some of the most fundamental things of civilized life are not there, whether it is electricity, sewage treatment, water, security in your home.

The report we asked for demands an assessment on how far we progressed toward our goals. The fact that this report has not been filed is a source of concern. Progress in Iraq is critical to bringing America's soldiers home with a victory. This report asks our Pentagon what U.S. force levels will be needed by the end of next year. We say that if there is any part of it that needs to be classified, do so. Don't disclose anything that could jeopardize the security and safety of our troops.

An amendment has been offered by Senator Reid of Nevada and Senator Breaux of Louisiana to the Homeland Security bill before us, asking that this report be provided to Congress on a timely basis. It is long overdue. This is an administration which has measured many things in terms of performance. Many different agencies of our Government were held to the standard of what are you producing for the money that is being provided. What we are asking is the same type of accountability and the same type of metric when it comes to our progress in Iraq.

I would agree with many who say setting a timetable for withdrawal may be
counterproductive, but it is not unreasonable to hold the Iraqis to a timetable, a timetable to develop their government and their security force and their defense so that American soldiers can come home. I think that is reasonable. It was passed overwhelmingly on a bipartisan basis by Members of Congress.

The fact that there has been such a delay in providing this information is troubling, but I am hoping that even as I speak here today, the Secretary of Defense is preparing this report and sending it so we can learn as quickly as possible how soon our soldiers can come home to their families and those of us who love them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. I thank the Chair.

Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1105

Mrs. CLINTON. Mr. President, I would like to call up amendment No. 1105.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 1105.

The amendment is as follows:

(Purpose: To require an accounting of certain costs incurred by, and payments made to, New York City, the State of New York, and certain related entities, as a result of the terrorist attacks of September 11, 2001)

At the appropriate place, insert the following:

Sec. 1105. (a) Not later than 15 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency (including the Emergency Preparedness and Response Directorate and all other staff under the direction of the Secretary (referred to in this section as the "Secretary"); shall provide to the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate—

(1) a detailed list that describes, as of the date of enactment of this Act, all associated costs (as determined by the Secretary) incurred by New York City, the State of New York, and any other entity or organization established by New York City or the State of New York, as a result of the terrorist attacks of September 11, 2001, that were paid using funds made available by Congress; and

(b) all requests for funds submitted to the Department of Homeland Security and the Federal Emergency Management Agency by New York City and the State of New York (including the dates of submission, and dates of payment, if any, of those requests) that have been paid or rejected, or that remain unpaid; and

(2) a certified accounting and detailed description of—

(A) the amounts of funds made available after the terrorist attacks of September 11, 2001, that remain unexpended as of the date of enactment of this Act; and

(B) the accounts containing those unexpended funds; and

(C) a detailed description of any plans of the Secretary for expenditure or obligation of those unexpended funds.

(b) Not later than 15 days after the date of receipt of a request from the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate for any information in addition to information described in subsection (a), the Secretary, and such staff located in a regional office of the Department of Homeland Security or the Federal Emergency Management Agency as the Secretary determines to be appropriate, shall provide the information to the Subcommittee.

Mrs. CLINTON. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Mrs. CLINTON. Mr. President, I understand Chairman GREGG and Senator BYRD have agreed to accept this amendment as modified. I ask unanimous consent that this amendment be agreed to as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1105), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

Sec. 1105. (a) Not later than 15 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency (including the Emergency Preparedness and Response Directorate and all other staff under the direction of the Secretary) (referred to in this section as the "Secretary"), shall provide to the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate—

(1) a detailed list that describes, as of the date of enactment of this Act, all associated costs (as determined by the Secretary) incurred by New York City, the State of New York, and any other entity or organization established by New York City or the State of New York, as a result of the terrorist attacks of September 11, 2001, that were paid using funds made available by Congress; and

(b) all requests for funds submitted to the Department of Homeland Security and the Federal Emergency Management Agency by New York City and the State of New York (including the dates of submission, and dates of payment, if any, of those requests) that have been paid or rejected, or that remain unpaid; and

(2) a detailed description of—

(A) the amounts of funds made available after the terrorist attacks of September 11, 2001, that remain unexpended as of the date of enactment of this Act; and

(B) the accounts containing those unexpended funds; and

(C) a detailed description of any plans for expenditure or obligation of those unexpended funds.

(b) Not later than 15 days after the date of receipt of a request from the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate for any information directly related to information described in subsection (a), the Secretary, and such staff located in a regional office of the Department of Homeland Security or the Federal Emergency Management Agency as the Secretary determines to be appropriate, shall provide the information to the Subcommittee.

AMENDMENT NO. 1106

Mrs. CLINTON. Mr. President, I call up amendment No. 1106 and asks for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 1106.

Mrs. CLINTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Homeland Security to report to Congress regarding the vulnerability of certain facilities and measures to provide greater security, and for other purposes)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall assess and report in writing to the Committee on Homeland Security and Government Affairs, and the Committee on Commerce, Science, and Transportation of the Senate on the following:

(1) The vulnerability posed to high risk areas and facilities from general aviation aircraft that could be stolen or used as a weapon or armed with a weapon.

(2) The security vulnerabilities existing at general aviation airports that would permit general aviation aircraft to be stolen.

Low-cost, high-performance technology that could be used to track general aviation aircraft that could otherwise fly undetected.

The feasibility of implementing security measures that would disable general aviation aircraft while on the ground and parked to prevent theft.

An assessment of whether unmanned air traffic control towers provide a security advantage over manned airports.

An assessment of whether unmanned air traffic control towers provide a security advantage over manned airports.

An assessment of security precautions in place at general aviation airports to prevent breaches of the flight line and perimeter.

An assessment of whether unmanned air traffic control towers provide a security advantage over manned airports.

An assessment of whether unmanned air traffic control towers provide a security advantage over manned airports.

An assessment of what action is needed to secure general aviation aircraft.

(b) The report required by subsection (a) shall include cost estimates associated with implementing each of the measures recommended in the report.

Mrs. CLINTON. Mr. President, I ask that Senators LAUTENBERG, CORZINE, and SCHUMER be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, this is a commonsense amendment regarding the potential threat that all of our cities and States face from the theft or misuse of general aviation aircraft by criminals or terrorists.

This amendment would require the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to assess the dangers presented by high-risk, large population, and critical infrastructure areas should general aviation aircraft be stolen and used as a weapon by a criminal or terrorist.
This study would require the two Secretaries to assess the vulnerability of general aviation airports and aircraft and study what low-cost, high-technology devices could be available to better track general aviation aircraft.

Last month, a 20-year-old young man, while intoxicated and accompanied by two other individuals, breached a perimeter fence of an airport in Danbury, CT. He and his companions all Cessna 172 aircraft, departed from the airport without detection, flew across the eastern border of New York, and eventually, thankfully, landed without incident at the Westchester County Airport in New York very near to my home.

What is alarming about this is that this happened, and it happened without detection. So far as we know, no one knew the aircraft had been stolen or that the joyride was taking place. This incident occurred very close to New York City, very close to Indian Point, the nuclear facility in the county. Thankfully, this particular incident ended without any damage, destruction, or death, and the individuals were eventually detained by law enforcement.

Following the incident, which, as you might imagine, happening so close to New York City involving stolen aircraft raised a great deal of concern among my constituents, I wrote to Secretary Chertoff and Secretary Mineta asking for an investigation into this incident, and I hope to hear back from them both soon. But this incident should be a forewarning of the types of threats we still face from aircraft. We have been very focused on the big commercial aircraft that many of us use on a regular basis, but we cannot forget that most aircraft are in private hands in local communities. Whether they be in privately owned or privately leased, and that they still pose a potential danger to key infrastructure, to populated areas, and we need to be more aware of what that threat could be.

The 9/11 Commission, which looked at this, concluded:

Major vulnerabilities still exist in cargo and general aviation security. These, together with inadequate screening and access controls, continue to present aviation security challenges.

In addition, the 9/11 Commission told us that we needed to be imaginative, we needed to think outside the box. Unfortunately, we needed to think like those who wish us harm about what the new and emerging threats could be.

The Transportation Security Administration, known as TSA, issued specific guidelines for airports in May of 2004, and they outlined some guidelines that general aviation airports should follow in order to secure the aircraft and the airfield. There are more than 19,000 landing facilities nationwide, including heliports, lakes, and dirt landing strips from which aircraft could be launched and more than 200,000 general aviation aircraft in our country.

Of course, it is impossible to avoid every threat that is posed to the public or that we can imagine, but we should be vigilant to make sure we have a partnership so that local communities, private individuals, and private businesses can all take necessary steps to be vigilant and protective.

My amendment requires the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to conduct a threat assessment posed by security breaches at general aviation airports. This threat assessment would project the potential impact such threats could pose to a number of potential targets if an aircraft were used as weapon or were loaded with explosives by terrorists.

The Department of Homeland Security would assess low-cost technologies to track general aviation aircraft, the feasibility of implementing additional security measures and background checks, an analysis of airports with unmanned air traffic control towers and what can be done with implementing necessary additional security measures.

We have been very blessed that we have not suffered another terrorist attack. That is due to the hard work and vigilance of the authorities who have responded not just heroically but in a very steadfast, daily way to prevent, detect, deter, and defend against potential threats.

In this building, we have experienced evacuations which, thankfully, were caused by either false alarms or as a result of errors by pilots. Recently, another general aviation aircraft breached the airspace over Camp David while the President of the United States was present.

It is important to evaluate the threats that could be posed. In its 2004 report, the TSA stated that as many vulnerabilities within other areas of aviation have been reduced, general aviation may be perceived as a more attractive target and consequently more vulnerable to misuses by terrorists.

I have flown in just about every kind of plane you can imagine—medium-sized plane, big plane, crop dusters. I have had doors blow off, windows blow off, I have had emergency landings in pastures and cow fields and roads. I have been in so many airports at all hours of the day and night when no one was around except those getting into the airport or those just landing. I have a good idea how available these airfields are.

I appreciate the work the Aviation Security Advisory Committee Working Group did in advising the TSA. However, given the heightened vulnerability that we all are aware of, given some of the recent events—including the evacuations of our own Capitol involving general aviation aircraft—we need to roll up our sleeves and take another hard look at this. I hope we can do it hand in hand with the general aviation fixed-base operators, pilots, owners, airport managers, and others who have been working hard to increase security measures at so many of these small airports.

I believe in general aviation. I take advantage of it practically every week. It is a significant and important contributor to our national economy. I want to be sure we are not possible to make sure it is not in any way affected by any potential criminal or terrorist activity.

This amendment does not mandate any new costs for general aviation. It simply requires the study of the vulnerabilities and a report made to Congress within 120 days. Most people who own these airports, most people who own these general aviation aircraft, want to be safe. They want to do what is necessary to protect their investment. But we need to have a good analysis of what the threats might be so we can be smart about how we address them. We certainly do not want to wait until an incident happens.

I appreciate Chairman Gregg and Senator Byrd who have agreed to accept this amendment.

I ask unanimous consent amendment 1106 be agreed to.

Mr. GREGG. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The amendment (No. 1106) was agreed to.

Mr. ENYARD. I would like to call up amendment 1104. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The amendment (No. 1104) was agreed to.

Mr. GREGG. I ask unanimous consent the amendment be dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Transportation Security Administration to implement the use of multi compartment bins to screen passenger belongings at security checkpoints)

On page 69, line 12, after “presence:”, insert the following: “Provided further, That of the amount made available under this heading, an amount shall be available for the Transportation Security Administration to develop a plan to research, test, and implement multi compartment bins to screen passenger belongings at security checkpoints:”

AMENDMENT NO. 1104, AS MODIFIED

Mr. ENYARD. I send a modification to that amendment to the desk. The PRESIDING OFFICER. The Senator has that right.

The amendment will be so modified.

The amendment (No. 1104), as modified, is as follows:

On page 69, line 12, after “presence:”, insert the following: “Provided further, That of
the amount made available under this head-
ing, an amount shall be available for the transpor-
tation Security Administration to develop a plan to re-
search, test, and potentially implement multi compartment bins to screen passenger belongings at security checkpoints.”

Mr. ENSIGN. I understand both sides have agreed to the amendment, as modified, and I ask unanimous consent this amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1104), as modified, was agreed to.

Amendment No. 1124, as modified

Mr. ENSIGN. I call up amendment numbered 1124 for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending.

Does the Senator wish to call for regular order with respect to that amendment?

Mr. ENSIGN. Yes. I send a modification to the desk to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is so modified.

The amendment (No. 1124), as modified, is as follows:

On page 77, line 20, insert “of which $877,500 may be transferred to Customs and Border Protection for hiring an additional 1,000 border agents and for other necessary support activities for such agency; and”:

Mr. ENSIGN. Mr. President; last year when the Senate was considering the national intelligence reform bill, we adopted several recommendations of the 9/11 Commission.

One of those recommendations was to hire an additional 2,000 new custom and border protection agents each year for the next 5 years.

This body agreed with the recommendation. We agreed that our national security depended on such an investment, and we enacted that recommendation into law.

We are now considering the Homeland Security appropriations bill. The bill that was reported out of committee includes funding for 1,000 new agents in the coming fiscal year. I understand there are problems with training 2,000 agents.

My amendment as modified would provide the Secretary of Homeland Security with the discretion to shift $367 million to hire 2,000 new agents next year. This amendment is fully offset. I rise today to urge the Senate to adopt my amendment so that we can keep the commitment that we made to the American people last year. I thank Senator McCain for cosponsoring our amendment.

The threat of illegal border crossing by people who wish to kill us is very real.

The 9/11 Commission found that many of the 19 hijackers that attacked on 9/11 had not even been placed on watchlists. But without adequate staff and coordinated efforts, the terrorists were allowed to enter the United States. Once here they learned how to fly airplanes at American flight schools. They conducted surveillance to assess our weaknesses. And they attacked.

In order to prevent another terrorist attack on American soil, we must improve every aspect of our Nation’s security. Our security is truly only as strong as our weakest link.

For too long, the lack of funding for border agents has been a weak link. By funding additional agents, we protect both the public and the opportunity of those often neglected, northern border. This will make it harder for terrorists to enter the United States and attack us.

There have been several news reports recently that I want to bring to my colleagues’ attention.

A few months ago, intelligence officials confirmed that the terrorist Zarqawi plans to infiltrate America through our borders. He plans to attack targets such as movie theaters, restaurants, and schools. My amendment commits the resources to make sure that this does not happen.

Just last month, in Detroit, a Lebanese national named Mahmoud Youssef Kourani, who was in the United States illegally, pled guilty in Federal court to conspiring to raise money for a recognized terrorist group. He was in the United States raising money to fund terrorists. That is outrageous. But what is equally outrageous is how he came into the United States in the first place.

Kourani took advantage of our porous border. Kourani paid a Mexican consular official in Beirut $3,000 for a visa to enter Mexico. Once in Mexico, he snuck across the U.S.-Mexican border in 2001 and settled in Michigan.

According to Federal prosecutors, Kourani and another member of his family are heavily involved with the same group that killed 214 marines in Beirut in 1983 and which is also responsible for the World Trade Center and U.S. embassies.

While in the United States, Kourani also helped harbor other illegal immigrants. Thankfully, he was prosecuted before he could inflict any direct harm on any American.

Given how easy it is for people like Kourani to enter the United States, I believe that my amendment is imperative to our national security.

My amendment does not require any additional spending. It gives the Secretary of Homeland Security the flexibility to use the existing money. It is a real threat. So we must provide funds for customs and border protection.

Homeland security spending must be based on priorities. The fact that terrorists would use our borders to gain access to the United States to attack is a real threat. So we must provide funds for customs and border protection.

Three and a half years ago it only took 19 people to change the course of this country. We must do everything that we can to prevent another terrorist attack on American soil.

The world has changed dramatically since 9/11 when the terrorists used our open and trusting society against us. We cannot allow a repeat of that tragedy.

This amendment will help those who guard our frontiers by providing the necessary, and I stress necessary, tools to ensure the safety of our citizens.

In conclusion, I commend the chairman of the subcommittee, Chairman Gregg, for the job he has done prioritizing what we are doing in the area of Homeland Security. His is a very difficult job. We have limited resources. It is a question of where are we going to manage our risk with the limited resources we have in this global war on terrorism. Chairman Gregg has a huge, huge task ahead not only this year but in the years to come.

This year’s bill is going a long way to reprioritizing what we need to do to defend ourselves against the terrorists. Although the bill goes in the right direction, our amendment takes the bill that much further toward protecting our national security.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I appreciate the commitment of Senator ENSIGN and Senator MCCAIN on the issue of border security. They have been aggressive in their commitment and have done a lot of constructive work. I will leave it to the Senate to decide how to handle this amendment. I hope we make these points for the purpose of fair disclosure. First off, the amendment takes about $360 million out of the first responder program and moves it over to the Border Patrol for the purpose of hiring 1,000 new border agents. That means first responder money would go from $1.9 billion to $1.4 billion.

In addition, the money that will be moved would be money that would go out under threat. In other words, there are two pools of first responder money. There is the federal money that is distributed on the basis of threat, and there is the money that is distributed on the basis of formula.

Now, the language of the amendment says “may.” I respect the decision of the authors of this amendment to use the term “may” because that will leave it up to the Homeland Security agency to make the decision as to where the money should go, whether it should stay in the area of first responders or whether it should be moved over to the Border Patrol. That is probably good policy in many ways.

The second thing I think that needs to be noted, however, is the reason we arrived at the number 1,000 that we funded myself and Senator Byrd—in this bill for new Border Patrol is because when you combine that number with the supplemental, where there were 500 new Border Patrol agents added, you are up to 1,500 Border Patrol agents, and we know, through efforts of our staff and requests of the Department, that because of the facilities’ restrictions—we moved most of the training from South Carolina over to
New Mexico—we can only train probably about 1,300 agents a year right now. Now, this bill has money in it to get those facilities up to a position where they can do a much more robust effort in the area of training. In fact, my hope is next year we can train upwards of 2,500 when we expand these facilities. But right now they have, basically, limits on the number of people they can train. So it is not clear these additional Border Patrol agents would be able to be trained should we want to bring them on line. We do want to bring them on line; it is just a question when we can bring them on line. So that is a concern I think Members should know about.

In addition, the physical effort of hiring Border Patrol agents has become a problem for the Border Patrol. One of the reasons they were not able to hire up to the 2,000, which was originally requested a few years ago, was because they could not find qualified people to meet the enlistment rolls. We are not sure whether they are going to be able to find 1,500 new Border Patrol people. We hope they will. It will put a lot of pressure on them to try to find 2,500 new people, which is what this number will be if this amendment is adopted.

But, again, this is an issue of policy. I think the body has the right to make a decision on this issue. I do not intend to make any points of order against it. I will leave it to the majority of the body to decide where they want to have this money spent and how they want to set the policy on this issue when the amendment comes up for a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

AMENDMENT NO. 1218

Mr. President, the amendment that the minority leader offered on my behalf would provide an additional $1.33 billion above the underlying bill for security funding needed for our transit systems, intracity buses, intercity rail, and freight rail.

Our thoughts and prayers are with the victims of the London bombings. For all of us, the pictures were all too graphic reminders of how quickly disaster can strike and how deadly terrorist strikes can be.

The horrific attacks in London a few days ago were eerily similar to the attacks in Madrid, Spain, in March 2004: targeted, coordinated, and timed bombings.

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I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

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What about the dangerous and hazardous materials that are transported by rail? We simply are not doing enough. Without proper security measures in place, these transports are vulnerable to attack or sabotage. Many of these shipments travel to or through major urban areas, such as Washington, DC, and, frankly, only minutes down the road from where we stand today.

The Homeland Security Council released a report in July 2004 indicating that a chlorine tankam explosion in an urban area could kill up to 17,500 people. According to a New York Times editorial on June 20, 2005:

One of the deadliest terrorist scenarios the Department of Homeland Security has come up with is an attack on a 90-ton rail tank filled with chlorine. As many as 100,000 people could be killed or injured in less than 30 minutes.

Yet only 2 out of every 100 transportation security dollars in this bill will be spent on rail and transit. What does this mean? This means that 98 percent of transportation security funding is going—for what?—going for aviation security.

Sadly, crowded subway systems and trains have become inviting targets for terrorists. We have witnessed the hysteria and the chaos that these events can trigger. Could it happen here? Of course. Are our systems more secure? I wonder.

Last week, when asked if additional funding was needed to secure mass transit, Homeland Security Secretary Chertoff responded by saying:

I wouldn’t make a policy decision driven by a single event.

Well, with all due respect to the Secretary, the alarm bells have been ringing for years.

On July 8, the Washington Post printed a chart that provides a chronology of bombings with al-Qaeda links. This chart shows that, starting in 1993 at the World Trade Center in New York City, there have been 16 bombings worldwide linked to al-Qaeda.

Mr. President, I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>City</th>
<th>Country</th>
<th>Facility</th>
<th>Attack Type</th>
<th>Dead</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/11/04</td>
<td>Madrid</td>
<td>Spain</td>
<td>Trains</td>
<td>Bombs in sachels</td>
<td>191</td>
</tr>
<tr>
<td>8/7/98</td>
<td>Dar es Salaam</td>
<td>Tanzania</td>
<td>World Trade Center</td>
<td>Car bomb (some participants later became associated with al Qaeda)</td>
<td>6</td>
</tr>
<tr>
<td>6/25/96</td>
<td>Dhahran</td>
<td>Saudi Arabia</td>
<td>World Trade Center</td>
<td>Truck bomb (some evidence of al Qaeda)</td>
<td>19</td>
</tr>
<tr>
<td>8/7/98</td>
<td>Jeddah</td>
<td>Saudi Arabia</td>
<td>King Fahd mosque</td>
<td>Truck bomb</td>
<td>247</td>
</tr>
<tr>
<td>10/12/01</td>
<td>Aden</td>
<td>Yemen</td>
<td>World Trade Center, Pentagon, Pennsylvania</td>
<td>Truck bomb</td>
<td>10</td>
</tr>
<tr>
<td>9/11/01</td>
<td>New York</td>
<td>U.S.</td>
<td>World Trade Center</td>
<td>Planes flown into buildings, field</td>
<td>2,973</td>
</tr>
<tr>
<td>12/22/01</td>
<td>Paris-Orly</td>
<td>France</td>
<td>Airline</td>
<td>Attempted plane bombing</td>
<td></td>
</tr>
<tr>
<td>3/27/02</td>
<td>Jeddah</td>
<td>Saudi Arabia</td>
<td>World Trade Center</td>
<td>Truck bomb</td>
<td>23</td>
</tr>
<tr>
<td>6/12/02</td>
<td>Berlin</td>
<td>Germany</td>
<td>World Trade Center</td>
<td>Truck bomb</td>
<td>2</td>
</tr>
<tr>
<td>11/22/02</td>
<td>Nairobi</td>
<td>Kenya</td>
<td>World Trade Center</td>
<td>Truck bomb</td>
<td>12</td>
</tr>
<tr>
<td>12/11/03</td>
<td>Casablanca</td>
<td>Morocco</td>
<td>World Trade Center</td>
<td>Truck bomb</td>
<td>3</td>
</tr>
<tr>
<td>8/5/03</td>
<td>Mombasa</td>
<td>Kenya</td>
<td>World Trade Center</td>
<td>Truck bomb</td>
<td>2</td>
</tr>
<tr>
<td>11/28/02</td>
<td>Mombasa</td>
<td>Kenya</td>
<td>World Trade Center</td>
<td>Truck bomb</td>
<td>1</td>
</tr>
<tr>
<td>11/28/02</td>
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<td>2</td>
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Mr. BYRD. The alarms do not stop there, Mr. President. According to the RAND Corporation, between 1998 and 2003, there were 181 terrorist attacks on rail targets worldwide. The Congressional Research Service has reported that passenger rail systems in the United States carry about 32 million passengers a day—a number that has increased by a third in the last 10 years. In fact, according to the Department of Transportation, a single event could bring the nation’s passenger rail system down. Mr. President, I ask unanimous consent to add this information to the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

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</table>


Mr. President, I ask unanimous consent to add this information to the RECORD.
and 2005 for transit security. Unfortunately, the administration has let the money sit in Washington far too long. It was all of 8 months before all of the 2003 funding was awarded, and 6 months before the 2004 funding went out the door. And now we are again, 9 months after the fiscal year 2005 transit funding was enacted, and what happens? Well, it is deja vu all over again. It is still sitting—where?—in Washington, right here in Washington. The administration must overcome the hurdles that have caused those delays.

Clearly, the administration is not taking this threat seriously. It certainly would not appear to be. So we must press the administration to do more. The horrific events we witnessed just a few days ago ought to serve as a call to action by this Government to protect our citizens from future attack. For far too long, the administration has put its head in the sand where rail and mass transit security are concerned.

We should be taking steps right now to improve deterrence in our transit and rail systems by investing in surveillance cameras, investing in locks, in gates, in canine teams, in sensors, and other tools.

Last October, the Senate passed two bipartisan rail security authorization bills, S. 2273 and S. 2884, that authorized additional funding for securing mass transit and rail systems, but the bills did not make it to the White House.

The bill that is before the Senate reduces funding from $150 million in fiscal year 2005 to $100 million. The amendment would increase the $100 million to $1.43 billion. That is the amendment that I offer. Let me say it again. The amendment would increase the $100 million to $1.43 billion. The $1.43 billion includes $1.166 billion for transit security and $265 million for rail security. It is taking care of both transit security and rail security. That seems to meet both needs, at least part way.

Our security efforts cannot be delayed, Mr. President, and must not be underfunded. The lives of the American people depend on strengthened security. And whose life is it? It may be your own. It may be your relative’s. It may be your friend’s. The time for hand wringing is over. It is time to act. So I urge all Senators to support the amendment.

I ask unanimous consent, Mr. President, that the following Senators have their names added as cosponsors to the amendment: Mr. INOUYE, Mr. BAYH, Mr. SUNUNU, Mr. LEAHY, and Mr. CORZINE, proposes an amendment numbered 1120.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, the amendment is so ordered. The amendment is as follows:

(Purpose: To require reports to Congress on Department of Homeland Security use of data-mining technology.)

At the appropriate place, insert the following:

SEC. 2. (a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term ‘‘data-mining’’ means a query or search other analysis of 1 or more databases, whereas—

(A) at least part of the data was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government, possesses other than intelligence or law enforcement;

(B) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a predictive pattern indicating terrorist or criminal activity;

(C) the search does not use a specific individual’s personal identifiers to acquire information concerning that individual.

(2) DATABASE.—The term ‘‘database’’ does not include telephone directories, news reporting, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES BY THE DEPARTMENT OF HOMELAND SECURITY.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency in the Department of Homeland Security that engaged in any activity to use or develop data-mining technology shall submit a report to Congress on all such activities of the agency under the jurisdiction of that official. The report shall be made available to the public.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that is being or will be used.

(B) A thorough description of the goals and plans for the use or development of such technology, where appropriate, the target dates for the deployment of the data-mining technology.

(C) An assessment of the efficacy or likely impact of the implementation of the data-mining technology on the privacy and civil liberties of individuals and to be collected, reviewed, gathered, analyzed, or used with the data-mining technology.

(F) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(G) Any necessary classified information in an annex that shall be available to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be submitted not later than 90 days after the end of fiscal year 2006.

Mr. BYRD. The amendment is co-sponsored by Senator CORZINE. I urge adoption of the amendment. The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BYRD. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1155, AS MODIFIED

Mr. BYRD. Mr. President, on behalf of Senator BOXER, I call up amendment No. 1155, with a modification which I send to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The PRESIDING OFFICER. Without objection, the amendment is so ordered. The amendment is as follows:

(Purpose: To provide oversight of homeland security spending.)

SEC. 3. SPENDING OVERSIGHT.

‘‘None of the funds made available in this Act shall be used for items identified in the Inspector General’s Report of March 2005 ‘‘Irregularities in the Development of the Transportation Security Operations Center’’ as wasteful.’’

Mr. BYRD. Mr. President, does the modification need unanimous consent? The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

Mr. BYRD. The amendment, as modified, prevents funds from being used for wasteful expenditures. I urge adoption of the amendment, as modified. The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 1155), as modified, was agreed to.

Mr. BYRD. Mr. President, I move that the vote be reconsidered by which the amendment was agreed to.
Mr. GREGG. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 1293
Mr. BYRD. Mr. President, I call up my amendment numbered 1293. The PRESIDING OFFICER. The clerk will report. The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1293. Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with. The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows:

(Purpose: To require State and local governments to expend or return grant funds)

On page 81, strike line 20 and insert the following:

award: Provided further, That any recipient of Federal funds granted through the State Homeland Security Grant Program, the Law Enforcement Terrorism Prevention Program, and the Urban Area Security Initiative Program, or any predecessor or successor agency, as appropriated in fiscal year 2004 and fiscal year 2005, shall expend funds pursuant to the relevant, approved State plan by September 30, 2007: Provided further, That any recipient of Federal funds granted through any program described in the preceding proviso, as appropriated in fiscal year 2006, shall expend funds pursuant to the relevant, approved State plan by September 30, 2008: Provided further, That any funds not expended by September 30, 2007 or September 30, 2008, respectively, as required by the foregoing 2 provisos shall be returned to the Department of Homeland Security to be reallocated to State and local entities based on risk and in conformance with the assessments now being conducted by the States under Homeland Security Presidential Directive 8.

Mr. BYRD. Mr. President, this amendment requires that States and localities spend their first responder funds pursuant to approved State plans within 2 years of the end of the fiscal year that they received the funds. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 1293) was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we are in the process of trying to reach an understanding on votes. It is not clear what that understanding will be, but we do intend to have votes this evening, maybe as many as five. In addition, I understand the Senator from Nevada wishes to be recognized on an amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1293 TO AMENDMENT NO. 1294
Mr. ENSIGN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the Senator's amendment No. 1294.

Mr. ENSIGN. Mr. President, I send a second-degree amendment to the desk. The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] for himself and Mr. MCCAIN, proposes an amendment numbered 1294 to amendment No. 1124:

(Purpose: To transfer appropriated funds from the Office of State and Local Government Coordination and Preparedness to the purpose of hiring 1,000 additional border agents and related expenditures)

Strike all after the first word and insert the following:

On page 77, line 20, insert "of which $987,551,000 may be transferred to Customs and Border Protection for hiring an additional 1,000 border agents and for other necessary support activities for such agency and, after "local grants."

Mr. ENSIGN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The yeas and nays were ordered.

Mr. CRAIG. 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. CRAIG. Mr. President, I rise in support of the fiscal year 2006 Homeland Security appropriations bill. The Appropriations Committee has provided for 12,400-plus Border Patrol agents, 18,200-plus Customs and Border protection officers; 6,000-plus criminal investigators for Customs and immigration work; 1,200-plus deportation officers; and 2,700-plus immigration enforcement agents and detention officers.

In other words, in these positions alone, this bill provides for literally an army of more than 40,000 agents and officers fighting on the front lines for border security and immigration enforcement.

The committee has made an earnest attempt to add resources and personnel as fast as the Department of Homeland Security can absorb them and use them effectively. The bill, as reported, makes available more than $7.1 billion for Customs and border protection, and more than $4.5 billion in immigration and Customs enforcement.

While those dollars and personnel numbers reflect something of our commitment to improve border security and immigration enforcement, it is important to emphasize the work being done and the progress being made for the American people.

More than 1 million individuals a year are being apprehended attempting to enter the country illegally, and formal removals have increased sixfold over the last decade. Worker identification checks have intensified. Development continues on US VISIT—the United States Visitor and Immigration Status Indicator Technology Program. Personnel are being trained. Technology is being modernized.

This bill calls on the administration, and provides resources to help, to close the gaps at our borders, to improve interagency coordination inside the Department of Homeland Security and with outside agencies, and to meet the challenges remaining from the historic, and massive, reorganization that created the Department.

As I have said, we do need to do more. The Federal Government has no laurels to rest on when it comes to border security or immigration. The problem of illegal immigration has grown...
to crisis proportion, with an estimated 10 million undocumented persons now living here in this country.

During much of the 1990s, and at different times in preceding decades, the Federal Government simply paid lip-service to the law while mostly looking the other way. This was with the quiet complicity of much of the public, in large part, because whole sectors of the economy have become increasingly dependent on the labor of these people. This is an intolerable situation.

Our Nation’s immigration system and laws are broken. Whether we are talking about more money, more law, or both, a policy that focuses exclusively on more enforcement is not enough, and it will not work. It is a part of the total picture.

The United States has 7,438 miles of land borders and 88,600 miles of tidal shoreline. We can secure those frontiers perfectly. As we have stepped up border enforcement, we have locked persons in this country at least as effectively as we have locked them out of the country. Even as we have increased border enforcement, net illegal immigration is estimated at 300,000 to 500,000 a year. Fellow Senators, that is a figure worth repeating. Net illegal immigration in our country still, today, at this moment, in this year, will be between 400,000 to 500,000. To search door to door, as some would advocate, to find 10 million persons and flush them out of their homes, schools, churches, workplaces, and other areas is simply something the American people, in the end, would never tolerate. The question of civil liberties would grow and that effort would fall apart. We fought a revolution once in this great country of ours against search of our homes and, once again, I think the American people would react to that as not only unconstitutional, but dramatically intrusive. So what do we do? This bill is a major step in the right direction. First and foremost, we secure our borders. As I have said, that is step one. Step two, to me, is change the character of the law to deal with the problem that clearly is at hand: provide incentives for those inside our borders to come forward and identify themselves; laws that ensure there is a supply of legal guest workers to take the jobs that don’t want or won’t take. For example, when American agriculture briefly had a widely used legal guest worker program in the 1950s, illegal immigration plummeted by more than 90 percent. That program was called the Bracero Program. It worked well, but it had lots of criticism for the way the foreign nationals were treated inside this country. As a result, it fell apart. We were then given what we have today—a very cumbersome law that no longer works.

Last year, that law identified about 42,000 to 45,000 legal workers for American agriculture. Yet, we know there were well over a million working in this country for American agriculture that were probably illegal. That, too, is an intolerable situation. It is why several years ago I began to look at ways to solve this problem—at least for agriculture—because American agriculture is nervous, and they ought to be; they know that even though those workers who come to them have what appear to be legal documents, the reality is that they are, by 70 percent of their workforce, working illegal foreign nationals. If it is not corrected, it is an intolerable situation for American agriculture to be in.

That story can be played out in a variety of other industries. But as I began to focus on this a good number of years ago, I recognized there was a significant problem that had to be dealt with. It is not a popular thing to do, but immigration and immigration reform is never popular. Those of us who desire the immigration policy that will not sometimes hold the attitude, close the border and let no one in. Yet, today, in the American workforce we know that at a growing high record of employment, we still have well over 10 million foreign nationals, undocumented, working in our economy in jobs that Americans oftentimes choose not to work in.

That is what I treated this bill AgJOBS, now supported by well over 60 Senators. We got a vote this year of 53 to 45 on a procedural motion to allow that Agricultural Job Opportunity and Benefit Security Act to come to the floor and ultimately work through the process to become law. Other colleagues of mine are working on types of reform.

So what we are doing today with the Homeland Security Appropriations bill is making a quantum leap in the right direction. No matter how forward-looking, how flexible, and how reasonable it might be to identify those who are in the country, to allow the ebb and flow necessary to meet both the economic needs and humanitarian needs that we all face, you cannot do it without controlling your borders, without controlling the flow that comes across them. That is what this bill makes a major step in doing.

I am pleased to be a member of the subcommittee and to join with Chairman Greggs and the ranking member, Senator Byrd, whom I have worked with on this issue before. I believe this is a good beginning in the Senate. If you are for immigration reform, if you believe in controlling our borders, if you recognize this is an issue that has gone well out of control, then you would want to vote for this legislation. If you are for immigration reform, then you believe in controlling our borders, if you recognize this is an issue that has gone well out of control, then you would want to vote for this legislation. If you believe it is. But it is an investment long coming, because it is the investment we have denied and ignored as necessary to make for well over two decades. As a result of that, we have the consequences of the situation we deal with today.

Now is the time to correct it. Now is the time to reshape immigration policy in our country, and to do so recognizing that it is a two-front issue—both to have the right law in place, and to secure our borders so that those who come across are identified and move across legally and appropriately, consistent with the laws of our land.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that Senators Boxer and Kerry have their names added to the Byrd transit amendment No. 1218.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I yield the floor.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1166.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To designate a port of entry)

On page 70, line 20, strike ‘‘purposes.’’ and insert the following: ‘‘purposes: Provided further, That MidAmerica St. Louis Airport in Mascoutah, Illinois, shall be designated as a port of entry.’’

Mr. DURBIN. Mr. President, this is a very brief and simple amendment. It designates MidAmerica St. Louis Airport in Mascoutah, IL, as a port of entry.

MidAmerica Airport is the civilian side of Scott Air Force Base, one of the region’s largest employers. MidAmerica and Scott Air Force Base have a successful joint-use plan.

MidAmerica is classified as a foreign trade zone and is a finalist to be classified as an interior transshipment point for national air cargo. The MidAmerica Airport does not currently have international traffic, although a passenger terminal was built to host pre-9/11 Customs activities. International air cargo transport is non-existent in the region, and it would give MidAmerica a means to enhance the region’s economy. This would be beneficial to homeland security and would enhance economic development in the metro East St. Louis region.

Mr. BYRD. Mr. President, I ask that this amendment be set aside.

Mr. CRAIG. Mr. President, I have no problem agreeing to this amendment if
the Senator wants to ask unanimous consent for its approval.

Mr. DURBIN. Mr. President, I ask unanimous consent that amendment No. 1166 be considered and agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment? Without objection, the amendment is agreed to.

The amendment (No. 1166) was agreed to.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURBIN. 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. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, is it so ordered.

AMENDMENT NO. 1205

Mr. SHELBY. Mr. President, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 1205.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Alabama (Mr. SHELBY), for himself, Mr. SARBANES, Mr. REED, Mrs. DOLE, Mr. SCHUMER, Mrs. STABENOW, Mr. CORZINE, Mr. BYRD, Ms. CLINTON, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LUGTENBERG, Mr. KENNEDY, and Mr. KERRY, proposes an amendment numbered 1205.

The amendment is as follows:

(Purpose: To appropriate funds for transit security grants for fiscal year 2006 equal to the amount authorized in the Public Transportation Terrorism Prevention Act of 2005.)

On page 77, line 18, strike “$2,694,300,000” and insert “$3,760,300,000.”

On page 78, strike line 25 and all that follows through line 16. On page 79, line 5, and insert the following: “security grants; and (‘‘D’’); On page 79, between 22 and 23, insert the following:

(7) $1,166,000,000 for transit security grants, of which—

(A) $790,000,000 shall be for grants for public transportation agencies for allowable capital security improvements;

(B) $333,000,000 shall be for grants for public transportation agencies for allowable operational security improvements; and

(C) $43,000,000 shall be for grants to public or private entities to conduct research into, and demonstration of, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems.

AMENDMENT NO. 1205, AS MODIFIED

Mr. SHELBY. Mr. President, I further ask to modify the amendment with a modification that I sent to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1205), as modified, is as follows:

On page 77, line 15, strike all through page 79, line 6 and insert the following:

‘‘For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $3,860,300,000, which shall be allocated as follows:

(1) $1,518,000,000 for State and local governments, of which $425,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for formula-based grants: Provided, That the balance shall be allocated by the Secretary of Homeland Security to States, urban areas, regional centers of interest, where appropriate, on the basis of terrorist threats, vulnerabilities, and unmet essential capabilities pursuant to Homeland Security Presidential Directives 8 (HSPD-8); and

(2) $600,000,000 for law enforcement terrorism prevention grants, of which $155,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants: Provided, That the balance shall be allocated by the Secretary to States based on risk, threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directives 8 (HSPD-8).

(B) $200,000,000 shall be for port security grants; and

(C) $790,000,000 shall be for grants for public transportation agencies for allowable capital security improvements;

(ii) $333,000,000 shall be for grants for public transportation agencies for allowable operational security improvements; and

(iii) $43,000,000 shall be for grants to public or private entities to conduct research into, and demonstration of, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems, and

(F) $50,000,000 shall be for buffer zone protection grants.”

Mr. SHELBY. Mr. President, the funding level in this amendment is based on many things, and I will tell you about it. In fiscal year 2006, we were planning to have the Public Transportation Terrorism Prevention Act that would have provided a total of $1,166 billion for public transportation security grants based on risk. It provides for grants for capital infrastructure improvements, for public transportation systems, as well as operational costs for drills and training and research funding. Everything—cameras, dogs, and you might go further with it.

We have taken necessary and prudent steps toward protecting our air travel from terrorism—we hope. We made strides toward hardening our aviation systems and making them less vulnerable to attack. Now I believe is the time to do the same for public transportation.

In 2004, the last year that data was available, over 9.6 billion passenger trips were taken on buses, trains, and other forms of public transportation. The American Public Transportation Association estimates that over 14 million Americans ride on public transportation each weekday. The U.S. Department of Transportation estimates that another 25 million use public transportation less frequently but on a regular basis.

Securing public transportation presents many challenges. We know that.

The public transportation system includes over 100,000 miles of rail, almost 1,000 train and subway stations, and 60,000 buses. Meeting this challenge will require devoted resources and steadfast commitment to the task.

Today this amendment I am offering on behalf of myself, Senator SARBANES, and others is an amendment to the Department of Homeland Security Appropriations bill. As the Banking Committee has jurisdiction over transit security issues, a lot of the colleagues on the Banking Committee on both sides of the aisle are joining me in this amendment.

The London attacks well illustrate the threats we face in this country, and we know all too well that England is not alone. Terrorists have targeted public transportation systems the world over, and we know they would delight in a successful attack here.

To this date, most terrorist attacks around the world have occurred on public transportation. Examples are, as you know, Mr. President, Spain, Israel, Japan, and other countries, and this should cause us to ask how we will aim to prevent such terrible attacks on our soil.

Over a year ago, Senator SARBANES and I reported out of the Banking Committee the Public Transportation Terrorism Prevention Act. It had numerous cosponsors and passed the Senate with a unanimous vote. The bill was crafted in a thoughtful and considered manner after a series of hearings held in the committee.

In those sessions, we spoke to terrorism experts and industry officials to ascertain the best way to protect public transportation systems in the country. The product was a bill that had the support of industry and terrorism experts alike. This amendment we are offering today comes out of that bill.

I believe we must provide resources toward mitigating these security threats, and we must do so as soon as possible. We cannot wait.

I also appreciate the challenge that Chairman GREGG of the Appropriations Committee and I face. As you know, I am chairman of a subcommittee on appropriations. As he attempts to address the multitude of security challenges in

This amendment is designed to provide comprehensive protection for public transportation systems in this country.
Mr. GREGG. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. GREGG. Mr. President, I send a second-degree amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. Ginzberg] is a member of the committee and understands that the amendment numbered 1220 to amendment No. 1205, as modified, if it is in order, is to be considered.

The amendment as follows:

Strike all after the first word and insert the following:

grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,694,299,000, which shall be awarded based on threat notwithstanding subsection (b)(2) of subsection (a), for eligible costs as defined in this amendment number 1220 to amendment No. 1205, as modified.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

This amendment is as follows:

(1) $1,417,999,000 for State and local grants, of which $252,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for formula-based grants: Provided, That the balance shall be allocated by the Secretary to States based on risks; threats; and vulnerabilities; and unmet essential capabilities identified by the Secretary, which shall be based on threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4).

(2) $400,000,000 for law enforcement terrorism prevention grants, of which $155,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants: Provided, That the balance shall be allocated by the Secretary to States based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8 of May 2003.

(3) $465,000,000 for discretionary transportation infrastructure grants, as determined by the Secretary, which shall be based on risks, threats, vulnerabilities, and other provision of law, $2,694,299,000, which shall be awarded based on threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4).

(4) $200,000,000 shall be for trucking industry security grants; and

(5) $50,000,000 shall be for buffer zone protection plan grants.

Mr. GREGG. Mr. President, I rise in support of the amendment offered by the distinguished chairman of the Senate Banking, Housing, and Urban Affairs Committee. The need to improve security throughout our Nation’s public transportation system has been apparent for quite some time. In fact, last month in Jacksonville, I worked closely with Chairman SHELBY and with Senator REED of Rhode Island who have been leaders on this issue both within the committee and throughout the Senate, on the Public Transportation Terrorism Prevention Act of 2004.

That legislation came out of the committee unanimously and was approved in the Senate last October 1 by unanimous consent. So every Member of this body, effect, validated that legislation. That bill authorized $3.5 billion over 3 years in security for our Nation’s mass transportation systems. Of that amount, $1.16 billion was scheduled for fiscal year 2006.

This fund was authorized to begin to address the critical security needs that exist throughout the thousands of public transportation systems in our country. The amendment offered by the chairman of the committee, which I have joined in cosponsoring, along with my able colleague from Rhode Island, Senator REED, and others, seeks to provide the appropriations level to sustain the authorized level, which this body has heretofore approved.

In the wake of the tragic attack in London last Thursday, which has claimed over 50 lives and left hundreds more injured, we clearly need to more fully fund transit security, and going to the previously Senate-authorized level seems to immaculate good sense. The Senate anticipated this problem in the authorization, and the committee brought out well-considered legislation which this body passed unanimously. We have not provided the wherewithal to support the authorization, and this amendment seeks to do exactly that.

The threat to transit is not new. We have had terrorist attacks against transit systems in South Korea, and London. In fact, in 2002, the GAO found that one-third of all terrorist attacks worldwide were against transit systems. Despite this significant threat, security funding has been grossly inadequate.

Our Nation’s transit systems have been unable to implement necessary security improvements, including those that have been identified by the Department of Homeland Security. In an editorial last Friday, the Baltimore Sun stated: "Since September 11, 2001, the Federal Government has spent $18 billion on aviation security. Transit systems, which carry 16 times more passengers daily, have received about $250 million. That is a ridiculous imbalance.”

They go on to state: "Transit officials estimate it would take $6 billion to make buses and rail systems safe. And Congress has in the past considered authorizing $3.5 billion over three years for the same purpose.”

That is a direct reference to the Public Transportation Terrorism Prevention Act of 2004, which, as has been noted, passed the Senate unanimously. These moneys will be used for such necessities as: security cameras, radios, front-line employee training, and extra security personnel. They are not extravagant requests.

Let me give one example of a critical need right here with respect to Washington’s Metro. Their greatest security need is a backup control operations center. The need was identified by the Federal Transit Administration in its initial security assessment and then identified again by the Department of Homeland Security in its subsequent security assessment. This critical need remains unaddressed. That amendment has been unfunded. This amendment provides the funding to match what was set out in the authorization.

We know that transit systems are potential targets for terrorist attacks. We know the vital role these systems play in our Nation’s economic and security infrastructure. We can wait no longer to address these critical security needs of the transit systems throughout the Nation. The amendment begins the important process of providing these critically needed funds.

Again, I thank the able chairman of the committee for his excellent leadership on the transit security issue and Senator REED for his strong and continued commitment on this issue and his perseverance over a sustained period of time. I thank all of our colleagues who have joined as cosponsors of this amendment. I urge my colleagues to support the amendment.

I ask unanimous consent that the editorial from the Baltimore Sun of July 8 referenced in my statement be printed in full at the end of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECURITY DERAILED

Yesterday’s attack on London’s transit system was frighteningly familiar. Just 16 months ago, terrorists in Madrid killed nearly 200 people and wounded more than 1,500 by setting off bombs in commuter trains. Both demonstrated the potential vulnerability of buses and rail systems. Yet, until yesterday, many in Washington seemed unconcerned that something similar could happen in the United States.

Last month, the Senate Appropriations Committee voted to reduce the Department of Homeland Security’s budget for transit security from $6 billion (the amount spent annually now) to $100 million in the upcoming fiscal year. Certainly, no one knew terrorists would target London, but something that has been fresh in senators’ minds. What does it take for Congress to grasp this issue?
Since Sept. 11, 2001, the federal government has spent $18 billion on aviation security. Transit systems—which carry 16 times more passengers daily—have received about $250 million. This failure to give rail systems the same priority that airports have had is absurd. Transit officials estimate it would take $6 billion to make buses and rail systems safe. And Congress has in the past considered authorizing $1 billion over three years for the same purpose.

How would those in charge of the nation’s public transit systems spend the extra money? Chiefly for necessities like security cameras, radios, training and extra security personnel. Those aren’t extravagant requests. Local governments have spent $2 billion to make transit systems safe over the past four years, according to the American Public Transit Association.

The Bush administration originally asked for significantly more than $150 million to create a Targeted Infrastructure Protection Program that would not only increase transit security but also assist vulnerable shipping ports and energy facilities, too. And though transit and rail systems might have been shortchanged by that arrangement, it is not unreasonable to let DHS officials set their priorities—if an adequate budget is made available to them.

Transit advocates are hopeful that the $50 million cut can be restored. The attacks in London underscore the value that more is needed. Advocates want $2 billion for transit and rail security in the fiscal 2006 budget (not counting the amount needed to protect Amtrak). Suddenly, that doesn’t seem quite so unreasonable an expenditure.

Still, the failure to address transit security in the wake of last year’s bombings in Madrid underscores Capitol Hill’s inability to set appropriate spending priorities in matters of domestic security. As the 9/11 commission pointed out, Congress has treated security in the fiscal 2006 budget (not counting the amount needed to protect Amtrak). Suddenly, that doesn’t seem quite so unreasonable an expenditure.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

AMENDMENT NO. 1202, AS MODIFIED

Mr. DODD. Mr. President, I have cleared this with the distinguished manager of the bill. I send a modification of the Dodd amendment, amendment No. 1202, to the desk.

The PRESIDING OFFICER. Is there objection to the modification? Hearing none, it is so ordered.

The amendment is as follows:

On page 77, line 20, strike $1,518,000,000 and insert $7,810,788,066.

On page 77, line 21, strike $425,000,000 and insert $2,058,178,673.

On page 78, line 13, strike $365,000,000 and insert $1,878,069,040.

On page 78, line 16, strike $200,000,000 and insert $1,029,089,337.

On page 78, line 22, strike $5,000,000 and insert $527,072,236.

On page 78, line 24, strike $10,000,000 and insert $31,454,467.

On page 79, line 1, strike $100,000,000 and insert $514,544,668.

On page 79, line 5, strike $50,000,000 and insert $257,272,334.

On page 79, line 7, strike $50,000,000 and insert $257,272,334.

On page 79, line 9, strike $40,000,000 and insert $205,817,867.

On page 79, line 21, strike $321,300,000 and insert $1,653,232,019.

On page 81, line 24, strike $65,000,000 and insert $3,164,802,000.

On page 81, line 24, strike $550,000,000 and insert $2,830,311,000.

On page 81, line 26, strike $65,000,000 and insert $334,491,000.

On page 82, line 12, strike $180,000,000 and insert $926,284,000.

On page 83, line 12, strike $230,000,000 and insert $1,047,210,000.

On page 89, line 3, strike $194,000,000 and insert $926,284,000.

Mr. DODD. Let me begin once again by expressing my appreciation to the chairman and the manager of this bill, Senator GREGG, and my colleagues from West Virginia, Senator BYRD. They have done a good job with this bill. This bill deals with several complicated issues. The events during the past few days in London have highlighted the importance of these issues concerning our homeland security. I want to express my appreciation to Senator GREGG and Senator BYRD for operating within the constraints of the budget caps.

I realize by offering an amendment so large—50 percent of the entire amount in this bill—I am offering an extraordinary amendment. I tried to make it clear today that these are extraordinary times with extraordinary events. Since 1983, when the bombing of the Marine barracks took place in Beirut where we lost 242 Marines, 221 major terrorist attacks have occurred around the globe. Fifty-eight of those attacks, almost 25 percent, were carried out in transit systems, with the use of trucks or cars or in seaports.
We know today in our own country that we are glaringly lax in providing the security we need within our transit systems, harbors, and ports.

The amendment I am offering is not one that I have crafted on my own. It was presented directly from the recommendations Senator Warner and Senator Rudman, our former colleague, had suggested in a report sponsored by the Council on Foreign Relations that included many distinguished Americans who have worked in areas of national security and public health intelligence, and bioterrorism. They suggested strongly in their report that we spend $20 billion a year in order to fully invest in what we need to make our country more secure.

Let me quote, if I can, once again, because I think his comments are worth repeating, the language of Senator Rudman in that report. Senator Rudman said at that time:

The terrible events of September 11 have shown the American people how vulnerable they are because attacks on that scale had never before been carried out on U.S. soil. The United States and the American people were caught by surprise and unaware of the magnitude of the threat facing them.

He goes on to say:

In the wake of September 11, ignorance of the nature of the threat or of what the United States must do to prepare for future attacks can no longer explain America’s continuing failure to allocate sufficient resources in preparing local emergency responders. It would be a terrible tragedy indeed to discover after a catastrophic attack to drive that point home.

Let me also, if I can, read once again the language of Les Gelb, in preparing the foreword of that report. Les Gelb wrote, on the occasion of this report being filed:

As I sit to write this foreword, it is likely that a terrorist group somewhere in the world is developing plans to attack the United States and/or American interests abroad. It may be biological, chemical, technological, nuclear or catastrophic conventional means. At the same time, diplomats, legislators, military and intelligence officers, police, emergency medical personnel and others in the United States and across the globe are working feverishly to prevent and prepare for such attacks. These two groups of people are ultimately in a race with one another. This is a race we cannot afford to lose.

I think those words ought to be taken to heart. Since that report was filed, of course, we have seen the attacks in Madrid on their transit system and the people there who lost their lives in March of 2004 and we have seen some of the attacks in London, the suicide bombings that we now know occurred there. First-time suicide bombers appeared in the West. What kind of attack will it take for us to realize we can no longer wait to do what needs to be done to prepare our transit systems, our ports, our harbors—what more needs to be done to make America more secure?

Is my amendment a large amendment? Is it? Is it extraordinary in its size? It is. But I strongly suggest to my colleagues the events we are facing as a people are no less extraordinary and demand, I think, extraordinary action. While there will be a move here, obviously, to raise the point of order on the budget against this amendment because of its size and I have asked to waive that point of order, I see no point at some point we are going to be faced again with these tragedies. I only hope we have the resources at hand to minimize them. How many events will it take? What catastrophic occurrence is going to have to occur before we realize we need to make these investments?

I know all the bureaucratic arguments that are being made here, but I don’t think they apply. I think when we are faced, as we have been historically, with major events, major problems, this body, this Congress, the American people have responded accordingly. I think the American people expect nothing less of us at this hour. So I urge my colleagues to support this amendment so we can do what needs to be done to make our country more secure.

Again, I appreciate immensely the efforts of the Senator from New Hampshire. I understand that just repeated catastrophic attack to drive that point home.

Mr. President, I list here, for those who may be interested, the 221 significant terrorist incidents since 1983. I have categorized each of them that occurred and the numbers of lives lost. I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**SIGNIFICANT TERRORIST INCIDENTS, 1961-2003: A BRIEF CHRONOLOGY**

**Bombing of U.S. Embassy in Beirut, April 18, 1983:** Sixty-three people, including the American consul and several U.S. and French citizens, were killed and 120 were injured in a 400-pound suicide truck bomb attack on the U.S. Embassy in Beirut, Lebanon. The Islamic Jihad claimed responsibility.

**Naval Officer Assassinated in El Salvador, May 25, 1983:** A U.S. Navy officer was assassinated by the Farabundo Marti National Liberation Front.

**North Korean Hit Squad, October 9, 1983:** North Korean agents blew up a delegation from South Korea in Rangoon, Burma, killing 242 Americans, while 58 French compounds in Beirut, Lebanon. The Islamic Jihad claimed responsibility.

**Aircraft Bombing in Greece, March 30, 1986:** An EgyptAir airplane bound from Athens to Rome was attacked by a Libyan bomb as TWA Flight 840 approached Athens. Eighteen U.S. citizens were killed and 162 people were injured. The bomb was on a restaurant near a U.S. Air Force Base in Torrejon, Spain.

**Temple Seizure, June 5, 1984:** Sikh terrorists seized the Golden Temple in Amritsar, India. One hundred people died when Indian security forces retook the Sikh holy shrine.

**Assassination of Indian Prime Minister, October 22, 1984:** Prem Devi, India’s foreign minister was killed in a car bomb attack in New Delhi.

**Kidnapping of U.S. Officials in Mexico, February 7, 1985:** Under the orders of narcotrafficker Rafael Caro Quintero, Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot were kidnapped, tortured and executed.

**TWA Hijacking, June 14, 1985:** A Trans World Airlines flight was hijacked while en route to Rome from Athens by two Lebanese Hizballah terrorists and forced to fly to Beirut. The eight crew members and 145 passengers were held for seventeen days, during which American and Navy this sailor, was murdered. After being flown twice to Algiers, the aircraft was returned to Beirut after Israel released 433 Lebanese and Palestinian prisoners.

**Attack on a Restaurant in El Salvador, June 19, 1985:** Members of the FMLN (Farabundo Marti National Liberation Front) fired on a restaurant in the Zona Rosa district of San Salvador, killing four Marine Security Guards assigned to the U.S. Embassy and nine Salvadoran civilians.

**India Bombing, June 21, 1985:** A bomb destroyed an Air India Boeing 747 over the Atlantic, killing all 329 people aboard. Both Sikh and Kashmiri terrorists were blamed for the attack. Three Americans were killed at Tokyo airport, Japan, when another Sikh bomb exploded in an Air Canada aircraft en route to India.

**Soviet Diplomats Kidnapped, September 30, 1985:** In Beirut, Lebanon, Sunni terrorists kidnapped four Soviet diplomats. One was killed but three were later released.

**Achille Lauro Hijacking, October 7, 1985:** Four Palestinian Liberation Front terrorists seized the Italian cruise liner in the eastern Mediterranean, murdering 109 passengers and 145 crew members and holding 145 passengers and 145 crew members.

**Egyptian Airline Hijacking, November 23, 1985:** An EgyptAir airplane bound from Athens to Malta and carrying several U.S. citizens was hijacked by the Abu Nidal Group.

**Airport Attacks in Rome and Vienna, December 27, 1985:** Four gunmen belonging to the Abu Nidal Organization attacked the El Al Trans World Airline counters at Rome’s Leonardo da Vinci Airport with grenades and automatic rifles. Thirteen people were killed and 75 were wounded before Italian police and Israeli security guards killed three of the gunmen and captured the fourth. Three more Abu Nidal gunmen attacked the El Al ticket counter at Vienna’s airport, killing three persons and wounding 30. Austrian police killed one of the gunmen and captured the others.

**Airplane Bombs in Greece, March 30, 1986:** A Palestinian splinter group detonated a bomb as TWA Flight 840 approached Athens airport, killing four U.S. citizens.

**Berlin Discotheque Bombing, April 5, 1986:** Two Israeli soldiers stationed in West Berlin, American servicemen were injured in a Libyan bomb attack on a nightclub in West Berlin,
West Germany. In retaliation U.S. military jets bombed targets in and around Tripoli and Benghazi.

Kimp Airport Bombing, September 14, 1986: North Korean agents detonated an explosive device at Seoul’s Kimp airport, killing five persons and injuring 29 others.

1987

Bus Attack, April 24, 1987: Sixteen U.S. servicemen riding in a Greek Air Force bus near Athens were injured in an apparent bombing attack, carried out by the revolutionary organization known as November 17. Throughout the 1980s North Korean agents planted a bomb aboard a Korean Air Lines Flight 858, which subsequently crashed into the Indian Ocean.


1988

Kidnapping of William Huggins, February 17, 1988: U.S. Marine Corps Lieutenant Colonel W. Huggins was kidnapped and murdered by the Iranian-backed Hizballah group while serving with the United Nations Truce Supervisory Organization (UNTSO) in southern Lebanon.

Naples USO Attack, April 14, 1988: The Organization of Jihad Brigades exploded a car bomb outside a USO Club in Naples, Italy, killing one U.S. sailor.

Attack on U.S. Diplomat in Greece, June 28, 1988: The Defense Attaché of the U.S. Embassy in Greece was killed when a car bomb detonated outside his home in Athens.

Pan Am 103 Bombing, December 21, 1988: Pan American Airlines Flight 103 was blown up over Lockerbie, Scotland, by a bomb believed to have been placed on the aircraft by Libyan terrorists in Frankfurt, West Germany. All 259 people on board were killed.

Assassination of U.S. Army Officer, April 21, 1989: The New People’s Army (NPA) assassinated Colonel James Rowe in Manila. The NPA also assassinated two U.S. government defense contractors in September.

Bombing of UTA Flight 772, September 19, 1989: A bomb explosion destroyed UTA Flight 772 over the Sahara Desert in southern Niger during a flight from Hassi Messaoud to Paris. All 170 persons aboard were killed. Six Libyans were later found guilty in absentia and sentenced to life imprisonment.


Sniper Attack on the U.S. Embassy in Bonn, February 13, 1991: Three Red Army Faction members fired automatic rifles from across the Rhine River at the U.S. Embassy Chancery. No one was hurt.

Assassination of former Indian Prime Minister, May 21, 1991: A female member of the Liberation Tigers of Tamil Eelam killed herself, Prime Minister Rajiv Gandhi, and 16 others by detonating an explosive vest after planting a grenade of flowers to the former Prime Minister during an election rally in the Indian state of Tamil Nadu.

1992

Kidnapping of U.S. Businessmen in the Philippines, July 29, 1992: Hijackers, officials of the corporation Philippine Geothermal was kidnapped in Manila by the Red Scorpion Group, and two U.S. businessmen were later rescued by the Philippine National Liberation Army and by Revolutionary Armed Forces of Colombia (FARC).


World Trade Center Bombing, February 26, 1993: The World Trade Center in New York City was badly damaged when a car bomb planted by Islamic terrorists exploded in an underground garage. At least 6 people dead and 1,000 injured. The men carrying out the attack were followers of Umar Abd al-Rahman, an Egyptian cleric who preached in the New York City area.

Attemped Assassination of President Bush by Iraqi Agents, April 14, 1993: The Iraqi intelligence service attempted to assassinate former President Bush while he was in Kuwait during a visit to Kuwait. In retaliation, the U.S. launched a cruise missile attack 2 months later on the Iraqi capital Baghdad.


Air France Hijacking, December 24, 1994: Members of the Armed Islamic Group seized an Air France Flight to Algeria. The four terrorists were killed during a rescue effort.


Tokyo Subway Station Attack, March 20, 1995: Twelve persons were killed and 5,700 were injured in a Sarin nerve gas attack on a crowded subway station in the center of Tokyo, Japan. A similar attack occurred nearly simultaneously in the Yokohama subway system. The Aum Shinri-kyo cult was blamed for the attack.

FARC Hostage-taking, May 15, 1995: Members of the Armed Islamic Group seized an Air France Flight to Algeria. The four terrorists were killed during a rescue effort.

Attack on U.S. Diplomats in Pakistan, August 31, 1995: Two unidentified gunmen killed two U.S. diplomats and wounded a third in Karachi, Pakistan.

Pan Am 103 Bombing, December 21, 1988: Pan American Airlines Flight 103 was blown up over Lockerbie, Scotland, by a bomb believed to have been placed on the aircraft by Libyan terrorists in Frankfurt, West Germany. All 259 people on board were killed.

Assassination of Berndt Erich Fricke, December 24, 1995: Han lung's state security chief was killed by a bomb in his car.

1996

Saudia Military Installation Attack, November 13, 1995: The Islamic Movement of Central Asia placed a bomb in a Riyadh military compound that killed one U.S. citizen, several foreign national employees of the U.S. government, and over 40 others.

Egyptian Embassy Attack, November 19, 1995: A suicide bomber drove a vehicle into the Egyptian Embassy compound in Islamabad, Pakistan, killing at least 18 and injuring 60 persons. Three militant Islamic groups claimed responsibility.

Papuan Hostage Abduction, January 8, 1996: Indonesian guerrillas abducted 26 individuals in the Lorenta nature preserve, Irian Jaya Province. Indonesian Special Forces members rescued the remaining nine hostages on May 15.

Kidnapping in Colombia, January 19, 1996: Revolutionary Armed Forces of Colombia (FARC) guerrillas kidnapped a U.S. citizen and demanded a $1 million ransom. The hostage was released on May 22.

Tamp Taysir Attack, January 31, 1996: Members of the November 17.1 Tigers of Tam Eelam (LTTE) rambled an explosives-laden truck into the Central Bank in the heart of downtown Colombo, Sri Lanka, killing 300 civilians and injuring more than 1,400 others, including 2 U.S. citizens.

IRA Bombing, February 9, 1996: An Irish Republican Army (IRA) bomb detonated in London, killing 2 persons and wounding more than 100 others, including 2 U.S. citizens.

Athens Embassy Attack, February 15, 1996: Unidentified assailants fired a rocket at the U.S. Embassy compound in Athens, causing minor damage to three diplomatic vehicles and some surrounding buildings. Circumstances of the attack were not clear as it was an operation carried out by the 17 November group.

ELN Kidnapping, February 16, 1996: Six alleged National Liberation Army (ELN) guerrillas kidnapped a U.S. citizen in Colombia. After 9 months, the hostage was released.

Hamas Bus Attack, February 26, 1996: In Jerusalem, a suicide bomber blew up a bus, killing 26 persons, including three U.S. citizens, and injuring some 80 persons, including three other U.S. citizens.

Dizengoff Center Bombing, March 4, 1996: HAMAS and the Palestine Islamic Jihad (PIJ) both claimed responsibility for a bomb in the Dizengoff Center shopping mall that killed 20 persons and injured 75 others, including 2 U.S. citizens.

West Bank Attack, May 13, 1996: Arab gunmen opened fire on a bus and a group of Israeli students near the Bet El settlement, killing a dual U.S.-Israeli citizen and wounding three Israelis. No one claimed responsibility for the attack, but HAMAS was suspected.

AID Worker Abduction, May 31, 1996: A gang of former Contra guerrillas kidnapped a U.S. employee of the Agency for International Development (AID) who was assisting with election preparations in rural northern Nicaragua. She was released unharmed the next day after members of the international commission overseeing the preparations intervened.

Artillery Attack, August 8, 1996: Unidentified gunmen opened fire on a car near Zekharya, killing a dual U.S.-Israeli citizen and an Israeli. The Popular Front for the Liberation of Palestine (PFLP) was suspected.

Manchester Truck Bombing, June 15, 1996: An IRA truck bomb detonated at a Manchester shopping center, injuring 200 persons, including two German tourists, and causing extensive property damage.
Abduction of U.S. Citizen by FARC, December 17, 1996: Twenty-three members of the Revolutionary Armed Forces of Colombia (FARC) kidnapped and held a U.S. citizen employed by a Las Vegas hotel near his home. No one claimed responsibility, but South Korean authorities believed that the attack was carried out by professionals and that the assailants were North Koreans. North Korean officials denied the country’s involvement in the attack.

PUK Kidnapping, September 13, 1996: In Iraq, Patriotic Union of Kurdistan (PUK) militants kidnapped four French workers for Pharmacies Sans Frontieres, a Canadian United Nations High Commissioner for Refugees (UNHCR) official, and two Iraqis.

Assassination of South Korean Consul, October 1, 1996: In Vladivostok, Russia, assailants killed a South Korean consul near his home. No one claimed responsibility, but South Korean authorities believed that the attack was carried out by professionals and that the assailants were North Koreans. North Korean officials denied the country’s involvement in the attack.

Red Cross Worker Kidnappings, November 1, 1996: In Rwanda, representatives of the Sudanese People’s Liberation Army (SPLA) kidnapped three International Committee of the Red Cross (ICRC) workers, including a U.S. citizen, an Australian, and a Kenyan. On 9 December the rebels released the hostages in exchange for ICRC supplies and a health survey for their camp.

Paris Subway Explosion, December 3, 1996: A bomb exploded aboard a Paris subway train as it arrived at the Port Royal station, killing two French nationals, a Moroccan, and a Pakistani and injuring 90 others. Among those injured were one U.S. citizen and a Canadian. No one claimed responsibility for the attack, but Algerian extremists were suspected.

Abduction of U.S. Citizen by FARC, December 11, 1996: Five armed men claiming to be members of the Revolutionary Armed Forces of Colombia (FARC) kidnapped and later killed a U.S. geologist at a methane gas exploration site in La Guajira Department.

Tupac Amaru Seizure of Diplomats, December 14, 1996: One of thirty-three members of the Tupac Amaru Revolutionary Movement (MRTA) took several hundred people hostage at a party given at the Japanese Ambassador’s residence in Lima, Peru. Among the hostages were several U.S. officials, foreign ambassadors and other diplomats, Peruvian Government officials, and Japanese businessmen. Kornmamod, the leader of all MRTA members in prison and safe passage for them and the hostage takers. The terrorists released most of the hostages in December before freeing the Peruvian and Japanese citizens for several months.

Egyptian Letter Bombs, January 2-13, 1997: A series of letter bombs with Alexandria, Egypt, return addresses were discovered in Hayat newspaper barrels in Washington, New York City, London, and Riyadh, Saudi Arabia. Three similar devices, also postmarked in Egypt, were found at a prison facility in Lebanon, Kansas. Bomb disposal experts defused all the devices, but one bomb injured 17 persons in London, and fivearticle A. A. Ac- inuring two security guards and causing minor damage.

Tajik Hostage Abductions, February 4-17, 1997: The Islamic Salvation Front (FSI) paramilitary group led by Bakhrom Sodirov abducted four United Nations (UN) military observers. The victims included two Swiss, one from Argentina, and their Tajik interpreter. The kidnappers demanded safe passage for their supporters from Afghanistan to Tajikistan. In four separate incidents between February 11 and 18, Bakhrom Sodirov and his group kidnapped two International Committee for the Red Cross members, four Russian journalists and their Tajik driver, four UNHCR members, and the Tajik Security Minister, Saidmir Zulkhurov.

Venezuelan Abduction, February 14, 1997: Six armed Colombian guerrillas kidnapped a U.S. oil engineer and his Venezuelan pilot in Apure, Venezuela. The kidnappers released the Venezuelan pilot on February 19. According to authorities, the FARC is responsible for the kidnapping.

Empire State Building Sniper Attack, February 22, 1997: The Islamic Salvation Front (FSI) opened fire on tourists at an observation deck atop the Empire State Building in New York City, killing a Danish national and wounding visitors from Argentina, Switzerland, and France before turning the gun on himself. A handwritten note carried by the gunman claimed this was a punishment attack against the “enemies of Palestine.”

ELN Kidnapping, February 24, 1997: National Liberation Army (ELN) guerrillas kidnapped a U.S. businessman and an employee of a Las Vegas gold corporation who was scouting a gold mining operation in Colombia. The ELN demanded a ransom of $2.5 million.

FARC Kidnapping, March 7, 1997: FARC guerrillas kidnapped a U.S. mining employee and his Colombian colleague who were searching for gold in Colombia. On November 16, the rebels released the two hostages after receiving a $50,000 ransom.

Hotel Nacional Bombing, July 12, 1997: A bomb exploded at the Hotel Nacional in Havana, injuring three persons and causing minor damage. A previously unknown group calling itself the Military Liberation Union claimed responsibility.

Israeli Shopping Mall Bombing, September 4, 1997: Three suicide bombers of Hamas detonated bombs in the Ben Yehuda shopping mall in Jerusalem, killing eight persons, including the bombers, and wounding nearly 200 others. A dual U.S./Israeli citizen was among the dead, and 7 U.S. citizens were wounded.

OAS Abductions, October 23, 1997: In Colombia ELN rebels kidnapped two foreign members of the Organization of American States (OAS) human rights official at a roadblock. The ELN claimed that the kidnapping was intended “to show the international community that the elections in Colombia are a farce.”

Yemeni Kidnappings, October 30, 1997: Al-Sha’ir tribesmen kidnapped a U.S. businessman near Aden. Yemeni authorities sought the release of two fellow tribesmen who were arrested on smuggling charges and several public works projects they claim the government promised. They released the hos- tage on November 27.

Mourder of U.S. Businessmen in Pakistan, November 12, 1997: Two unidentified gunmen kidnapped two Exxon Union Texas Petroleum Corporation and their Pak-istani driver after they drove away from the Sheraton Hotel in Karachi. The Islami Inqilabi Council, or Islamic Revolutionary Council, claimed responsibility in a call to the U.S. Consulate in Karachi. In a letter to Pakistan newspapers the Almali Khidmat Com- mittee also claimed responsibility.

Tourist Killings in Egypt, November 17, 1997: Al-Gama’a al-Islamiyya (IG) gunmen killed 58 Egyptians and wounded 26 others at the Hatshepsut Temple in the Valley of the Kings near Luxor. Thirty-four Swiss, eight Germans, five French, one Belgian, one Dutch, two Egyptians, one Ukrainian, and nine Egyptians were among the wounded.


FARC Abduction, March 21-23, 1998: FARC rebels kidnapped a U.S. citizen in Sabaneta, Colombia. FARC members also killed three persons, wounded 14, and kidnapped at least 27 others at a roadblock near Bogota. Four U.S. citizens and two U.S. citizens among those kidnapped, as well as the acting presi- dent of the National Electoral Council (CNE) and his wife.

Somali Hostage-takings, April 15, 1998: Somali militiamen abducted nine Red Cross and Red Crescent workers at an airstrip north of Mogadishu. The hostages included a U.S. citizen, a German, an Italian, a French, a Norwegian, two Swiss, and one Somali. The gunmen were members of a sub-clan loyal to Ali Mahdi Mohammed, who controlled the northern section of the country.

IRA Bombing, Banbridge, August 1, 1998: A 500-pound car bomb planted by the Real IRA exploded outside a shoe store in Banbridge, North Ireland, injuring 35 persons and dam- aging at least 200 homes.

U.S. Embassy Bombings in East Africa, August 7, 1998: A bomb exploded at the rear entrance of the U.S. Embassy in Nairobi, Kenya, killing 12 U.S. citizens, 32 Foreign Service Nationals (FSNs), and 247 Kenyan citizens. Approximately 5,000 Kenyans, 6 U.S. citizens, and 13 FSNs were among the 55 U.S. Embassy building sustained extensive struc- tural damage. Almost simultaneously, a bomb exploded outside a mosque in Dar es Salaam, Tanzania, killing 7 FSNs and 3 Tanzanian citizens, and injuring 1 U.S. cit- izen and 76 Tanzanians. The explosion caused extensive structural damage to the U.S. Em- bassy facility. The U.S. Government held Usama Bin Laden responsible.

IRA Bombing, Omagh, August 15, 1998: A 500-pound car bomb planted by the Real IRA exploded outside a local courthouse in the central shopping district of Omagh, Northern Ireland, killing 29 persons and injuring over 350.

Colombian Pipeline Bombing, October 18, 1998: A National Liberation Army (ELN) planted bomb exploded on the Ocensa pipe- line in Colombia. It was estimated to be carrying approximately 71 persons and injuring at least 100 others. The pipeline is jointly owned by the Colombia State Oil Company Ecopearl and the U.S., French, British, and Canadian companies.

Armed Kidnapping in Colombia, November 15, 1998: Armed assailants followed a U.S. businesswoman and her driver in Cundinamarca Department and kidnapped her 11-year-old son after stealing money, jewelry, one automobile, and two cell phones. The kidnappers demanded $1 million in rans- om. On January 21, 1999, the kidnappers released the boy.
1999

Angolan Aircraft Downing, January 2, 1999: A UN plane carrying one U.S. citizen, four Angolans, two Philippine nationals and one Namibian trooper from the Angola National Defence Force was shot down. One Angolan died. Four Angolans and one Namibian were wounded. The four Angolans and one Namibian were released.

2000

Car bombing in Spain, January 27, 2000: Police officials reported unidentified individuals set fire to a Citroen car dealership in Iturrama, killing 12 persons and injuring 89 others. The attackers were believed to be members of a Maoist group. The attack occurred during the Chinese New Year.

2001

Srinagar Airport Attack and Assassination Attempt, January 17, 2001: In India, six members of the Lashkar-e-Tayyiba militant group were killed when they attempted to seize a local airport. Members of Hizbul Mujahideen fired two rifle grenades at Farooq Abdullah, Chief Minister for Jammu and Kashmir. Two persons were wounded in the unsuccessful assassination attempt.

BBC Studios Bombing, March 4, 2001: A car bomb exploded outside the British Broadcasting Corporation’s main production studios, injuring one person. A suspect woman was injured. British authorities suspected the Real IRA had planted the bomb.

Airline Hijacking in Israel, March 31, 2001: A suicide bomb attack in the departure lounge killed 3 persons and wounded 65. Hamas later claimed responsibility.

EVA Bombing, March 9, 2001: Two policemen were killed by the explosion of a car bomb in Hernani, Spain.

Airliner Hijacking in Istanbul, March 15, 2001: Three Chechens hijacked a Russian airliner during a flight from Istanbul to Moscow and forced it to fly to Medina, Saudi Arabia. The plane carried 162 passengers and a crew of 12. After a 22-hour siege during which more than 40 hostages were released, Saudi security forces stormed the plane, killing a hijacker, a passenger, and a flight attendant.

Bus Stop Bombing, April 2, 2001: A member of Hamas detonated a bomb he was carrying near a bus stop in Kiryat Siva, Israel, killing one person and injuring 60.

Philippines Hostage Incident, May 27, 2001: Muslim Abu Sayyaf guerrillas seized 13 tourists and 3 staff members at a resort on Palawan Island and took their captives to Basilan Island. The captives included three U.S. citizens: Guellermo Sobero and missionnaires Martin and Gracia Burnham. Philippine troops fought a series of battles with the guerrillas between June 1 and June 3 during which 9 hostages escaped and two were found dead. The guerrillas took additional hostages when they seized the hospital in the town of Lamitan. On June 12, Abu Sayyaf spokesman Abu Sabaya claimed that Sobero had been killed and beheaded; his body was found on June 16. TheBurnhams remained in captivity until June 2002.

Tel Aviv Nightclub Bombing, June 1, 2001: Hamas claimed responsibility for the suicide bombing of a popular Israeli nightclub that caused over 140 casualties.

HAMAS Restaurant Bombing, August 9, 2001: Hamas-planters staged a series of battles in a Jerusalem pizza restaurant, killing 15 people and wounding more than 90. The Israeli response included occupation of Orient House, the Palestine Liberation Organization’s political headquarters in East Jerusalem.

Suicide Bombing in Israel, September 9, 2001: The first suicide bombing carried out by an Israeli Arab killed six people in Nahariya. Hamas claimed responsibility.

Death of "the Lion of the Panjshir", September 9, 2001: Two suicide bombers fatally wounded Ahmed Shah Massoud, a leader of Afghanistan’s Northern Alliance, which had opposed both the Soviet occupation and the post-Soviet Taliban government. The bombing, which journalists are believed linked to al-Qaeda, the Northern Alliance did not confirm Massoud’s death until September 19.

ADMIRAL MCKINLEY Attacks on U.S. Homeland, September 11, 2001: Two hijacked airliners crashed into the twin towers of the World Trade Center. Soon thereafter, the Pentagon and a fourth hijacked plane, suspected to be bound for a high-profile target in Washington,
eral John Ashcroft said in a briefing on October 13, 2001: After a suicide car bombing outside the state legislature in Srinagar, two gunmen entered the building and held off police for seven hours before being killed. Forty persons died in the incident. Jaish-e-Muhammad claimed responsibility.

Anthrax Attacks, October–November 2001: On October 7, the U.S. Centers for Disease Control and Prevention (CDC) reported that investigators had detected evidence that the deadly anthrax bacterium was present in the building where a Florida man who died of anthrax on October 5 had worked. Discovery of a second anthrax case triggered a major investigation by the Federal Bureau of Investigation (FBI). The two anthrax cases were linked by the offices in Washington of the FBI. The investigation (FBI).

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When people send anthrax through the mail and wounded 25 in Hadera, Israel, before he died. Confession to belonging to Lashkar-e-Tayyiba subordinates, as he died.

Assassination of an Italian Cabinet Minister, October 17, 2001: A Palestinian gunman assassinated Italian Cabinet members of the Italian Parliament in Tel Aviv, Israel, on the island in an attempt to rescue U.S. citizen Martin Burnham and his wife Gracia, who was suspected of the attack.

Suicide Bombing in Jerusalem, March 20, 2002: A female suicide bomber killed 6 persons in Jerusalem and wounded 90 others. The al-Aqsa Martyrs’ Brigades claimed responsibility.


Car Bombing in Benin, July 17, 2002: A car bomb exploded near a vehicle containing a cargo of weapons for a paramilitary group in Benin.

A suicide bombing in a noted restaurant in the United States killed 6 persons and wounded 86 more, including 2 U.S. citizens. The al-Aqsa Martyrs’ Brigades claimed responsibility.


Suicide Bombing in Jerusalem, April 12, 2002: A female suicide bomber killed 6 persons in Jerusalem and wounded 90 others. The al-Aqsa Martyrs’ Brigades claimed responsibility.

Car Bombing in Kashmir, May 8, 2002: A car bomb exploded near a Pakistan navy shuttle bus in Karachi, killing 12 persons and wounding 119. Eleven members of the group were killed and 40 of the wounded were French nationals. Al-Qaeda was suspected of the attack.

Parade Bombing in Russia, May 9, 2002: A remotely-controlled bomb exploded near a May Day parade in Kaspiisk, Dagestan, killing 42 persons and wounding 130. Fourteen of the dead and 50 of the wounded were supporters of the Islamic Jamaats linked to al-Qaeda were suspected.

Attack on a Bus in India, May 14, 2002: Militants fired on a passenger bus in Kolkata, India, killing 7 persons. They then entered a military housing complex and killed 3 soldiers and 7 military dependents before they were killed. The al-Mansooran and Jamaat-ul-Mujahedin claimed responsibility.

Hostage Rescue Attempt in the Philippines, June 7, 2002: Philippine Army troops attacked Abu Sayyaf terrorists on Mindanao Island in an attempt to rescue U.S. citizen Martin Burnham and his wife Gracia, who had been kidnapped more than a year ago. Burnham was killed but his wife, though captured, was freed. A Filipino hostage was killed, as were four of the guerrillas.

Seven soldiers were wounded.

Suicide Bombing in Pakistan, June 14, 2002: A car bomb exploded near the U.S. Consulate and the Marriott Hotel in Karachi, Pakistan. Eleven persons were killed and 51 were wounded. Including 42 U.S. citizens. Al-Qa’ida and al-Qanin were suspected.

Suicide Bombing in Tel Aviv, July 17, 2002: Two suicide bombers attacked the old bus station in Tel Aviv, Israel, killing 5 persons and wounding 36. The dead included one Russian and two Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romanian and a Chinese; another Romania
Bombed at the Hebrew University, July 31, 2002: A bomb hidden in a bag in the Frank Sinatra International Student Center of Jerusalem’s Hebrew University killed 9 persons and wounded 89. Eight of the dead were Philippine citizens; many of the wounded were soldiers returning from leave. Hamas claimed responsibility.

Suicide Bombing in Israel, August 4, 2002: A suicide bomb attack on a bus in Safed, Israel, killed 9 persons and wounded 50. Two of the dead were Philippine citizens; many of the wounded were soldiers returning from leave. Hamas claimed responsibility.

Car Bomb Explosion in Bali, October 12, 2002: A car bomb exploded outside the Sari Club Discoteque in Denpasar, Bali, Indonesia. 58 persons were killed and 106 more. Most of the casualties, including 48 of the dead, were Australian tourists. Seven Americans were among the dead. Al-Qaeda claimed responsibility. Two suspects were arrested and convicted. Imam Samudra, claimed responsibility. Two suspects were Americans, and one of them was a Canadian. The bomber who killed 99, 11 others were wounded and wounded 50 more. One of the dead was a Romanian. Hamas claimed responsibility.

Attacks on Pilgrims in Kashmir, August 2002: A car bomb exploded outside the Sari Club Discoteque in Denpasar, Bali, Indonesia, killing 202 persons and wounding 300 more. Mufti said that Toronto Ventures had harvested the mineral in Zamboanga del Norte. Thirteen persons were killed and 10 wounded. The Catholic charity Caritas-Philippines and the Catholic bishop’s office claimed responsibility.
person and wounded 14. The second, at a bus stop near the Ariel settlement in the West Bank, killed one person and wounded 3. The al-Ansa Martyrs’ Brigades claimed responsibility. HAMAS claimed responsibility for the second.

Bombing of the UN Headquarters in Baghdad, August 19, 2003: A truck loaded with surplus donné exploded outside the United Nations Headquarters in Baghdad’s Canal Hotel. A hospital across the street was also heavily damaged. The 23 dead included UN Security Representative Sergio Vieira de Mello. More than 100 persons were wounded. It was not clear whether the bomber was a Baath Party loyalist or a foreign Islamic militant. Although not mentioned in the reports, elements in the brigades of the Martyr Abu Hafiz al-Masri later claimed responsibility.

Suicide Bombing in Jerusalem, August 19, 2003: A suicide bombing aboard a bus in Jerusalem killed 20 persons and injured at least 100, one of whom died later. Five of the dead were American citizens. HAMAS claimed responsibility. Although HAMAS leader al-Rantisi said that his organization remained committed to the truce while reserving the right to respond to Israeli military actions.

Car Bomb Kills Shi’ite Leader in Najaf, August 29, 2003: A car bomb explosion outside the Shura Center in Najaf killed 5 other persons and wounded 30. No one claimed responsibility. Though a spokesman called the first attack a response to Israeli aggression.

Suicide Bombing aboard a bus in Jerusalem, August 29, 2003: A car bomb explosion outside the Shura Center in Najaf killed 5 other persons and wounded 30. No one claimed responsibility. Though a spokesman called the first attack a response to Israeli aggression.

Car Bombing in Jerusalem, August 30, 2003: A suicide car bomb exploded outside the UN Conference on Trade and Development in Jerusalem. One person was killed and 35 were wounded. The explosion was claimed by Hamas.

Attacks in Iraq, August 30, 2003: Gunmen shot and wounded at least 30 persons near a mosque in Baghdad. U.S. officials did not announce any deaths.

Car Bombing in Baghdad, October 12, 2003: Two suicide car bombs exploded outside the Neve Shalom and Beth Shalom synagogues in Ashkelon, killing 25 persons and wounding 25 more. The initial claim of responsibility came from a Web site claiming to be affiliated with Hamas.

Suicide Bombing in Damascus, December 17, 2003: A female suicide bomber killed 5 other persons and wounded 14 outside Moscow’s National Hotel. She was said to be looking for the State Duma.

Suicide Car Bombings in Iraq, December 15, 2003: Two days after the capture of Saddam Hussein, there were two suicide car bomb attacks on Iraqi police stations. One at Husainiyah killed 8 persons and wounded 20. The other, at Amriyeh, wounded 7 Iraqi police. Guards repelled a second vehicle.

Attacks on Other Coalition Personnel in Iraq, November 29-30, 2003: Iraqi insurgents stepped up attacks on nationals of other members of the Coalition. On November 29, an ambush in Mahmudiyah killed 7 out of a party of 8 Spanish intelligence officers. Iraqi insurgents also killed two Japanese diplomats near Tikrit. On November 30, another ambush near Tikrit killed two South Korean electrical workers and wounded two more. A Colombian employee of Kellogg Brown & Root was killed and two were wounded in an ambush near Balad.

Train Bombing in Southern Russia, December 5, 2003: A woman suicide bomber killed 42 persons and wounded 150 aboard a Russian commuter train in the south Russian town of Yessentuki. Russian officials suspected Chechen rebels; President Putin said the attack was meant to disrupt legislative elections. Chechen rebel leader Aslan Maskhadov denied any involvement.

Suicide Bombing in Mosul, December 9, 2003: A female suicide bomber killed 5 other persons and wounded 14 outside Mosul’s National Hotel. She was said to be looking for the State Duma.

Suicide Bombing in Iraqi Parliament Building, October 12, 2003: Two suicide car bomb attacks on Iraqi police stations. One at Husainiyah killed 8 persons and wounded 20. The other, at Amriyeh, wounded 7 Iraqi police. Guards repelled a second vehicle.

Suicide Bombing in Baghdad, October 12, 2003: Two suicide car bombs exploded outside the Neve Shalom and Beth Shalom synagogues in Ashkelon, killing 25 persons and wounding 25 more. The initial claim of responsibility came from a Web site claiming to be affiliated with Hamas.

Suicide Bombing in Damascus, December 17, 2003: A female suicide bomber killed 5 other persons and wounded 14 outside Moscow’s National Hotel. She was said to be looking for the State Duma.

Suicide Bombing in Irbil, December 24, 2003: A suicide car bomb attack on the Kurdish Interior Ministry in Irbil, Iraq, killed 5 persons and wounded 8.

Attempted Assassination in Rawalpindi, December 25, 2003: Two suicide truck bombers killed 14 persons as President Musharraf’s motorcade passed through Rawalpindi, Pakistan. An earlier attempt on December 14 caused no casualties. Pakistani officials suspected Afghan and Kashmiri militants. On January 4, Pakistani authorities announced the arrest of 6 suspects who were said to be members of Jaish-e-Muhammad.

Suicide Bombing in Baghdad, August 19, 2003: A Palestinian suicide bomber killed 4 persons at a bus stop near Petah Tikva, Israel. The Popular Front for the Liberation of Palestine claimed responsibility for the attack in retaliation for Israeli military operations in Nabiabs that had begun two days earlier.

Restaurant Bombing in Baghdad, December 31, 2003: A car bomb explosion outside Baghdad’s Nabil Restaurant killed 8 persons and wounded 35. The wounded included 3 Los Angeles Times reporters and 3 local employees.

Mr. DODD. I know the Senate would like to vote quickly and I am prepared...
to do so, I thank the Senator for his patience and indulgence.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I appreciate the concern of the Senator from Connecticut and I know how hard he works, but the response to this amendment is not bureaucratic. The response to this amendment focuses on the fact that this bill, and our efforts as a Nation, must be threat based as we address terrorism.

I was interested today in a quote from Mayor Bloomberg in one of the New York papers. He essentially said if a professional terrorist, whose purpose was to kill Americans indiscriminately, wishes to attack the transit systems of New York, it is virtually impossible to stop that individual at the site of the attack.

Where do you stop that individual? You stop him by obtaining the intelligence necessary to interdict him before he can attack us. The energy we in this Nation are putting in the area of fighting terrorism is to do exactly that.

One of the primary reasons we are fighting in Iraq, one of the primary reasons we are fighting in Afghanistan, is in order to develop intelligence which will give us the capacity to stop these individuals. These individuals come from that part of the world. One of the reasons we have Guantanamo Bay is to develop intelligence capability. A significant amount of our intelligence capability coming out of that facility is as a result of taking their prisoners, who are bad actors, people who are fundamentally focused on hurting Americans, and getting information from them in a proper way.

One of the reasons we have the PATRIOT Act is to develop the intelligence we need to interdict an attack.

One of the reasons we do profiling is in order to get the intelligence we need to catch these people before they attack us. This bill addresses intelligence. We have significantly improved or are trying to improve with this bill what is our highest risk relative to the capacity of a terrorist to attack us, which is the porousness of our borders.

And so these funds which are being proposed here, $16 billion, which literally represents 50 percent of the entire Homeland Security appropriations bill, is being put into first responder programs when we already have $7 billion in the pipeline that hasn’t been spent yet because the assessments and plans for spending the money haven’t been properly prepared, would really be a true misallocation of resources, a true misallocation of resources in our effort to defend ourselves. They simply could not be handled, these types of dollars. The dollars already in the pipeline have not been able to handle. This bill puts $4 billion in these accounts, and we know that $4 billion will not be out the door as quickly as it should. To put $16 billion on top of that is a political statement but is not going to have a dramatic impact because the system to handle the dollars is not there and lot of money will be wasted. Taxpayers will find that instead of getting more security, what they’re getting is dollars that could have been used more efficiently somewhere else, that will have been drained off, and those dollars should be going into intelligence gathering and protecting our borders and to fighting these wars which we are participating in and making sure our military has adequate support in places such as Afghanistan and Iraq.

Independent of that, the amendment dramatically exceeds the budget and is therefore subject to a point of order, which I have made, and the motion to waive has been made by the Senator from Connecticut, and we will have a vote on it.

So at this time, Mr. President, I ask unanimous consent that at 6:30 this evening the pending amendment to a series of votes in relation to the following amendments and the motions where pending; further, that no second-degree amendments be in order to any amendments prior to the vote, and that there be 2 minutes equally divided for debate prior to each vote. The first amendment will be the Dodd amendment, a motion to waive the budget point of order, and the second amendment would be Akaka amendment No. 1112, and on that amendment there will also be a point of order. The vote will be on the motion to waive the point of order since that amendment also significantly exceeds the budget allocation of this committee.

The PRESIDING OFFICER (Mr. COLEMAN). Is there an objection? Without objection, it is so ordered.

Mr. GREGG. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1112, AS MODIFIED

Mr. GREGG. Mr. President, I ask that the pending amendment be set aside and the amendment No. 1112 of Senator Akaka be inserted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act that the amendment by Senator Akaka provides spending in excess of the subcommittee allocation under section 302(b).

I am sorry, I reserve that motion and I guess Senator Akaka is going to send a modification to the desk.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I reply to the chairman it does not affect the content of the amendment. I ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. Does the Senator from Hawaii wish to send a modification to the desk?

Without objection, the modification is accepted.

The amendment (No. 1112), as modified, is as follows:

On page 77, line 18, strike "$2,694,300,000" and insert "$3,181,300,000".

On page 77, line 20, strike "$1,518,000,000" and insert "$1,965,000,000".

On page 79, line 21, strike "$321,300,000" and insert "$311,300,000".

Mr. GREGG. Mr. President, at this point I raise a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee’s 302(b) allocation.

Mr. AKAKA. Mr. President, in accordance with section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The yeas and nays are ordered.

Mr. GREGG. It is my understanding that we will now have a vote on Senator Dodd’s amendment, on the motion to waive the Budget Act, followed by a vote on Senator Akaka’s motion to waive the Budget Act. I should inform Members that we actually are going to have three other votes following those two votes as soon as we line them up. The first vote will begin at 6:30.

I think Senator Akaka wanted time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. I thank the Chair.

Mr. President, I ask unanimous consent that Senator SARBANES be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I rise today to speak briefly on my first responder amendment to the Homeland Security appropriations bill.

The distinguished chairman of the Homeland Security Subcommittee has cited $7 billion in unspent first responder grants as justification for reducing first responder funding in fiscal year 2006. I wish to take a moment to respond to the statement. First, much of the $7 billion figure has been legally obligated for specific purposes or in some cases even already spent. As the DHS inspector general observed in a March 2004 report on the distribution of first responder grants, the amount of funds drawn down by States provide an incomplete picture of the progress States and local jurisdictions are making. A more accurate way to monitor progress would be to identify the amount of funds obligated and spent by the States and local jurisdictions.

Following this approach and looking at data received from DHS, virtually all the money that has been awarded to
States in prior years under the three main homeland security first responder grant programs has been obligated.

Second, the $7 billion includes fiscal year 2005 grant funds which were only made available to States by DHS very recently and could not reasonably be expected to have already been spent in the middle of the same fiscal year.

We should not punish first responders for bureaucratic procedures and red tape. We cannot afford to take resources away from its first responders at a time when we rely on them more than ever.

Mr. President, I urge support of our amendment. I have asked for the yeas and nays. I yield to the time.

Mr. LIEBERMAN. Mr. President, I rise today to support this amendment to the fiscal year 2006 Department of Homeland Security appropriations bill to provide additional funding for our first responders and preventers—the men and women who go to work every day to keep our communities safe, and who rush into the face of disaster when it happens.

Last Thursday, the world saw again with the despicable attacks in London that terrorists are still capable of killing innocent civilians. It is yet another wake up call to all of us, and a sign that we cannot let down our guard. We must stay vigilant.

In fact, our intelligence and security experts have been telling us in no uncertain terms that the threat of terrorist attacks right here at home is one we will have to live with for some time to come. Director Porter Goss has said, “It may only be a matter of time” before terrorists strike again within our borders with weapons of mass destruction. And FBI Director Robert Mueller has said our Nation is, “awash in desirable” targets for terrorists.

Given these pronouncements, it is wrong to leave our police, firefighters, and emergency medical workers undertrained and unequipped to protect American citizens. We would never consider denying the training and equipment needs of our men and women fighting in Iraq and we should not deny the training and equipment needs of those we rely on to protect us in the war on terror at home.

Yet that is exactly what this spending bill does. It sends the wrong message not only to first responders and the state and local officials struggling to keep up with the need of preparing for new threats. It also sends a dangerous message of complacency to the public.

The amendment that Senator AKAKA and I are offering today would boost our first responder spending by $387 million—to restore three key grants programs to last year’s funding levels. Those grant programs are the State Homeland Security Grant Program, the Urban Areas Security Initiative, and the Fire Assistance Grant Program. All of which supply critical first responders with the training and equipment they need to do their jobs effectively and safely.

Opponents of this amendment will argue that Congress has already appropriated billions of dollars for first responders and preventers since September 11, and that some $7 billion remains unspent in the pipeline. This is a common misperception.

First, the $7 billion figure includes fiscal year 2005 grant funds—that were only made available to states by DHS very recently and that could not reasonably be expected to have already been spent of the same fiscal year. Second, the $7 billion refers to money that has not actually been “drawn down” from the U.S. Treasury. Much of this money, however, has been legally obligated for specific purposes or in some cases even already spent. As DHS’s inspector general observed in a March 2004 report on the distribution of first responder grants, “The amounts of funds drawn down by states provide an incomplete picture of the progress states and local jurisdictions are making. A more accurate way to monitor progress would be to identify the amount of funds obligated and spent (outlays) by the states and local jurisdictions.”

Following this approach and looking at data we have received from the Department of Homeland Security, it appears that virtually all the money that has been awarded to States in prior years under the three main homeland security first responder grant programs—the Homeland Security Grant Program, the Urban Area Security Initiative, UASI, and the Law Enforcement Terrorism Prevention Program, has been obligated.

At any rate, the billions we have appropriated over the years still pales by comparison to what most experts—Republican and Democrat—say is needed to adequately prepare our first responders and preventers. In June 2003, a nonpartisan task force chaired by former Senator Warren Rudman reported that—over the next 5 years—we will need to fund the needs of critical emergency responders by nearly $100 billion. And that figure was arrived at based on maintaining 2003 funding levels.

The task force found that, on average, fire departments had enough radios to equip only half the firefighters on a shift, and breathing apparatuses for only one-third. Just 10 percent had the protective gear needed to respond to a building collapse; and police departments did not have the protective gear needed to secure the site of a WMD attack. These dismal numbers may have improved somewhat since 2003, but no one has suggested that our level of preparedness is near where it should be.

On the key issue of first responder communications interoperability—the top priority of State and local homeland security advisers—the task force recommended spending almost $7 billion over 5 years. And DHS estimates the cost of modernizing first responder communications infrastructure at $40 billion. No wonder most States have not yet achieved interoperability.

In March, New York’s Center for Catastrophe Preparedness and Response reported that emergency medical workers generally lack not only proper equipment but also proper training. And at a Homeland Security Governmental Affairs Committee hearing in April, we heard disturbing testimony that first responders are often not prepared to respond adequately to accidents at chemical facilities, leaving the American public dangerously exposed, even more so if there is a deliberate release caused by terrorists.

I cannot say it often enough: our first responders are on the frontlines of the war on terror here at home, and we must equip and train them to do their jobs safely and effectively. Words of praise are useless. They need dollars—dollars to help train and equip State and local police, firefighters, and emergency medical technicians to help detect or disrupt terrorist activity before an attack occurs or to save as many as possible and contain the damage if an attack occurs.

This amendment is a modest proposal—$387 million—and it seeks primarily to halt to downward trend in funding for our Nation’s first responders, and important, and I hope achievable goal. Last year, we spent more on Mars exploration. I have consistently advocated that we spend much more to make sure that first responders have the training and equipment they need to keep the American people safe. For example, earlier this year, I proposed to the Budget and Appropriations Committee that we spend $4.2 billion more for first responders and preventers, consistent with the advice of experts who have told us that we need to invest billions more to secure our homeland security needs.

Yet this appropriations bill reflects, once again, an ill-advised administration strategy to reduce funding for first responders for the second year in a row. This is no time to retreat. I urge my colleagues to support this modest but urgent effort to meet our homeland security needs.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the work of the Senator from Hawaii. He is always a very positive and effective spokesperson for the Senate for a variety of different issues. He brings this amendment forward. The simple fact is that you can’t disregard the fact that there is $7 billion in the pipeline for first responders—$3 billion from the year 2004, $4 billion from 2005—that hasn’t been spent. This bill puts another $4 billion into these accounts, so we are not shorting these accounts. One of the reasons the Senate has offered this bill is it takes money from first responders that is not going to be there. It moves it over to Border Patrol where we do need the money, moves it over to weapons of mass destruction where we do
need the money, and that is the priority we set as a committee, in a bipartisan way, because this has been, as I mentioned a number of times, a threat-based bill. This is the first time this bill has been brought forth recently, or ever, really, based on threat, and we determined the threat was weapons of mass destruction and border porousness. The fact there were $7 billion in the pipeline, retaining $4 billion in this account we felt was an adequate amount, and those accounts for first responders, knowing that down the road we are going to put more money into first responders as it can be absorbed. But to put more in now would mean just holding it, and that money can be much more efficiently used as we propose to use it by adding more Border Patrol agents and detention beds, and more aggressive attempts to fight the use of a weapon of mass destruction against us. So that is why we are opposed to this approach.

Clearly, it breaks the allocation which we have received. Therefore, it would mean $587 million to the deficit, which would also be inappropriate, and that is why the point of order lies against it and that is why we oppose it at this point.

I understand we are now on a minute equally divided on the Dodd amendment.

The PRESIDING OFFICER. The understanding is 2 minutes equally divided.

Mr. DODD. The chairman is very gracious. He has probably worn out his patience on this amendment.

This amendment is an extraordinary amendment. I fully understand that. I believe the events, particularly over the last week, have highlighted the extraordinary times we are in and the challenges we face.

The bulk of the $16 billion is not to first responders but to harbors, port and chemical plants where there is great vulnerability today.

Recent events in Seville, Spain, attending a conference. I rode the train from Seville to Madrid and arrived in the same station where the attacks occurred in March of 2004. My luggage, when I got on the train in Seville to go to Madrid, was quickly checked through a scanning system. We have nothing like that.

I am not suggesting had something like that existed in London the problem could have been avoided. I know terrorists have used another means to attack as they did that day, but it minimizes the possibility.

The vulnerabilities we have in our country today in the areas I have described demand attention. With all due respect, this bill is a reduction in funding for these areas, not an increase. We ought to be doing more. This amendment is a large amount, but to do less would be a tragedy. I hope the waiver will be adopted.

Mr. GREGG. This is $16 billion, $16 billion into an account where there presently is sitting $7 billion in the bank.

We as a nation obviously have a lot of vulnerabilities because we are an open society. I wish we could cover them all. But the simple fact is there is not enough money to cover them all. We need to prioritize. This bill does that. This amendment basically flies in the face of good use of the dollars because we simply could not spend these types of dollars if they were appropriated effectively. They may get spent but not effectively, in our opinion.

It is much more appropriate to look at addressing weapons of mass destruction, border patrol, airline security, and to make sure we have in place the proper systems in order to protect the homeland through these assessment programs which are going forward before we put a large amount of money—$16 billion, which would be half the budget of the Homeland Security agency—into new spending initiatives or additional spending initiatives, the $4 billion in the bill and the $7 billion in the pipeline.

The point of order has been made. This is a motion to waive it. This amendment would add $16 billion to the deficit. We do not think it would accomplish what its purpose is.

The PRESIDING OFFICER. Under the previous order, the question is now agreeing to the motion to waive the Budget Act with respect to Dodd amendment No. 1292, as modified. 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 Mississippi (Mr. LOTT), and the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER (Mr. DE MINT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 60, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—36

Akaka
Baucus
Biden
Boxer
Clinton
Clarens
Dayton
Dodd
Durbin
Feingold
Guilfoyle
Harkin
Feinstein
NAYAS—60

Alexander
Alard
Allen
Baucus
Bennett
Caucus
Bond
Brownback
Bunning
Burns
Graham
Grassley
Gregg
Hatch
Hutchison
Isakson
Kerry
Krug
Landrieu
Lott
Lugar
Mikulski
Morrisey
Nelson (FL)
Nelson (NE)
Santorum
Kavanaugh
Sessions
Shelby
Smith
Specter
Santorum
Smith
Snowe
Stevens
Sunnun
Talent
Thomas
Vitter
Voisinovich
Warner

The PRESIDING OFFICER. On this vote, the yeas are 36, the nays are 60. Three-fifths of the Senators duly chosen and sworn not in the affirmative, the motion is rejected. The point of order is sustained and the amendment fails.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, let me take a moment and update everybody on the schedule. We are going to have one additional vote scheduled this evening. We will be starting that momentarily. We have 14 additional amendments pending at this time. We should be able to lock in a voting sequence for tomorrow morning, and thus we will have one more vote tonight, and then we will have a series of standard votes beginning tomorrow morning at 10 a.m. As we have said again and again, we will be completing the bill this week, and we can complete the bill late tomorrow night but, if necessary, we would go into Friday. But we will finish the bill this week.

Senators should be prepared to stay late tomorrow night. We will have one more vote starting shortly, and we will start stacked votes at 10 in the morning. We will work straight through tomorrow, hopefully finish tomorrow night. We will be in on Friday as well, but I think we can finish this bill tomorrow night.

AMENDMENT NO. 1112, AS MODIFIED

The first amendment is a reduction in funding for first responders. The amendment we have pending on the Akaka amendment. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, we have been very concerned about first responders and funding they really need. My amendment simply seeks to maintain the fiscal year 2005 funding for first responders. Our country cannot afford to take the resources away from them. I urge support of the amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment adds $587 million in new spending to first responder grants, above the levels provided already in the bill. There is no offset. The bill already provides $3.4 billion for first responder grants. In addition, there is nearly $7 billion previously appropriated that State and locals have available to spend at this time for first responders. The funding pipeline is full of money. This amendment would cause the subcommittee to exceed its 302(b) allocation. The Budget Act point of order should be sustained.
Have the yeas and nays been ordered? The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to waive the Budget Act with respect to the Akaka amendment No. 1112, as modified.

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 Louisiana (Ms. LANDRIEU), and the Senator from Maryland (Ms. MINKULSKY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote? The result was announced—yeas 42, nays 55, as follows:

REPUBLICAN MEMBERS—

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Collins
Conrad
Cornyn
Craig
Crapo

At the appropriate place, insert the following:

[S. 2360]

AMENDMENT NO. 1171, AS MODIFIED

Mr. GREGG. Mr. President, I propose an amendment numbered 1171, as modified.

The amendment is as follows: (Purpose: To clarify the source of funds allocated under amendment No. 1171 to H.R. 2360.)

(A) On line 3, page 2, strike "" and insert ""

The amendment (No. 1171), as modified, was agreed to.

The PRESIDING OFFICER. The amendment (No. 1171), as modified, was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1172) was agreed to.

AMENDMENT NO. 1173, AS MODIFIED

Mr. GREGG. Mr. President, I call up amendment No. 1173 on behalf of Senator HUTCHISON, and I send a modification to the desk.

The PRESIDING OFFICER. The amendment will be Senator SCHUMER fourth, as modified, was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1221) was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent that the second-degree amendment offered by Senator HATCH be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1221) was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent that at 10 a.m. tomorrow, the Senate proceed to a series of votes in relation to the following amendments or motions where pending; further, that no second-degree amendments be in order to any of the amendments prior to the votes, and that there be 2 minutes equally divided for debate prior to each vote; finally, that the first vote in the series be 15 minutes, with the remaining votes in the series limited to 10 minutes each. The first amendment will be Senators ENSIGN and MCCAIN second-degree amendments No. 1219; the second amendment will be Senator SCHUMER’s amendment No. 1189; third will be Senator SCHUMER’s amendment No. 1190; fourth will be Senator MCCAIN’s amendment No. 1171, as modified, as amended by the Hatch amendment; and fifth will be Senator STABENOW’s amendment No. 1217.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. 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.

The amendment (No. 1173), as modified, was agreed to.

AMENDMENT NO. 1171, AS MODIFIED

Mr. GREGG. Mr. President, I ask for the regular order on Senator MCCAIN’s amendment No. 1171, as modified.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1221 TO AMENDMENT NO. 1171, AS MODIFIED

Mr. GREGG. Mr. President, I send a second-degree amendment on behalf of Senator HATCH to Senator MCCAIN’s amendment No. 1171.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from New Hampshire (Mr. GREGG), for Mr. HATCH, proposes an amendment numbered 1221 to amendment No. 1171, as modified.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows: (Purpose: To clarify the source of funds allocated under amendment No. 1171 to H.R. 2360.)

(A) On line 3, page 2, strike "" and insert ""

The amendment (No. 1171), as modified, was agreed to.

The PRESIDING OFFICER. The amendment (No. 1171), as modified, was agreed to.

Mr. GREGG. Mr. President, I propose an amendment numbered 1173, as modified.

The amendment is as follows: (Purpose: To authorize and direct the Secretary of Homeland Security to designate the Alaska State Commission for Airports and Portages as the airport in the United States from a foreign area may land for processing by the United States Customs and Border Protection, and for other purposes.)

At the appropriate place, insert the following:

SEC. 519. It is the sense of the Senate that

On page 100, between lines 11 and 12, insert the following:

Purpose: To express the sense of the Senate regarding coordination with the American Red Cross)
Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT. Without objection, it is so ordered.

AMENDMENT NO. 116I
Mr. REID. Mr. President, I call up amendment No. 116I, which is at the desk. I wish to have it reported. The PRESIDENT. The clerk will report.

The Assistant legislative clerk read as follows:

The Senator from Nevada [Mr. Reid], for himself, Mr.拜登, and Mr. Kennedy, proposes an amendment numbered 116I.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDENT. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate on the submittal to Congress of a report on performance indicators on Iraq)

At the appropriate place, insert the following:

Sec. 8203. (a) FINDINGS.—The Senate makes the following findings:


(ii) The report requires performance standards and goals for security, economic, and force training objectives in Iraq together with a notional timetable for achieving these goals.

(3) In specific, the report required, at a minimum, the following:

(A) With respect to stability and security in Iraq, the following:

(I) Key measures of political stability, including the important political milestones that must be achieved over the next several years;

(ii) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(iii) An assessment of the estimated strength of the insurgency in Iraq and the net amount that we have provided to Congress.

(iv) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(v) An assessment of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(I) unemployment levels;

(II) electricity, water, and oil production levels; and

(III) hunger and poverty levels.

(vi) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(B) With respect to the training and performance of security forces in Iraq, the following:

(i) The training provided Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and maintaining them), and the milestones and notional timetable for achieving these goals.

(ii) The operational readiness status of the Iraqi military forces, including the type, number, size, and notional structure of battalions that are—

(I) capable of conducting counter-insurgency operations independently;

(ii) capable of conducting counter-insurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counter-insurgency operations.

(iii) The number of police recruits that have received classroom training and the duration of such instruction;

(ii) The number of police officers who have received classroom instruction and the duration of such instruction;

(iii) The number of police candidates who have completed police screening services, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) The number of police officers who have received field training by international police trainers and the duration of such instruction; and

(v) Atrition rates and measures of absenteeism and infiltration by insurgents.

(vi) The criteria the Administration will use to determine whether the Iraqi security forces are capable of conducting counter-insurgency operations independently; capable of conducting counter-insurgency operations with the support of United States or coalition forces; or not ready to conduct counter-insurgency operations.

(vii) The number of veteran police officers and the number of police officers who have received field training by international police trainers, the duration of such instruction, and the success rates of those groups of candidates;

(viii) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(ix) The number of United States and coalition advisors needed to support the Iraqi security forces and criteria.

(x) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2006.

(3) The deadline for submittal of the report to Congress was 60 days after the date of the enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, which is July 11, 2005, and every 90 days thereafter through the end of fiscal year 2006.

(4) The report has not yet been received by Congress.

(5) The availability of accurate data on key performance indicators critical to understanding whether the United States strategy in Iraq is succeeding, and the substantial resources provided by Congress, which total over $218 billion and an approximate monthly expenditure of $5,000,000,000, with substantial resource expenditures still to come, are being utilized effectively.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the information requested in the report described by subsection (a) is critical—

(A) to fulfilling the oversight obligations of Congress;

(B) to ensuring the success of United States strategy in Iraq;

(C) to maximizing the effectiveness of the substantial resources provided by Congress and the American people for United States efforts in Iraq;

(D) to identifying when the Iraqi security forces will be able to assume responsibility for security in Iraq; and

(E) to obtaining an estimate of the level of United States troops that will be necessary in Iraq during 2005 and 2006, and in any years thereafter;

(2) the report should be provided by the Department of Defense, as required by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 as soon as possible; and

(3) the Secretary of Defense should communicate to Congress and the American people why the report was not submitted to Congress by the original deadline for its submittal.

Mr. REID. Mr. President, in the 2005 Iraq Emergency Supplemental Appropriations bill, the House and Senate conferees agreed to an extensive set of Department of Defense, Department of State, and benchmarking requirements on Iraq that addressed the security, economic, reconstruction, and governance areas. This report was due on July 11, and has not yet been provided to Congress.

This amendment conveys the Sense of the Senate that this information is critical to formulating a strategy for success and that the report should be delivered to Congress as soon as possible.

Over the last few weeks, the American people have been assured by the Administration that they have a strategy for success in Iraq.

Unfortunately, too often the rhetoric and public statements of senior administration officials have left an impression with the American people of a credibility gap.

Overly optimistic statements such as that by the Vice President that the insurgency is in its “last throes” have not matched what real experts, including the administration’s own intelligence analysts and senior military officers, have said about the challenges ahead.

Mr. President, in order to be credible and right to demand that the administration report more cold, hard facts about Iraq but for our debate about other priorities such as homeland security. We spend more on Iraq in 2006 than the net spending on all federal programs and extra servicemen in an entire year. Since 9/11, we have spent $500 million on mass transit security—an amount that we
MORNING BUSINESS

Mr. GREGG. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each. The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE FIRST QUARTER ACCOMPLISHMENTS

Mr. MCCONNELL. Madam President, as we return from the celebrations marking our Nation's Independence Day, we should take a moment to mark the accomplishments of this Senate as we conclude the first quarter of the 109th Session of the U.S. Congress. The list of accomplishments is impressive. Judges to our circuit courts of appeals, staked for years, now sit on the bench. Key legislative initiatives, once left to languish, are now the law of the land or on the brink of completion. Class action reform protects plaintiffs from abusive coupon settlements while it prevents lawyers from gaming the system. It had been delayed for at least a decade despite strong public support and legislative majorities. Now it has been signed into law by President Bush. So too was a bankruptcy reform bill that ushers in a new emphasis on personal responsibility. It is another reform of our civil justice system that was long delayed, despite broad support.

We met our responsibilities to defend freedom, and the challenges of continuing to wage war on terrorism, with an emergency funding bill for Iraq. We responded to the heart-breaking human cry for help by funding international relief efforts for victims of the Southeast Asia tsunami. The budget resolution, which sets the vision of this nation, was completed and now permits smooth consideration of appropriations bills, tax relief measures, the highway bill, the energy bill and numerous other initiatives. After failures to enact a budget in two of the last three sessions, getting this one in place means we are on course to meeting the President's goal of cutting the deficit in half while funding our important priorities of health, education, veterans, and homeland security.

When we've found that our budget needed to be adjusted to meet the medical needs of veterans, we voted to make the adjustments to ensure veterans have the health care they need this year as well as next. We now are poised to soon enact a highway bill that will help Americans get where they need to go more quickly and safely, and will help create jobs within our States as well. We have the opportunity now on an Energy bill that will help reduce our national dependence on foreign sources of oil and prevent blackouts like the one that hit the Northeast United States in 2003. We made the homeland safer by passing the Real ID provision. These provisions tighten our borders, reform our asylum system, and safeguard our identity documents so that terrorists cannot use them to avoid detection. We've broken the unprecedented three-year filibuster of President Bush's judicial nominees who finally received up-or-down votes. Now, Judges Owen, Pryor, Brown, Griffith, McKeague, and Griffin have each taken their oaths and assumed the Federal appellate bench.

Most recently, the Senate has expanded the benefits of free trade, economic opportunity, and political stability to new regions of our own hemisphere with Senate passage of the Central American Free Trade Agreement. We've made a good down payment on the appropriations process by passing the Interior, Legislative Branch, and Energy and Water.

And finally, this week we have paid our respects and expressed our condolences to the victims of the London terrorist bombings, and are proceeding to work on funding our own homeland security needs. Freedom never had a greater ally than the valiant United Kingdom, and the United Kingdom will never have a greater friend than America. Our prayers are with that great nation today. That is an incredible body of achievement in just six months. Where once there was inaction, a boast of accomplishment. We have done what the American people sent us here to do. I hope everyone enjoyed the Fourth of July weekend and paused for a moment to celebrate the fact behind those fireworks—that government of, for, and by the people can work, and that the accomplishments of this Senate show that it does work.

ETHIOPIA

Mr. MCCONNELL. Mr. President, today I rise to express concern about recent events in Ethiopia. On May 15, 2005, 90 percent of registered Ethiopian voters went to the polls in the country's third election under its current constitution. Unfortunately, this historic election was marred by a disputed outcome. Because of the controversy over the election, civil unrest ensued. In responding to protests by opposition parties, the Government of Ethiopia acted with excessive force, killing 36 protestors and arresting large numbers of demonstrators.

Final results of the May election were delayed and eventually completed by the National Electoral Board. On June 8, then by July 8, and are still ongoing. Interim certified results from the Electoral Board indicate that approximately 40 percent of the vote is either still under investigation or in need of tallying. The nation is in a political crisis, and the right of the country still to cast its ballots. Let me be crystal clear that the Government of Ethiopia must respect the
neutrality of the Electoral Board and permit it to go about its work in a fair and impartial manner. I also call upon Kemal Bedri Kelo, chairman of the Electoral Board, to conduct the board’s proceedings in a transparent, fair and evenhanded fashion in order to ensure that the democratic decision is respected by all sides.

Ethiopia is an ally of the United States. But that friendship could be strained by failure of the Ethiopian Government to observe international norms in its elections, failure by the Government to abide by the rule of law or failure by opposition groups to avoid overheated rhetoric. As chairman of the State/Foreign Operations subcommittee, I will be keeping a close eye on events in Ethiopia as they continue to unfold.

CLERGY SEXUAL ABUSE

Mr. KENNEDY. Mr. President, Rick Santorum owes an immediate apology to the tragic and long-suffering victims of sexual abuse and their families in Boston, Massachusetts, in Pennsylvania, and around the country. His outrageous and offensive comments which he had the indecency to repeat yesterday day blamed the people of Boston for the depraved behavior of sick individuals who stole the innocence of children in the most horrible way imaginable.

Senator Santorum has shown a deep and callous insensitivity to the victims and their suffering in an apparent attempt to score political points with some of the most extreme members of the fringe rightwing of his party. Boston bashing might be in vogue with some Republicans, but Rick Santorum’s statements are beyond the pale.

Three years ago, Senator Santorum said:

While it is no excuse for this scandal, it is no surprise that Boston, a seat of academic, political and cultural liberalism in America, lies at the center of the storm.

When given an opportunity yesterday to apologize, he refused and instead restated these outrageous statements. The people of Boston are to be blamed for the clergy sexual abuse? That is an irresponsible, insensitive, and inexcusable thing to say. Rick Santorum should join all Americans in celebrating the accomplishments of the people of Boston. Apparently Senator Santorum has never heard of the enormous contributions of our universities and industries to our quality of life, our economic strength, and our national security.

Harvard and MIT have produced 98 Nobel laureates whose work has made an enormous difference in America’s strength. Their graduates contribute to industries, Government, their communities, our Nation, and throughout the world. In fact, only a quarter of MIT graduates remain in New England. Their research keeps our Nation secure.

The Pentagon and the CIA, the military, the Energy Department, the Veterans Administration—all turn to MIT and Harvard for technology and strategies to protect our Nation from those who would hurt us, and their research in cancer, children’s health, housing, community development, continues to make an enormous difference to the well-being and the health of our children and families.

More than a dozen current U.S. Senators were educated in Boston: Senator FRIST was trained as a heart surgeon at Harvard Medical School. Senator DOLE went to Harvard Law School. Senator ALEXANDER went to Harvard’s School of Government. Surely my memorable colleagues would not go to a school that is somehow contributing to the downfall of America. No, Mr. President, they went to a worldwide leading institution to prepare them for incredible careers of service and leadership.

Senator Santorum’s self-righteousness also fails to take into account the enormous amount of good will the people of Boston demonstrate for the less fortunate. They started the Massachusetts Hunger Initiative working with leaders in 20 low-income communities to end hunger among children.

Boston’s Children’s Hospital has been ranked first in the Nation in the past decade for care and concern of sick children.

The quality of life for Boston and its families is ranked third in America. Massachusetts has the lowest divorce rate in the Nation.

Massachusetts ranks in the top 10 States in the Nation when it comes to addressing the needs of at-risk or vulnerable children, including our efforts to address low birth weight babies, teen homicides and other challenges to our children. Pennsylvania doesn’t even rank in the top 10.

Boston gave birth to America’s liberty, and the values that sparked our revolution continue to inspire Bostonians today—love of freedom, dedication to country, and concern for our fellow citizens.

The men and women of Boston have served honorably in our Armed Forces. They fought and died for our country so that their children might live in freedom.

The abuse of children is a horrible perversion and a tragic crime, and I am proud that the good people of Boston and Massachusetts were leaders in coming forward, shedding light, and demand accountability for this devasting violation of children.

Sadly, the sexual abuse of children is a problem throughout the world, and it is not confined in any way to members of the clergy or to one town or one city. Every State in the country has reported child sexual abuse, including Pennsylvania.

On behalf of all the victims of abuse and the people of Boston and Massachusetts, I ask that he retract his unfounded statements and apologize. I think the families of Massachusetts were hurt just as much by this terrible tragedy as the families of Pennsylvania. Abuse against children is not a liberal or conservative issue. It is a human and patriotic tragedy. Sadly, it happens in every State of this great Nation—in red States and blue States, in the North and South, in big cities and in small. The victims of child sexual abuse have suffered enough already. Santorum should stop making a bad and very tragic situation worse.

JUDICIAL PHILOSOPHY OF SUPREME COURT NOMINEES

Mr. KENNEDY. Mr. President, President Bush and Members of the Senate will soon have the duty of appointing a new justice to the Supreme Court. In recent days, there have been differences of opinion over whether we should consider the judicial philosophy of nominees to the Supreme Court as part of the appointment process. I hope that the President’s comments yesterday make clear once and for all that judicial philosophy is an important part of a nominee’s qualifications. President Bush said that judicial philosophy would be one of the criteria he used to choose a nominee along with character, integrity, and the ability to do the job.

I agree with President Bush that these qualities—including judicial philosophy—are important to whether a nominee is fit to serve on the Court. Many times in recent months, and during his campaign for re-election, President Bush has said that nominees to the Federal courts must interpret the law, not make the law. He has said that we should appoint judges who would not try to legislate from the bench. This view has been echoed by Members of the Senate, both Republican and Democrat, myself included. Senators of both parties agree with the President that we should not appoint judicial activists who would decide cases based on personal ideology rather than the law.

The only way to know whether nominees have an activist judicial philosophy is to find out what their judicial philosophy is. That’s the only way to know whether nominees will follow the law or attempt to rewrite it. We certainly can’t tell judicial philosophy from nominees’ resumes, where they went to school, or where they worked. These issues are relevant and should be considered as part of a nominee’s qualifications for the Supreme Court. But a resume is no substitute for answering questions about whether the nominee respects the basic rights and freedoms on which the nation was founded.

The American people deserve to know that a nominee would favor corporate or other special interests, rather than giving everyone the same fair hearing in deciding cases. They deserve
to know whether nominees would respect the Constitutional power of Congress to enact environmental protections or if nominees are so opposed to such protections that they would bend or distort the law to strike them down. The American people deserve to know whether nominees would roll back civil rights laws or uphold the rights of the disabled, the elderly, and minorities. The American people are entitled to know if a nominee respects women's rights to equal treatment in our justice system and privacy in making reproductive decisions.

This does not mean every nominee should promise to rule a particular way in each of the cases on the Supreme Court’s docket for the next term. It doesn’t mean that nominees must state how they would rule in any specific case. But it does mean that the Senate should expect the nominee to answer questions about important legal principles—such as the constitutional power to protect Americans against corporate abuses, the right to equal treatment, Americans’ right to privacy in making personal decisions about medical care, the principle of non-discrimination, and the right to be free from unwarranted government intrusion.

The American people deserve to know the answers to those questions, and the Senate’s review is the only way that they can get those answers. The nominee will need to say more than “trust me” in response to these important questions, because so much hangs in the balance.

The importance of judicial philosophy in deciding whether to confirm a Supreme Court justice is nothing new. During the first 100 years after ratification of the Constitution, 21 of 81 Supreme Court nominations—one out of four—were rejected, withdrawn, or not acted on.

Since 1968, a third of all Supreme Court nominations have failed. During these confirmation debates, ideology often mattered. John Rutledge, nominated by George Washington, failed to win confirmation as Chief Justice in 1795, when Alexander Hamilton and other Federalists opposed him because of his position on the Jay Treaty.

In 1811, James Madison’s nominee, Alexander Wolcott, was defeated because of his enforcement of the embargo and other trade laws opposed by Federalists in the Senate.

A nominee of President Polk was rejected because of his anti-immigration position. A nominee of President Hoover was not confirmed because of his anti-labor views. The Senate failed to elevate Justice Robert H. Jackson to Chief Justice in 1968, when Senate Republicans filibustered his nomination because they objected to his decisions on free speech and defendants’ rights.

Chief Justice Rehnquist himself has stated that it is appropriate for the Senate to ask about a Supreme Court nominee’s judicial philosophy, stating that this “has always seemed . . . en-
tirely consistent with our [C]onstitution and serves as a way of reconciling judicial independence with majority rule.”

As our colleague from Mississippi, Senator Trent Lott, stated in 1996, “[w]e should look not only at their educational background, and qualifications, but also . . . what is their philosophy with regard to the judiciary and how they may be ruling.” In Senator Lott’s words, “if we do not ask questions, then we will be shirking our re-
sponsibility.”

Earlier this month, the Senate from Texas, Senator Cornyn, stated that while nominees should not be asked to promise how they will vote in a specific case, “it’s an appropriate question to ask what their views are on cases that have been decided and judicial opinions that have been written.” We should all agree that it’s appropriate for the Senate to ask nominees about the issues most important to Americans. The American people expect and deserve to learn about a nominee’s legal philosophy during the hear-
ings on any Supreme Court nominee. We should do all we can to see that the process provides clear answers, so that the American people will have full confidence in the outcome.

HONORING OUR ARMED FORCES
IN HONOR OF PRIVATE FIRST CLASS ERIC PAUL WOODS
Mr. NELSON of Nebraska. Mr. Presi-
dent, I rise today to honor PFC Eric Paul Woods of Omaha, NE.

Private First Class Woods served his country with the utmost bravery. A graduate of Urbandale High School in Urbandale, IA, Woods moved to Omaha 5 years ago, joining the Army in April 2004 as a medic with the G Troop, 2nd Squadron of the 3rd Army Cavalry. He was based out of Fort Carson, CO. Seven years ago, Private First Class Woods met his wife Jamie, also of the Des Moines area. The two were wed a year later on their first anniversary as a couple. On March 8, 2005, Private First Class Woods was deployed for his first tour in Iraq.

On July 9, 2005, Private First Class Woods was killed in action while serving courageously in Iraq. While bravely attempting to save the life of a wounded soldier near Tal Afar, Iraq, he sus-
tained fatal wounds as an improvised explosive device detonated near the side of the road. His courage should be an example to all, as days before he turned down an offer to be moved away from the front lines. His dedication to both his fellow soldiers and his country clearly display both his valor and re-
solve.

Private First Class Woods is survived by his wife Jamie and his 3-year-old son Eric Scott, among numerous other friends, family, and countrymen who proudly honor and remember his sac-
rifice. I would like to offer my sincere thoughts and prayers to Private First Class Woods’ family. His selfless com-
mitment to his country will not be for-
gotten. Private First Class Woods will be remembered as a man who honored, served, and died for the liberties and freedoms of all Americans and Nebras-

PETTY OFFICER 2ND CLASS DANNY P. DIETZ

Mr. SALAZAR. Mr. President, I rise today to commemorate an outstanding Coloradan who made the ultimate sac-
rifice for all of us: Navy Petty Officer 2nd Class Danny Philip Dietz, Jr.

Petty Officer Dietz was a native of Longmont, CO, and was a member of the Navy’s elite fighting force, the SEALs. He was killed in Afghanistan after an unsuccessful rescue attempt. He was just 25 years old about to embark on his fifth year of service to our Nation.

Petty Officer Dietz, D.J. to his friends and family, joined the Navy in 1999 after graduating High School. Where he played football. Serving his country as a Navy SEAL was Petty Officer Dietz’s dream. He spent his spare time in high school swimming and building his strength to make him a better candidate for this elite program. He spent years in training to become part of a specialized SEAL recon-

In doing so, Danny Dietz took his first step toward becoming a hero for America.

When Petty Officer Dietz left for his most recent deployment in April out of Virginia Beach, just a few hours from where we are tonight, he told his wife that he was going to do something special for his Nation. He did for all of us, including one of his fellow soldiers who was rescued from those Afghan moun-
tains, where Petty Officer Dietz was lost to us.

Matthew 5:9 teaches us, “Blessed are the peacemakers, for they shall be called sons of God.” Petty Officer Dietz’s brave actions overseas are the kind of heroism of which you should be ex-
traordinarily proud and to which all Americans owe our gratitude. To the people of the United States is a gift for which we are all profoundly grate-
fulf and will never forget.

Petty Officer 2nd Class Danny Philip Dietz, Jr. served this Nation with ex-
traneous courage, honor and distinc-
tion in fighting for our freedom and liberties. To his wife Maria and his en-
tire family, I can only offer my deepest condolences at your loss. The thoughts and prayers of an entire Nation are with you.

MR. GENE MAY, A BUILDER OF HOMES
Mr. BYRD. Mr. President, it is com-
monly said that a man is known by his work. For half of a century, Mr. Gene May of McLean, VA, was known by the fine homes he built in the Washington area.

Mr. May, who died recently of lung cancer, was a builder and a developer, who made an important and lasting im-

CONEGRESSIONAL RECORD — SENATE July 13, 2005
man, who touched people with his hard work, his dedication to his profession, and the extra care that he put into the structures that he built.

Gene May did not merely build houses; he built homes, and he built more of them starting with his first, in 1947. He put himself into each of his endeavors, into each of the homes he built; and as a result, the homes he built reflect his values. Years after he retired, according to the Washington Post, people were still writing to him, praising him for his work, his dedication to his profession, and, who touched people with his hard work. His dedication to his profession, and the extra care that he put into the structures that he built.

Yet, according to his daughter, his work was not the most important thing in his life. It wasn't even second. His daughter explained that “the most important thing in his life was his family, followed by his church. And he viewed his work as a way to serve both.”

What a wonderful way to regard one’s work. A contribution all of us could make to our families, our society, and ourselves with such an outlook on life, that our work is a way to serve our family and our Creator.

Gene May's philosophy served as an underpinning of his rewarding life. He put family first, and what a wonderful family he had. He was married to his loving wife, Barbara May, for 58 years. They had two children and five grandchildren.

Gene May faithfully served his church. I knew Gene May. He built the house in which I now live. He was a charter member, treasurer, and one of the first deacons of the Church of Christ of Falls church. He supervised the building of two of the church's facilities, and actively participated in the church's mission. In addition, he helped to establish, then served as president of, a christian youth summer camp in Virginia's blue ridge mountains.

Gene May's community involvement extended well beyond his church activities. For example, he was a member of the school board, a board member of the Arlington Trust Bank, and a found-er of the Northeastern Junior College in Villanova, PA.

When Mr. May learned that he had terminal cancer a little more than a year ago, he reacted to the news with the calmness and level-headedness that had characterized his life. He taught his wife how to handle the family finances, even budgeting the money for his funeral expenses. He then signed up for hospice care, so that he would not be a burden to his family; and, he began to prepare himself for the afterlife. How about that? He began to prepare himself for the afterlife. Gene May succumbed to the dreaded disease on May 4 of this year.

This good man, this good neighbor, this good citizen will be missed by his family, community, and his legion of friends. But through the homes he built for more than a thousand people, the memories of his life and work will live for years and years to come. He was a builder.

Gene May was a builder in the best and truest meaning of the word. I saw them tearing a building down. A group of men in a busy town. With a “ho, heave, ho,” and a lusty yell they swung a beam and the sidewall fell. I said to the foreman, “Are these men skilled?” The type you would hire if you had to build?” He laughed, and then he said, “no indeed. Just common labor is all I need; I can easily wreck in a day or two, That which takes builders years to do. I said to myself as I walked away, “Which of these roles am I trying to play? Am I a builder who works with care, Building my life by the rule and square? Am I shaping my deeds by a well-laid plan, Patiently biding the best?” Or am I a fellow who walks the town, Content with the labor of tearing down?”

My wife Erma, and I extend our deepest condolences to Mr. May’s wife, Barbara, and their children, and grandchildren. May his ashes rest in peace.

VOTE EXPLANATION

Mr. THUNE, Mr. President, yesterday the Senate, again, acted in a unified bipartisan manner when it voted 95 to 0 to add an additional $1.5 billion to the Department of Veterans' Affairs. Although a family medical emergency unfortunately prevented me from being able to vote on the Murray amendment, I fully support the measure and would have gladly voted in favor of it. Even though the VA could provide some health care to veterans until fiscal year 2006, it would have to do so by taking funds from other accounts and slashing other projects. This is simply unacceptable.

I am proud the Senate chose to emphasize our position that the VA needs an additional $1.5 billion to properly carry out its mission of caring for America’s veterans.

Thank you Mr. President.

TERRORIST BOMBING IN LONDON

MR. CHAMBLISS, Mr. President, my wife Julianne and I express our deepest sympathies to those lost loved ones and those injured in the terrorist attacks in London last Thursday. Our thoughts and prayers are with them.

The terrorists who claim allegiance to al-Qaida undertook these atrocious acts in response to the United Kingdom’s unfliching, courageous support for the global war on terrorism. Prime Minister Tony Blair and the British people have stood side by side the United States and the other members of the coalition in the war on terrorism. This is a reminder that we must always be vigilant against those who wish to attack our freedom and our way of life. We must work tirelessly to ensure our resolve to pursue and bring to justice those who commit these heinous crimes.

I add my support to Monday’s passing of S. Res. 193, which expressed “sympathy for the people of the United Kingdom in the aftermath of the deadly terrorist attacks.” At the time of the vote, I was delayed in returning to Washington because of Hurricane Dennis. Had I been present for the vote, I would have voted in favor of the resolution.

LEADERSHIP AND COORDINATION IN LANGUAGE EDUCATION

Mr. AKAKA. Mr. President, I rise today to discuss the foreign language needs of the country, a problem that is receiving renewed public attention because of the ongoing war in Iraq and the impact the lack of language expertise is having on our foreign policy. As John Limbert, president of the American Foreign Service Association, was quoted in the Federal Times last week, the shortage of “professional linguists: ‘makes our mission of representing the American people that much harder.”

Frankly, I agree with Mr. Limbert. The stability and economic vitality of the United States and our national security depend on American citizens who are knowledgeable about the world. We need civil servants, area experts, diplomats, business people, educators, and other public officials with the ability to communicate at an advanced level in the languages and cultures of the people with whom they interact. An ongoing commitment to maintaining these relationships and language expertise helps prevent a crisis from occurring and provides diplomatic and language resources when needed.

My own State of Hawaii is a leader in promoting language education and cultural sensitivity. As a gateway to Asian and Pacific nations, we in Hawaii understand the importance of knowing other languages and cultures, which help to develop strong relationships with other people. For example, according to the 2000 Census, more than 300,000 people in Hawaii, or about 27 percent of those 5 years and older, spoke a language other than English at home. This is compared to about 18 percent nationwide. In addition, the University of Hawaii is a leader in teaching Korean and is the host of two National Korean Flagship Programs established under the National Security Education Program. Hawaii is also host to the internationally recognized East-West Center, an education and research organization established in Hawaii by Congress in 1960, which is a leader in promoting and strengthening the cultures of the United States and the countries of the Asia-Pacific region.

In 2000 the Senate Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services, then chaired by Senator Cochran, held a hearing on the foreign language needs of the Federal Government. At that hearing Ellen Laipson,
vice chairman of the National Intelligence Council, testified as to the language shortfalls in the intelligence community and how these shortfalls could impact agency missions, especially in emergency situations. For example, analysts’ lack of language skills limits analysts’ insight into a foreign culture which restricts their ability to anticipate political instability and warn policymakers about a potential trouble spot. In addition, Ms. Laipson testified that thousands of technical and procurement professionals providing details on foreign research and development in scientific or technical areas were not being translated because of the lack of personnel to interpret the material, which could lead to the possibility of “a technological surprise.”

Understanding the importance of improving our language capabilities, I introduced with Senators DURBIN and Tfonnxson the Homeland Security Education Act and the Homeland Security Federal Workforce Act. Our bills proposed a comprehensive strategy to improve language education, as well as science and math education, at the elementary, high school, and college levels and initiatives that would benefit individuals possessing such skills as a result of these programs to enter Federal service in critical national security positions. The Senate passed the Homeland Security Federal Workforce Act on November 29, 2006. The provisions of the bill were included in the Intelligence Reform Act of 2004. In addition, I successfully added an amendment to the Defense Authorization Act for fiscal year 2005 requiring the Department of Defense to report on how it will address its language shortfalls in both the short and long term. Earlier this year, the Department issued its Defense Language Transformation Roadmap which lays out an ambitious plan for improving the language education of our military and government.

While Congress has adopted several provisions to improve language education, including some that I have proposed, it has not been easy to gain a wider acceptance of this need. It has been said that the events of September 11, 2001, were a modern day Sputnik moment, demonstrating that shortages of critical skills can have dire national security consequences. While Sputnik pointed out the importance of science and math, September 11 reminded us that language skills and cultural awareness are essential for improving relations with the international community and strengthening our national security. However, nearly 4 years after that terrible day, we are still without sufficient language skills. We still have not learned the lesson that the Soviet launch of Sputnik taught us in 1958: investment in education is just as important to our national security as investing in weapons systems. We need higher levels of leadership and a coordinated plan of action to address this on-going problem and to ensure that this Nation never falls short in its language capabilities again or fails to communicate effectively with our neighbors around the world.

That is why I have introduced the National Foreign Language Coordination Act with Senators DODD and COCHRAN. Our legislation, S. 1089, is designed to provide the needed leadership and coordination of language education. Primarily, the legislation creates a National Foreign Language Coordination Council which is composed of the heads of the principal executive branch agencies and chaired by a national language director. The national language director would be appointed by the President and is to be a nationally recognized individual with credentials and abilities necessary to create and implement long-term solutions to achieving national foreign language and cultural competency. By having the key players of the executive branch on the Council, I hope that each agency will come away with an understanding of what their role is, how they can reach out to their stakeholders for input, and become engaged in addressing this problem.

The Council would be charged with developing and overseeing the implementation of a national language strategy. In particular, the Council would identify priorities, increase public awareness, advocate needed resources, and coordinate efforts within the Federal Government to ensure that the U.S. is prepared to take on new developments in foreign language education and cultural understanding. As former Senator and 9/11 Commissioner Bob Kerrey recently said, “Someone in the executive branch has got to say, ‘Here’s where we are today, here’s where we want to be in five years, and here’s what it’s going to take to get there.’” The National Foreign Language Coordination Act will do just that.

There have been several articles issued recently that have highlighted the need for more language training and the need for leadership in this area. I ask that the following articles be printed in the RECORD:

> Tichakorn Hill, Does Anyone Here Speak Arabic? (or Farsi, or Pashto?)


> John Diamond, Terror War Still Short on Linguists, USA Today, June 20, 2005.

> John Diamond, Muslim World Isn’t Big With U.S. Students (By John Diamond)

WASHINGTON—Despite an expansion of federal efforts to promote learning Arabic and other languages of the Islamic world, there has been no dramatic increase in Americans studying in countries where such languages are spoken, according to the latest statistics on overseas study. That’s the case even though the number of Americans studying abroad has more than doubled since the mid-1990s.

There are some signs of growing interest among American students in learning Arabic, which the U.S. intelligence community hopes will help bolster its ranks with specialists who can speak the language in the war on terrorism.

But as Karin Ryding, a professor of Arabic at Georgetown University, points out, U.S. intelligence can’t get by with “hothouse” Arabic speakers who can sit in a language sitting in American classrooms. They must travel to the region and immerse themselves to become fluent.

Furthermore, foreign languages haven’t surged either since the Sept. 11 attacks. The difficulty of learning Arabic and other Middle East languages means it will be years before academia can produce significantly more graduates fluent in languages important to U.S. national security.

“It’s going to take a good, long while. It’s going to be a lot more expensive. And it’s a question of whether you can afford to wait,” says Andrew Krepinevich, head of the Center for Strategic and Budgetary Assessments, a Washington-based defense think tank.

Numbers aren’t good. In the first full academic year after 9/11, 1,263 Americans studied in predominantly Muslim countries in Africa, the Middle East and Asia. That’s a 4.5% increase over the yearly average of five years leading up to Sept. 11, according to an analysis of figures compiled by the Institute of International Education, which administers several federal scholarship programs. The figures cover students who financed their own education as well as those who received private and public scholarships.

The list of majority-Muslim countries in which students studied is not identical from year to year but typically includes countries in the Middle East and North Africa such as Senegal, Morocco, Egypt, Saudi Arabia, Jordan, Kuwait, Lebanon and Turkey; and nations in Asia such as Pakistan, Indonesia and Malaysia.

The institute’s figures show that more Americans are studying abroad: 174,629 in 2004–05, up from 144,401 in 1994–95. Yet fewer are focusing on foreign languages: Two decades ago, 16.7% of Americans studying abroad listed foreign languages as their primary field of study. According to the institute’s figures, a decade ago, it was down to 11.3%; for 2002–03, 7.9%.

“Despite the need, the number of undergraduate foreign language degrees conferred is only 1% of all degrees,” Sen. Chris Dodd, D-Conn., said last month. Dodd is sponsoring legislation that would increase federal spending on language and foreign study and create a “national language director” to coordinate language programs.

The stakes are high, according to a January Pentagon report: “Conflict against enemies speaking less-commonly taught languages and thus the need for foreign language capability will increase.”

Language ability is critical not just for fighting wars or s pying, says Thomas Farrell, deputy assistant secretary of State for academic programs. It also means having a better knowledge of “regions of the world that are important to the United States,” Farrell says. “We’re seeking to demonstrate, especially to countries with many speakers of English, that the United States respect human rights and are committed to peaceful solutions.”

Upick in Arabic studies

For years, U.S. students didn’t learn much about Arabic. In 2002, the latest nationwide survey available, only 1 out of every 707 students were learning Arabic, whether as a major or an elective. That was a 92% increase from 1998 but

2005.

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CONGRESSIONAL RECORD — SENATE

July 13, 2005

still amounted to fewer than 1% of all students enrolled in foreign language courses in 2002, according to a report by the Association of Departments of Foreign Languages.

The Defense and State department is spending about $10 million this year for language study centers based in the Middle East, U.S. language development centers and scholarships. The Pentagon spends $3.6 million for Middle East language scholarships and other language programs. Some of the money is tied to promises that students will commit to jobs in national security.

The State Department handles the bulk of federal money for language scholarships through its Foreign Language Coordination Council. For now, U.S. military and intelligence agencies compete with one another for a small pool of qualified candidates. Arabic professors say the shortage of the ability of Americans is worried about the push to fill hiring quotas.

"They're desperate for people," Walbridge says. "Very few people without some reason to know reasonable standard are ready to do intelligence work using Arabic."

[From USA Today, June 20, 2005]

**TERROR WAR STILL SHORT ON LINGUISTS**

(John Diamond)

WASHINGTON.—Nearly four years after the Sept. 11 attacks, the federal government has created a profusion of programs to train students in language and cultural backgrounds that might be important in understanding the war on terrorism. But government leaders and language experts say the effort is an uncoordinated jumble too slow to produce measurable results.

"We're not there, and we're not moving fast enough," says Rep. Pete Hoekstra, R-Mich., chairman of the House Intelligence Committee.

Since 9/11, Congress and the White House have pumped money into new and existing programs for training in Arabic and other Middle Eastern languages and cultures. Annual spending has jumped from about $41 million in 2001 to $100 million today. While the funding and programs have grown, the results are, so far, insufficient, according to Sen. Chris Dodd, D-Conn. The government needs to hire 34,000 foreign-language specialists, particularly Arabic speakers, for homeland security, defense and intelligence agencies, he says.

The effort to produce more speakers of Arabic and Urdu and other strategic languages of the Islamic world is needed because many Americans fluently speak Arabic and other languages of the Islamic world. Arabic and other strategic languages are 'the language of intelligence work using Arabic.'

[From the Federal Times, June 20, 2005]

**DOES ANYONE HERE SPEAK ARABIC? OR FARSI, OR PASHTO?**

(By Tichakorn Hil)

When a congresswoman asked David Kay, the former head of the U.S. team searching for weapons of mass destruction in Iraq, how many on his 1,400-person team spoke Arabic and understood the technology of weapons of mass destruction, the answer was discouraging.


Similarly, 60 percent of special forces who were combing through Afghan mountain ranges for Osama bin Laden how many of them spoke the local language of Pashto. They said they picked up a little while they were there.

"Osama bin Laden is truly American public enemy No. 1, how do we expect to track him down if we cannot speak the languages of the people who are hiding him?" Holt said.

Whether it is military troops, intelligence analysts, translators, interpreters, or just federal employees delivering services to an increasingly diverse American population, there is a shortage of people with foreign language skills. And the shortage is most critical in Middle Eastern and South Asian languages: Arabic; Pashto; Dari, which is spoken in Afghanistan; Farsi, spoken in Iran; Urdu, spoken in India and Pakistan.

The consequences, say experts, are disturbing. The problem threatens government efforts to keep the peace and rebuild infrastructure in Iraq, translate foreign documents, and mediate talks. "What happens to the dollar that could prove to be valuable intelligence, explain U.S. policies to foreign populations, investigate terrorists, and track down illegal aliens?"

The shortage of linguists "makes our mission of representing the American people that much harder," said John Limbert, president of the American Foreign Service Association and a former ambassador to Mauritania. "Most of that mission involves being able to communicate with the person that is telling to what others are telling us. I don't see how we can do that without knowing the language of those with whom we are communicating."

The Defense and State department intelligence agencies, the FBI and many other agencies were suffering severe shortages of linguists even before 9/11. The FBI, for example, complained to Congress in 2000 that it had large stockpiles of audio tapes and documents awaiting translation. The Defense Department didn't have enough Dari-speaking translators. And it had only one Marine and one sailor who spoke Pashto.

Kevin Hendzel, a spokesman for the American Translators Association, estimates it will take intelligence agencies between 10 and 15 years to catch up in translating tons of materials recovered from Iraq and Afghanistan.

As a society, we pay a huge price for not being competent in foreign languages. This is particularly true in the national security area where the people who want to do us harm do not speak English," he said.

Federal agencies are expected to hire more than 10,000 contract and staff linguists this year.

But while hiring of linguists since 9/11 has exploded, it still hasn't kept pace with the government's needs—especially for people who know Arabic and South Asian languages.

The problem—

Federal managers blame the American education system.

According to the National Center for Education Statistics, out of 2 million college graduates in 2004, only 206 earned degrees in Chinese, the world's most popular language. U.S. institutions are not producing enough of the right kind of linguists fast enough," said an FBI official. "And we simply cannot wait for the education system to catch up."

But the government is trying to kick-start the system. Last year the Defense Department began awarding grants to universities for foreign language studies in Chinese, Arabic, Korean and Russian.

And in Congress, Holt introduced this year the National Security Language Act, which would subsidize critical study programs that teach critical languages and offer intensive study programs overseas. The bill, which has 43 cosponsors, also would repay student loans for students majoring in critical foreign languages and then work for federal agencies or as elementary or secondary school language teachers.

The recruiting challenge—

In their rush to recruit people with hard-to-find language skills, agency managers are trying a variety of tactics. They hold job fairs in minority communities, such as Arabic communities in California and Michi gan. They advertise in foreign-language newspapers and on the Web. They hold seminars to explain U.S. policies to foreign populations, investigate terrorists, and track down illegal aliens.

"We're always in competition with other federal agencies and the private sector for that talent," said Reginald Wells, deputy commissioner for human resources at the Social Security Administration.

Many candidates are foreign-born and for-eign-educated, which presents another challenge for agencies trying to verify their credentials.

And as if finding people who speak difficult languages is not difficult enough, finding
people who know those languages at a professional or technical level is even harder. “Many of our assignments are highly technical and they [native speakers] simply do not have the vocabulary to move between the two languages. That’s where our challenges lie,” said Brenda Sprague, the director of Office of Language Services at the State Department.

Not all candidates who meet the grade want to work for, say, the Foreign Service and be posted far from their families, said Nancy Serpa, former director of the Human Resources for Recruitment, Examination and Employment at the State Department. “There is not a cure for everyone, and finding people who want to spend their career overseas away from their family is very difficult to begin with, even though we have a lot of people who take the Foreign Service test,” Serpa said.

National Security Agency managers find that many candidates are reluctant to move even to the agency’s Maryland headquarters. “We may be successful in attracting people to the type of work we do and the opportunities and possibilities we have available, but we’re successful in encouraging them to move to Columbia or Baltimore,” said John Taflan, NSA human resources director.

Getting new employees a security clearance is another hurdle. “We require, for all our full-time positions and some of our contract positions, that people have the ability to obtain security clearance, and that’s become extremely difficult for those who are naturalized American citizens,” Sprague said. “That limits your pool to a large extent.”

Hiring binge

Despite the recruiting challenges, agencies have been hiring. Since 9/11, the FBI has hired nearly 1,000 linguists and plans to hire 274 more next fiscal year. Currently it has nearly 1,400 contract and full-time linguists who speak 100 languages. Ninety-five of those linguists are native speakers of their languages. The bureau increased its linguists by 69 percent and the number of those in critical languages, such as Arabic, increasing by 200 percent.

The State Department this year is hiring nearly 400 Foreign Service generalists, many of whom will get training to speak another language. It has nearly 1,400 contract and full-time linguists who speak 100 languages. The department also will hire 1,500 military linguists this year. The Air Force is the most active in this year. The Air Force is the most active in training military linguists.

Agencies that cannot hire or train enough people with language skills borrow them from other agencies or contract for them. Congress in 2003 also created the National Virtual Translation Center, an interagency clearinghouse that lets agencies share translators and learners to make sure that services of translators in the private sector and academia. The center also performs translation work for intelligence agencies.

Federal contracting for people with language skills has taken off since 9/11. But as demand has shot up, so have labor rates. Before 9/11, a linguist speaking Arabic might expect rates of $45 an hour. Rates are up to between $70 and $80 an hour. A contract linguist working full-time now can make $150,000 a year, Hendzel said.

Not all agencies are willing to pay so much, he said. Some want to settle for less than $20 an hour. But even then, agencies that hire people who speak a foreign language but may not be certified or have experience or expertise in a particular field. By doing that, Hendzel said agencies risk getting poor-quality work that could undermine their missions.

“Mistranslation or distortion are as dangerous as a lack of translation,” he said.

Mr. AKAKA. We all understand the importance of language education and cultural understanding in this country; we just need to figure out how we make it happen. I am confident the National Foreign Language Coordination Council will provide the needed leadership and coordination to reach our goal.

U.N. REFORM

Mr. COLEMAN. Mr. President, I rise today to discuss Coleman-Lugar bill that will effect meaningful and reasonable reform of the United Nations. But before I delve into the issues of U.N. reform, I must take a moment to thank my colleague Senator LUGAR for his leadership. As the chairman of the Senate Foreign Relations Committee, Senator LUGAR has been at the forefront of these issues for years— worked in passing bipartisan, consensus legislation touching a wide range of international matters. In short, Senator LUGAR’s leadership on the issue of U.N. reform has been crucial.

Sixteen months ago, as the chairman of the Permanent Subcommittee on Investigations, I initiated a bipartisan, comprehensive investigation into the massive international fraud that flourished under the United Nations Oil for Food Program. You will recall this program was designed to provide the necessary funding of the oil from Iraq to maintain the lives of the poorest of the poor of Iraq from the impact of international sanctions. Unfortunately, Saddam Hussein manipulated the program—siphoning off billions of dollars in under-the-table payments—and used that money to strengthen his murderous regime at home and reward friends abroad. As Secretary of State Condoleezza Rice testified at her confirmation hearing, Saddam Hussein used his oil revenue as leverage like a violin.” It could not have been more wrong: evil prospered while the poor starved; the program designed to control and oust the oppressor actually helped him stay in power and bolster his arsenal.

Over the course of our 16-month investigation, the subcommittee has held three hearings and released three reports on the oil-for-food scandal. At those hearings and in our reports, we exposed how Saddam abused the program—we documented how the Hussein regime rewarded political allies by granting lucrative oil allocations to foreign officials, such as Russian politician Vladimir Zhirinovsky and the Russian President’s daughter. We presented evidence of how Saddam made money on the oil deals by demanding under-the-table surcharge payments, and how he generated illegal kickbacks on humanitarian contracts.

Saddam’s abuses occurred under the supposedly vigilant eye of the U.N. How could that happen? Well, over the course of our investigation, an avalanche of evidence has emerged demonstrating that the U.N. terribly mismanaged the Oil for Food Program. The evidence document a pattern ranging from outright corruption to sloppy administration. For instance: Our subcommittee uncovered evidence that Kofi Annan’s handpicked executive director of the Oil for Food Program, a man named Benon Sevan, appears to have received lucrative oil allocations from Saddam.

Our subcommittee discovered evidence that a U.N. oil inspector received a large bribe to help Saddam cheat on two deals.

Fifty-eight reports written by the U.N.’s own internal auditors revealed rampant mismanagement by the U.N., describing a program rife with sloppy stewardship and riddled with “overcharges,” “double charge[s]” and other “unjustified” waste of more than $100 million.

The U.N.’s investigators, headed by Paul Volcker, determined that the U.N.’s process for awarding three multi-billion-dollar oil contracts in the program was “tainted.”

The U.N.’s investigators also found that Kofi Annan failed to adequately investigate or remedy a serious conflict of interest—namely, that the U.N. had awarded a massive contract to the company that employed Annan’s son.

Perhaps most disturbing, however, was that Kofi Annan’s chief of staff ordered the destruction of 3 years’ worth of documents. That order was given the day after Kofi Annan was named to investigate the Oil for Food Program.

Such gross mismanagement and corruption in the Oil for Food Program
raise serious questions about the U.N.\'s ability to administer crucial programs in the future. American taxpayers pay roughly 22 percent of the U.N.\'s operating costs. They need assurances that their tax dollars are well spent. This is especially true in light of the fact that the U.N.\'s role in the world has increased in scale and importance. As a result, we must bring about meaningful and reasonable reform of the U.N. Such reforms must include three elements. First is the concept of "transparency, accountability, and good governance.\" Supreme Court Justice Brandeis famously stated, \"Sunlight is the most powerful of all disinfectants.\" Today, the U.N.\'s operations are shrouded in mystery—not a single ray of sunlight infects the internal machinations of the U.N. The U.N. should be transparent to its member states, and use those rays of sunlight to prevent another episode of massive mismanagement.

Another necessary element for U.N. reform is "good governance.\" Specifically, U.N. officials responsible for the operation and management of programs, such as sanctions regimes and humanitarian efforts, must be held accountable for their performance. Such accountability should apply to all U.N. officials from the highest to the lowest.

The third element necessary for U.N. reform is effective internal oversight. Simply put, the U.N.\'s internal auditor—the Office of Internal Oversight Services (OIOS), needs to be strengthened. The OIOS is woefully underfunded and lacks true independence. With respect to funding, the OIOS receives $24 million per budget—a paltry pittance when compared to the $162 million allocated to U.N.\'s press office. Without an effective and independent auditor, the U.N.\'s operations will continue to be plagued with misconduct and mismanagement.

Those crucial elements are the cornerstones of the proposed Coleman-Lugar bill, the United Nations, Management, Personnel, and Policy Reform Act of 2005. The bill presents a well-balanced and constructive U.N. reform initiative that addresses: (1) a variety of U.N. management weaknesses identified by the subcommittee, a lack of transparency, oversight, accountability, and effective budgetary and personnel systems, and (2) a series of U.N. policy issues that need reform, including reforming and enhancing U.S. nonproliferation efforts. The legislation strives to establish an appropriate balance between important goals: effecting crucial U.N. reforms, preserving U.N. administrative discretion, and ensuring limited U.S. government monitoring and oversight.

Our proposed legislation underscores that an effective United Nations is in the interest of the United States and that the United States must lead the United Nations toward greater relevance and capability. The bill also emphasizes that further reform will require bipartisanship and the joint involvement of the executive and legislative branches so that the U.S. presents a unified position toward the United Nations. The proposed legislation exhorts the U.S. to use its voice, vote, and funding in the U.N. to accomplish U.N. management, personnel, and policy reforms. It requires the President to submit an annual report on U.N. reform to appropriate congressional committees.\" It also authorizes the President to withhold 50 percent of U.S. contributions to U.N. if he determines that the U.N. is not making sufficient progress in implementing reforms described in the act.

While the proposed legislation acknowledges that the U.N. has initiated some reforms, it also recognizes that the U.N. has failed to make many necessary changes. The bill cites past GAO reports on U.N. reforms and recent U.N. reports, including the High-Level Panel Report and the Secretary-General\'s Report, on the need to expedite existing reforms and implement new urgently-needed reforms. It emphasizes that the Coleman-Lugar initiative that addresses:

- A variety of U.N. management weaknesses identified by the subcommittee, a lack of transparency, oversight, accountability, and effective budgetary and personnel systems, and (2) a series of U.N. policy issues that need reform, including reforming and enhancing U.S. nonproliferation efforts.
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generation of our State’s and our Nation’s leaders. I commend Kenneth W. Montfort College of Business at the University of Northern Colorado for their efforts to promote excellence in higher education. Undoubtedly, their success serves as an example of excellence to colleges and universities around the country.

I ask my colleagues to join me in congratulating the Kenneth W. Montfort College of Business at the University of Northern Colorado for being recognized for their efforts and success.

A TRIBUTE TO COLONEL RAY ALEXANDER

• Mr. BURR. Mr. President, I rise today to offer my thanks and appreciation, and those of all North Carolinians, to Colonel Charles “Ray” Alexander, Jr., Commander of the Army Corps of Engineers Wilmington, NC District. Today is Colonel Alexander’s last day as commanding officer of the district. While we celebrate his retirement with his family, we will miss the impact he has had on North Carolina and the Nation.

Colonel Alexander has distinguished himself with exceptionally meritorious service as district commander since 2002. Under his command, the district continued construction of the Wilmington Harbor deepening project and met the target for delivering deep water to the State port docks in January 2004 despite numerous fiscal challenges. The Wilmington Harbor deepening is the largest civil works project in the district’s history and a very important navigation project, providing economic benefit to the State. Additionally, the deeper channel has been an asset to the local military installations in support of the global war on terror.

Under Colonel Alexander’s direction, the district has been involved and successful in protecting the nation’s environment. Numerous environmental enhancement projects, including the Roanoke Island Festival Park aquatic habitat restoration and protection project, are testament to this highly successful program.

This and many other projects earned the district the 2004 Coastal America Partnership Award and North Carolina Coastal Mayor Award. Under Colonel Alexander, the district earned a National Award of Merit from Engineers’ Environmental Award for product delivery team design and construction of an island estuarine habitat, and nomination and subsequent recognition as the North Carolina Conservationist Partner of 2003 by the North Carolina Land Trust Council. A district project delivery team under Colonel Alexander’s command also earned an environmental award from the Environmental Protection Agency for its work cleaning up EPA facilities in the Research Triangle Park.

Colonel Alexander also executed a systematic plan to improve relation-

ships with local, State, and Federal entities. Locally, we completed re-nourishment of Kure, Carolina, and Bald Head Island Beaches and a project to reinstitute the use of dredged mate-

rials on Bogue Banks. Additionally, the district created a new management plan to meet the needs of over 40 agencies and many private citizens.

Colonel Alexander also led the efforts in 2003 to provide exceptionally responsive emergency management services during Hurricane Isabel in North Carolina, in which he was able to successfully re-construction of vital road infrastructure for the Cape Hatteras breach. He also led the Wilmington effort in aiding the recovery from the record-breaking 2004 hurricane storm season.

I would also like to commend Colonel Alexander for his support of the Army Corps outside his district and in the war on terror. His selflessness was exhibited by his leadership for the $841 million recovery effort in 2004 after Hurricane Ivan devastated Alabama. This highly complex operation included providing emergency power, ice, water, housing, debris collection and reduction, roofing, and technical assistance to the citizens of Alabama following Hurricane Ivan, which caused an estimated $700 million in damages. Corporation was involved in every aspect of the operation, including construction, repair, and debris cleanup.

Colonel Alexander’s leadership and commitment in the global war on terror is evident in his ability to motivate more than 20 team members to volunteer to serve abroad as members of South Atlantic Division’s Forward Engineer Support Teams, Task Force Restore Iraqi Electricity, the Gulf Region Division, and the Afghanistan District. The number continues to grow and several members have served on multiple deployments.

In local areas of North Carolina, Colonel Alexander has never met Colonel Alexander will benefit from the results of his work. At this special time in his career, I wish him all the best and thank him for a job well done.

LIEUTENANT COMMANDER ELIZABETH J. FRENCH

• Mr. BURR. Mr. President, the Naval Hospital at Camp Lejeune, NC, has selected Captain Elizabeth J. French, as the hospital’s Officer of the Year for 2004. She serves as the department head for the inpatient obstetrics department at the hospital. U.S. Navy Captain Richard C. Welton presented Colonel French with a Letter of Commendation for her “dedication to this Command and continual support of superb family centered maternal and childcare services in the Obstetric Department.”

I am proud of Elizabeth French’s outstanding service and I ask unanimous consent that Captain Welton’s Letter of Commendation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER OF COMMENDATION

The Commanding Officer, Naval Hospital Camp Lejeune takes pleasure in commending Lieutenant Commander Elizabeth J. French for her outstanding performance of duty as Commanding Officer of the Maternal Newborn Services. Her leadership and dedication to patient care have resulted in unprecedented levels of performance in neo-natal and maternal care. Her professionalism and dedication have been exemplary.

Captain Welton, Medical Corps, Naval Hospital Camp Lejeune.

100TH ANNIVERSARY OF FORDVILLE, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 1-3, 2005, the residents of Fordville, ND, gathered to celebrate the community’s centennial.

Fordville is a city in the north-eastern part of my great State with about 266 residents. Although its population is small, Fordville holds an important place in the history of North Dakota. Fordville was founded in 1905 and was an important stop along the Soo Railroad line. Because of confusion with the Marine Corps Station, the city was named Fordville instead of Soo. When the town was incorporated in 1905, it was decided to combine its name with the rural post office of Fordville.
Belleville. The combination of Medford and Belleville resulted in the now familiar name of Fordville.

The people of Fordville are proud of their local public schools and the railroad system, which helps to sustain the city. Additionally, the city has a strong, cooperative system featuring a new grain elevator. Their lively centennial celebration included a parade, street dance, musicals and a fireworks display.

I ask the Senate to join me in congratulating Turtle Lake, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Fordville and all the other historic small towns of North Dakota, we keep the pioneering tradition alive for future generations. It is places such as Fordville that shaped this country into what it is today, which is why this fine community deserves our recognition.

Fordville has a proud past and a bright future.

100TH ANNIVERSARY OF TURTLE LAKE, NORTH DAKOTA

Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. From July 15 to 17, the residents of Turtle Lake, ND, will celebrate their history and the town's founding.

Turtle Lake is a small town in north-central North Dakota with a population of 580. Despite its small size, Turtle Lake holds an important place in North Dakota history. The founders of Turtle Lake were Peter Miller, the earliest homesteader in the region. Mr. Miller established the Turtle Lake post office in his farmhouse on January 25, 1886, and subsequently formed the first Turtle Lake business by setting up a shop under a lean-to. As other businesses spread throughout the area, the Miller town site was formed. Over the next decade, the post office moved to the Miller town site and soon thereafter, it established the town. Soon after, it was announced that the railroad would pass through the area, thus bringing a flood of pioneers to the city in search of a new home on the frontier.

The town of Chamberlain grew rapidly. Within weeks, it was home to the Merchant's Hotel, the Brule County Bank and the Brule County Insurance Company. Chamberlain's post office was established in May of 1881, and the Dakota Register, the town's first newspaper, was founded later that year.

The first church in Chamberlain was the Congregational Church, established under the leadership of Reverend W.H. Thrall. Built in 1881, the structure was donated by Selah Chamberlain, an officer of the Milwaukee railroad and the bank, who the town was named. The church still stands today as a symbol of unity in this small city. Other denominations, including the Methodists, Catholics, Episcopalians, Lutherans, and Seventh Day Adventists, also established their respective churches in Chamberlain's early years.

Ask any of its residents about the history of Chamberlain and they will probably recount the story of Theodore Roosevelt's campaign visit. Roosevelt called on Chamberlain and the Rough Riders arrived from the west on a very windy day when the air was so full of dust that people could barely see each other as they made their way around the town. Consequently, two cowboys collided on the street and one of the horses was killed in the accident. Roosevelt asked Mr. Lockwood, marshal of the day, if a local cowboy would lend him a horse. The request was overheard by a nearby rancher who promptly offered up one of his. Roosevelt, proud of his new acquisition, rode the horse around town with local boys until he left to continue his campaign elsewhere.

Chamberlain is also known as one of the many places the Louis and Clark Expedition passed through. In mid-September of 1804, the team was greeted by exotic animals, such as jackrabbits, antelopes, mule deer and black-billed magpies, as well as the enormous herds of buffalo, elk, and antelope. The path the expedition traveled is now a popular hiking destination for outdoor enthusiasts and history buffs alike.

Like most young communities in the Dakotas, Chamberlain was not without...
its share of tragedy and hardship. In the first two years of Chamberlain's existence, the pioneers of the area experienced two of the hardest winters on record. Also, few can forget the typhoid epidemic in 1932. Towns upstream believed an old tale that the water in the river cleansed itself every 20 feet due to its saturation of mud and sand. As a result, many residents diverted their sewage into the river. Unfortunately, this resulted in a widespread typhoid outbreak. The area, termed an old tale that the water in the river cleansed itself every 20 feet due to its saturation of mud and sand. As a result, many residents diverted their sewage into the river. Unfortunately, this resulted in a widespread typhoid outbreak.

Anyone who has traveled the State of South Dakota can attest to the beauty of our State. Perhaps it was a reminder of the unique treasures and western South Dakota and is a lasting record. Also, few can forget the typhoid epidemic in 1932. Towns upstream befell to the Missouri River. This picture of the river stands as a warm welcome to western South Dakota and is a lasting reminder of the unique treasures and western South Dakota and is a lasting reminder of the unique treasures.

James F. Stahl eventually purchased the paper. Stahl converted the weekly paper into a daily publication in 1890. Madison's second paper, the Madison Sentinel, began in old Madison in April, 1879 by Joe H. Zane and F.L. Fifield. The Leader and Sentinel were competitors for two years until they merged in 1880 to form the Madison Daily Leader. Since 1947, the Hunter family has published the Madison Daily Leader, and to this day the paper continues to provide residents with accurate and reliable news.

Among Madison's notable attributes is its public library. In 1905, town residents held a meeting and decided to create the library. Quickly thereafter, the community raised money, donated books, and selected the building of Mr. John Warren's new bank. The Madison Free Public Library opened its doors in December of that year. Meanwhile, George R. Farmer had been working with Andrew Carnegie to secure additional funds for a library. One month after the opening of the Madison Free Public Library, Farmer received word from Carnegie's private secretary that Carnegie would donate $10,000 to erect a public library if the city would provide and maintain the site. A suitable site was selected and construction quickly began. On Thursday, November 12, 1907, the new Madison Library opened. In 1960 and 1980, improvements were made to the building. Yet these modifications failed to compare to the major renovations undertaken in 1994, when the size of the library was increased by 400 percent with a striking architecturally compatible addition. The facility now houses 48,055 books, and secured a room in the building of Mr. John Warren's new bank.
MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 1382. A bill to require the Secretary of the Interior to convey to the Puyallup Indian tribe, to be held in trust for the benefit of the Puyallup Indian tribe.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1394. A bill to reform the United Nations, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2921. A communication from the Progaram Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 767–200F and 767–200ER Series Airplanes; and Model F.28 Mark 0100 Airplanes” ((RIN2120–AA64)(2005–0285)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2922. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bombardier Model DHC 8 400 Series Airplanes” ((RIN2120–AA64)(2005–0287)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2923. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 747–400ER Series Airplanes; and Model 747–400F Series Airplanes Equipped with Door–Mounted Escape Slides” ((RIN2120–AA64)(2005–0290)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2924. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 747–200F and 400 Series Airplanes; and Airbus Model A319, A320, and A321 Series Airplanes” ((RIN2120–AA64)(2005–0282)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2925. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bombardier Model DHC 8 400 Series Airplanes” ((RIN2120–AA64)(2005–0283)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2926. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bombardier Model DHC 8 400 Series Airplanes” ((RIN2120–AA64)(2005–0283)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2927. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Fokker Models 50 and 55 Mark 000 Series” ((RIN2120–AA64)(2005–0291)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2928. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 767–200, 300, and 400ER Series Airplanes Equipped with Door–Mounted Escape Slides” ((RIN2120–AA64)(2005–0290)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2929. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 777–200ER Series Airplanes” ((RIN2120–AA64)(2005–0291)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2930. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: General Electric Company CF6–50A, CF6–50C, and CF6–50E Series Turbofan Engines; Correction” ((RIN2120–AA64)(2005–0288)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2932. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Continental Motors S-20, S-120, D-2000, and D-3000 Series Motors” (RIN2132-AA44(2005-0290)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2933. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Turboverca S-21, 2 B1, and 2 B2 Turboshift Engines” (RIN2132-AA44(2005-0291)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2934. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Cessna Aircraft Company Models 401, 401A, 401A-200, ‘Airworthiness Directives: Boeing Model 737-200, 300, 400, 500, 600, 700, 800, 900, 757-200, and 300 Series Airplanes; and McDonnell Douglas Model DC 10-10, DC 10-10F, DC 10-30, MD 10, MD 10-10F, MD 10-10F, B1, MD 11, and MD-11F Airplanes’” (RIN2132-AA64(2005-0293)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2935. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: GROB-WERKE Model G120A Airplanes” (RIN2132-AA64(2005-0294)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2936. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Sikorsky Aircraft Corporation Models S-92A Helicopters” (RIN2132-AA64(2005-0297)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2937. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 757-200, -200PP, and -200CB Series Airplanes” (RIN2132-AA64(2005-0296)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2938. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Sikorsky Aircraft Corporation Model S-92A Helicopters” (RIN2132-AA64(2005-0297)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC-2939. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of Clarifications of Requirements for Fuel- burning Equipment” (RIN2132-AA64(2005-0296)) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2940. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Texas; Transportation Conformity” (FRL7723-6) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2941. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approvals and Promulgation of Implementation Plans; Texas; Transportation Conformity” (FRL7723-6) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2942. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Renewable Fuels and Renewable Fuel Blend Regulation on” (FRL7723-6) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2943. A communication from the Acting Director, Office of Congressional Affairs, United States Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Public Records” (RIN3139-AH12) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2944. A communication from the Acting Director, Office of Congressional Affairs, United States Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Export and Import of Radioactive Materials: Security Policies” (FRL7750-3) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2945. A communication from the Assistant Secretary, the Joint Civil Works, Department of Defense, transmitting, pursuant to law, a report relative to the Flood Damage Reduction Project in Centralia and Chehalis, Washington; to the Committee on Environment and Public Works.

EC-2946. A communication from the Special Trustee for American Indians, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Deposit of Proceeds from Lands Withdrawn for Native Selection” (RIN1053-A904) received on June 28, 2005; to the Committee on Indian Affairs.

EC-2947. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled “Proposed DOD Directive to Commissioner Hill Regarding Recommendation in Texas”) relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-2948. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (4 subjects on 1 disc beginning with “Naval Response to Requirements of Naval Submarine School from Naval Submarine Base New London, CT” relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-2949. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (3 subjects on 1 disc beginning with “Fort Bliss, TX Net Fire Centers Concept Brief”) relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-2950. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (2 subjects on 1 disc beginning with “Master Plan for Fort Knox, KY”) relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-2951. A communication from the Director, Office of the President, transmitting, the report of proposed legislation entitled “The Government Reorganization and Program Performance Improvement Act of 2005” to the Committee on Homeland Security and Government Affairs.

EC-2952. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled “Maintaining Telecommunication Services During a Crisis or Emergency in Federally-Owned Buildings” received on June 28, 2005; to the Committee on Homeland Security and Government Affairs.

EC-2953. A communication from the Chairman, Federal Rural Rate Policy Commission, transmitting, pursuant to law, the Annual Rate Commission Report on International Mail Costs, Revenues and Volumes for Fiscal Year 2004 to the Committee on Homeland Security and Government Affairs.


EC-2955. A communication from the Counsel for Legislation and Regulations, Office of the Inspector General, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled “Office of Inspector General (OIG) Subpoenas and Production in Response to Subpoenas or Demands of Courts or Other Authorities” (FRL7723-6) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-2956. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Changes in Flood Elevation Determinations” (44 CFR 65) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-2957. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Supplemental Deferred Compensation Plan Members of the Executive Management Program of the Army and Air Force Exchange Service”; to the Committee on Banking, Housing, and Urban Affairs.

EC-2958. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Elevation Determinations” (70 FR 30643) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-2959. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Elevation Determinations” (44 CFR 67) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-2960. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Canada; to the Committee on Banking, Housing, and Urban Affairs.

EC-2961. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, reports entitled “...”
to law, the six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994, to the Committee on Banking, Housing, and Urban Affairs.

EC-2962. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Intermediary Relending Program Direct Lending” (FRL No. 7760-001) received on June 28, 2005, to the Committee on Agriculture, Nutrition, and Forestry.

EC-2963. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Avocados Grown in South Florida; Increased Assessment Rate” (FV05-915-1 IFR) received on June 28, 2005, to the Committee on Agriculture, Nutrition, and Forestry.

EC-2964. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Apricots Grown in Desierto Counties in Washington; Decreased Assessment Rate” (FV05-922-1 IFR) received on June 28, 2005, to the Committee on Agriculture, Nutrition, and Forestry.

EC-2965. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “‘Almonds Grown in California; Revision to Requirements Regarding Credit for Promotion and Advertising” (FV05-961-1 IFR) received on June 28, 2005, to the Committee on Agriculture, Nutrition, and Forestry.

EC-2966. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Mexican Apricots Grown in Designer Counties” (FIRL No. 861-1) received on June 28, 2005, to the Committee on Agriculture, Nutrition, and Forestry.

EC-2967. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Dimethyl Ether; Exemption from the Requirement of a Technology Correction” (FIRL No. 7721-1) received on June 28, 2005, to the Committee on Agriculture, Nutrition, and Forestry.

EC-2968. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Alpha-cyclodextrin, Beta-cyclodextrin, and Gamma-cyclodextrin; Exemption from the Requirement of a Tolerance” (FIRL No. 7729-9) received on June 28, 2005, to the Committee on Agriculture, Nutrition, and Forestry.

EC-2969. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled “Mexican Fruit Fly: Interstate Movement of Regulated Articles” (APHIS Docket No. 03-059-3) received on June 28, 2005, to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 364. A bill to establish a program within the National Oceanic Atmospheric Administration to integrate Federal coastal and ocean mapping activities (Rept. No. 109-102).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER, for the Committee on Armed Services.


Army nomination of Col. David G. Ehrhart and ending with Col. Richard C. Harding, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Army nomination of Lt. Gen. Walter L. Sharp to be Lieutenant General.


Army nomination of Brig. Gen. Paullette M. Risher to be Major General.

Nominations (without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARTINEZ:

S. 1386. A bill to exclude from consideration Air Force nomination payments under the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHAFEE (for himself, Mr. KERRY, Mr. KENNEDY, and Mr. REED):

S. 1387. A bill to provide for an update of the Cultural Heritage and Land Management Plan for the Blackstone River Valley National Heritage Corridor, to extend the authority of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission, to undertake the undertaking of a special resource study of sites and landscape features within the Corridor, and to authorize additional appropriations for the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 1388. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER (for himself, Mrs. FEINSTEIN, and Mr. KLYP):

S. 1389. A bill to reauthorize and improve the USA PATRIOT Act; to the Committee on the Judiciary.

By Mr. INOUYE (for himself and Mr. SUNUNU):

S. 1390. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. JEFFORDS, Mrs. BOXER, Mr. KERRY, Mr. CORZINE, Mrs. CLINTON, and Mr. KENNEDY):

S. 1391. A bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and communities to toxic chemical substances; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself and Mr. DURBIN):


By Mr. VITTER:

S. 1393. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for reimbursement of certain for-profit hospitals; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH (for himself, Mr. KYL, Mr. COHRN, Mr. ENHOF, and Mr. VITTER):

S. 1394. A bill to reform the United Nations, and for other purposes; read the first time.

By Mr. HATCH (for himself and Mr. BIDEN):

S. 1395. A bill to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and standards are satisfied; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself and Mr. CRAPO):

S. Res. 197. A resolution to commemorate the 60th Anniversary of the Trinity Test, the culmination of the Manhattan Project, and to honor the people who made it possible; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 21

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. THUNE) was added as a co-sponsor of S. 21, to a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 27

At the request of Mrs. FEINSTEIN, the name of the Senator from North Dakota (Mr. GRAHAM) was added as a co-sponsor of S. 27, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 58

At the request of Mr. INOUYE, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Arkansas (Mr. PERRY) were added as co-sponsors of S. 58, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated at least 10% to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.
At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

At the request of Mr. COLEMAN, the name of the Senator from Ohio (Mr. DEWINE) 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.

At the request of Mr. DE MINT, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

At the request of Mr. LEVIN, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Oregon (Mr. WYDEN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

At the request of Mr. BOND, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

At the request of Mr. BUNNING, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 490, a bill to amend title XIX of the Social Security Act to include pediatricians as physicians for purposes of covering physicians services under the medicaid program.

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 559, a bill to make the protection of vulnerable populations, especially women and children, who are affected by a humanitarian emergency a priority of the United States Government, and for other purposes.

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) 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.

At the request of Mr. BYRD, his name was added as a cosponsor of S. 629, a bill to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems.

At the request of Mr. SESSIONS, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 629, supra.

At the request of Mr. HATCH, his name was added as a cosponsor of S. 442, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 676, a bill to provide for Project GRAD programs, and for other purposes.

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. JEFFORDS) 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.

At the request of Mr. THOMAS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 794, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

At the request of Mr. SANTORUM, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1010, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

At the request of Mr. SUNUNU, the names of the Senator from Oregon (Mr. WYDEN), the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mr. BRYAN), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBILISS), the Senator from North Dakota (Mr. CONRAD), the Senator from New Jersey (Mr. CORZINE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Maine (Ms. SNOWE), the Senator from Ohio (Mr. DEWINE) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation’s past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

At the request of Mr. COLEMAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

At the request of Mrs. LINCOLN, the name of the Senator from Iowa (Mr. HARRIN) was added as a cosponsor of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

At the request of Mrs. HUTCHISON, the name of the Senator from Iowa (Mr. GRASSLEY) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 1082, a bill to restore Second Amendment rights in the District of Columbia.

At the request of Mr. BAUCUS, the name of the Senator from Utah (Mr. BENNETT) 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.

At the request of Mr. SPECTER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1171, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

At the request of Mr. OBAMA, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1180, a bill to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes.

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1240, a bill to amend the Internal Revenue Code of 1986 to allow an investment tax credit for the purchase of trucks with new technologies, and for other purposes.

At the request of Mr. VINOVICH, the name of the Senator from California S. 1265.
and for other purposes.

At the request of Mrs. BOXER, the names of the Senator from Delaware (Mr. COYNE) were added as cosponsors of S. 1265, a bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

S. 1265

At the request of Mrs. CLINTON, the names of the Senator from Arizona (Mr. CHAFFEE) were added as cosponsors of S. 1265, 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. 1317

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor 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. 1355

At the request of Mr. ENZI, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1355, a bill to enhance the adoption of health information technology and to improve the quality and reduce the costs of healthcare in the United States.

S. 1367

At the request of Mr. ALEXANDER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1367, a bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities.

S. 1371

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1371, a bill to extend the termination date of Office of the Special Inspector General for Iraq Reconstruction and provide additional funds for the Office, and for other purposes.

S. 1379

At the request of Mr. MCCAIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1379, a bill to provide increased rail transportation security.

S. RES. 77

At the request of Mr. SANTORUM, the names of the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 77, a resolution condemning all acts of terrorism in Lebanon and calling for the removal of Syrian troops from Lebanon and supporting the people of Lebanon in their quest for a truly democratic form of government.

S. RES. 121

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 121, a resolution supporting May 2005 as “National Better Hearing and Speech Month” and commending those states that have implemented routine hearing screening for every newborn before the newborn leaves the hospital.

S. RES. 173

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 173, a resolution expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland.

S. RES. 173

At the request of Mr. HARKIN, his name was added as a cosponsor of S. Res. 173, supra.

S. RES. 173, supra.

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 184, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

AMENDMENT NO. 1075

At the request of Mr. HAGEL, his name was added as a cosponsor of amendment No. 1075 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1075

At the request of Mr. BIDEN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Illinois (Mr. BURKHARD), the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. BYRD), the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 1126 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1126

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1126 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1120

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1120 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1124

At the request of Mr. ENSIGN, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 1124 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1124
amendment No. 1140 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1142
At the request of Ms. Collins, the name of the Senator from South Dakota (Mr. Thune) was added as a cosponsor of amendment No. 1142 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1151
At the request of Mr. Durbin, his name was added as a cosponsor of amendment No. 1161 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1152
At the request of Mr. Kerry, the name of the Senator from Maryland (Mr. Sarranles) was added as a cosponsor of amendment No. 1162 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1161
At the request of Mr. Biden, the name of the Senator from Illinois (Mr. Obama) was added as a cosponsor of amendment No. 1181 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1162
At the request of Mr. Berg, the name of the Senator from New Jersey (Mr. Corzine) and the Senator from Connecticut (Mr. Lieberman) were added as cosponsors of amendment No. 1206 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1163
At the request of Mr. Corzine, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 1207 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1164
At the request of Mr. Salazar, the names of the Senator from New Jersey (Mr. Corzine) and the Senator from Connecticut (Mr. Lieberman) were added as cosponsors of amendment No. 1208 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006.

AMENDMENT NO. 1165
At the request of Ms. Stabenow, the names of the Senator from Hawaii (Mr. Akaka), the Senator from New Jersey (Mr. Corzine), the Senator from Connecticut (Mr. Dodd) and the Senator from New Jersey (Mr. Lautenberg) were added as cosponsors of amendment No. 1217 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1192
At the request of Mr. Schumer, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 1192 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1193
At the request of Mr. Nelson of Florida, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 1193 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1206
At the request of Mr. Serrano, the names of the Senator from Maryland (Ms. Mikulska) and the Senator from New Jersey (Mr. Corzine) were added as co-sponsors of amendment No. 1206 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1209
At the request of Mr. Salazar, the names of the Senator from New Jersey (Mr. Corzine) and the Senator from Connecticut (Mr. Lieberman) were added as cosponsors of amendment No. 1210 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1210
At the request of Mr. Salazar, the names of the Senator from New Jersey (Mr. Corzine) and the Senator from Connecticut (Mr. Lieberman) were added as cosponsors of amendment No. 1211 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1217
At the request of Ms. Stabenow, the names of the Senator from Michigan (Mr. Levin), the Senator from New Jersey (Mr. Corzine), the Senator from Hawaii (Mr. Akaka), the Senator from Connecticut (Mr. Dodd) and the Senator from New Jersey (Mr. Lautenberg) were added as cosponsors of amendment No. 1217 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1219
At the request of Mr. Salazar, the name of the Senator from New Jersey (Mr. Corzine) was added as a cosponsor of amendment No. 1219 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS
By Ms. Snowe:
S. 1398. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules of Federal Government agencies; to require the State to submit a report to the Committee on Homeland Security and Governmental Affairs.
Ms. Snowe, Mr. President, as Chair of the Senate Committee on Small Business and Entrepreneurship, I have fought to ensure that small businesses across the country are treated fairly by Federal Government regulations. Unfortunately, in far too many cases, Federal agencies promulgate regulations without adequately addressing the economic impacts on small businesses.

The Regulatory Flexibility Act, RFA, was enacted in 1980 and requires Federal Government agencies to propose rules that keep the regulatory burden at a minimum on small businesses. The intent of SBREFA was to further curtail the impact of burdensome or duplicative regulations on small businesses, by clarifying key RFA requirements. In September we will celebrate the 25th Anniversary of the RFA—a law that is largely working as Congress intended.
Unfortunately, there remain a number of loopholes in the RFA that undermine its effectiveness in reducing these regulatory burdens. To close these loopholes, today I introduce the Regulatory Flexibility Reform Act of 2005, RFFA. This bill would ensure that Federal agencies conduct a complete analysis of the impacts of Federal regulations, thereby providing small businesses, which represent more than 99 percent of all firms in America and provide up to 75 percent of new jobs each year, with much needed regulatory relief.
Under my legislation agencies must consider the indirect effects of an "economic impact." Rules with indirect effects are currently exempt from RFA coverage according to well-established case law. This has serious consequences for small businesses. It means a Federal agency can avoid the various analyses required under the RFA by either requiring the States to regulate small entities or regulating an industry so rigidly that it trickles down impact on other industries.
For example, rules can regulate a handful of large manufacturers in the
same industry. Yet, a foreseeable, indirect effect of these rules—now not presently considered under RFA analyses—is that small distributors would no longer have the right to sell the product produced by the larger manufacturers. In one case, 100,000 small distributors were prevented from distributing their products.

This indirect economic effect had a significant impact on a substantial number of small businesses because their ability to compete in the marketplace—big or small—that has and will continue to be harmed.

In addition, this large loophole amounts to an "unfunded mandate" because many States do not have a requirement to conduct an RFA-type analysis of regulations. And even when there is such a statute on the books, those States frequently do not have the resources to conduct the analysis themselves. Worse still, for States with no requirement to conduct RFA-type analysis, the impact of the Federal regulation upon small businesses is never properly assessed either at the Federal or State level. This situation demands reform.

Second, my legislation requires Federal agencies to consider comments provided by the Small Business Administration's Office of Advocacy. The SBA's Office of Advocacy does not receive the public attention it deserves. It should. In case after case it has been the last line for small businesses faced with burdensome, duplicative, and nonsensical Federal regulations.

The Office of Advocacy serves two critical roles: No. 1, it represents small business interests before the Federal government in regulatory matters; and No. 2, it conducts valuable research to further our understanding of the importance of small businesses and their job creating potential in our economy.

My legislation would also amend the RFA to provide a provision for agencies to specifically respond to comments filed by the Chief Counsel for Advocacy. Codifying this necessary change would ensure that agencies give the proper deference to the Office of Advocacy, and hence, to the comments and concerns of small businesses. This is a straightforward and simple reform that could have major benefits.

Finally, the RFRA would clarify the circumstances for a periodic review of Federal regulations. There is a significant impact on a substantial number of small entities, a review would be required. It would also clarify the requirement that agencies review all 10-year-old rules to avoid confusion over which rules to review. In addition, agencies would be required to review rules every 10 years and not just the first 10 years. That's because rules can have unintended and negative consequences in our changing global, information-age economy.

This legislation is absolutely necessary. I urge my colleagues to support my bill so we can ensure that our Nation's small businesses and their employees are provided with much needed regulatory relief.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3388
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.
(a) Short Title.—This Act may be cited as the "Regulatory Flexibility Reform Act of 2005".
(b) Table of Contents.—The table of contents of this Act is as follows:

1. Short title; table of contents.
2. Findings.
4. Requirements providing for more detailed analyses.
5. Periodic review of rules.
6. Other amendments.

SEC. 2. FINDINGS.
Congress finds the following:

(1) A vibrant and growing small business sector is critical to creating jobs in a dynamic economy.
(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, even though the problems sought to be solved by such regulations are not always caused by these small businesses and other small entities.
(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unreasonable and disproportionate burdensome demands, including legal, accounting, and consulting costs.
(4) Since 1996, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but have failed to do so.
(5) Alternative regulatory approaches that do not conflict with the objectives of the statutes the regulations seek to implement may be available and may minimize the significant economic impact of regulations on small businesses and other small entities.
(6) Federal agencies have failed to analyze and uncover less-costly alternative regulatory approaches and to ensure that the chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), requires them to do so.
(7) Federal agencies continue to interpret chapter 6 of title 5, United States Code, in a manner that permits them to avoid their analytical responsibilities.
(8) The weight of the compli ance of Federal agencies with the analytical requirements to assess regulatory impacts on small businesses and other small entities and obtain input from the Chief Counsel for Advocacy has not sufficiently modified the Federal agency regulatory culture.
(9) Significant changes are needed in the methods by which Federal agencies develop and analyze regulations, receive input from affected entities, and develop regulatory alternatives that will lessen the burden or maximize the benefits to small businesses and other small entities.
(10) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that, in the proposal and final rule making process and that the agencies assess a full range of alternatives that will limit adverse economic consequences or enhance economic benefits.

(b) Each annual rulemaking that is required by section 603(a) shall provide a detailed explanation of the impact of the proposed and final rules on small entities.

SEC. 3. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.
Section 601 of title 5, United States Code, is amended by adding at the end the following:

(E) Economic Impact.—The term "economic impact" means, with respect to a proposed or final rule—
(A) any direct economic effect on small entities of such rule; and
(B) any indirect economic effect on small entities which is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule)."

SEC. 4. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.
(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

"(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement of—
(1) describing the reasons why action by the agency is being considered;
(2) describing the objectives of, and legal basis for, the proposed rule;
(3) estimating the number and type of small entities to which the proposed rule will apply;
(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;
(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and
(6) estimating the additional cumulative economic impact of the proposed rule on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available."

and

(2) by adding at the end the following:

"(d) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities either—
(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget under Executive Order 12866, if that order requires such submission; or
(2) if no submission is required, the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publica tion of the rule by the agency.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—
(1) In General.—Section 603(a) of title 5, United States Code, is amended—
(A) in paragraph (1), by striking "succinct";
(B) in paragraph (2), by striking "summary" and inserting "detailed";
(C) in paragraph (3), by—
(i) striking "an explanation" and inserting a "detailed explanation"; and
(ii) inserting "detailed" before "description";

SEC. 5. PERIODIC REVIEW OF RULES.
(D) in paragraph (4), by inserting “detailed” before “description”; and

(E) in paragraph (5), by inserting “detailed” before “description”.

(2) PROPOSED AND FINAL RULES.—The Administrator shall publish in the Federal Register after “initial regulatory flexibility analysis”.

(3) INCLUSION OF RESPONSE TO COMMENTS FILED BY CHIEF COUNSEL FOR ADVOCACY.—Section 604(a) of title 5, United States Code, is amended by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively, and inserting after paragraph (2) the following:

“(3) the agency’s response to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any changes made to the proposed rule in the final rule as a result of such comments;”.

(4) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

“(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the agency’s Web site, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof that includes the telephone number, mailing address, and link to the Web site where the complete analysis may be obtained.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

“(a) The federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agencies in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis that is required by any other law and which satisfies such requirement.

(d) CERTIFICATIONS.—The second sentence of section 605(b) of title 5, United States Code, is amended

(1) by inserting “detailed” before “statement”;

(2) by inserting “and legal” after “factual”;

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

“§ 607. Quantification requirements.

In complying with sections 603 and 604, an agency shall provide—

(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; and

(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.

SEC. 5. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

“§ 610. Periodic review of rules.

(a) Not later than 180 days after the enactment of the Regulatory Flexibility Reform Act of 2005, each agency shall publish in the Federal Register and place on its Web site a plan for the periodic review of rules issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities.

(b) The plan shall provide for the periodic review of rules; and

(1) the continued need for the rule;

(2) the nature of complaints received by the agency from small entities concerning the rule;

(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy;

(4) the complexity of the rule;

(5) the extent to which the rule overlaps,duplicate, or conflict with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that calculations cannot be made and reports that determination in the annual report required under subsection (c);

(7) the length of time since the rule has been evaluated to the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

(8) the current impact of the rule, including—

(A) the number of small entities to which the rule will apply; and

(B) the extent of any enforcement, reporting, record-keeping and other compliance requirements of the proposed rule, including—

(i) an estimate of the classes of small entities that will be subject to the requirement; and

(ii) the type of professional skills necessary for preparation of the report or record;

(9) The agency shall publish in the Federal Register and on its Web site a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the Chief Counsel for Advocacy and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.

SEC. 6. CEREMONIAL AMENDMENTS.

(a) In General.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(1) the term” and inserting the following:

“(1) AGENCY.—The term;”;

(2) in paragraph (2)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(2) the term” and inserting the following:

“(2) RULE.—The term;”;

(3) in paragraph (3)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(3) the term” and inserting the following:

“(3) SMALL BUSINESS.—The term;”;

(4) in paragraph (4)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(4) the term” and inserting the following:

“(4) SMALL ORGANIZATIONS.—The term;”;

(5) in paragraph (5)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(5) the term” and inserting the following:

“(5) OTHER AGENCIES.—The term;”;

(6) in paragraph (6)—

(A) by striking “;” and inserting a period; and

(B) by striking “(6) the term” and inserting the following:

“(6) SMALL ENTITIES.—The term;”;

(7) in paragraph (7), by striking “(7) the term” and inserting the following:

“(7) COLLECTION OF INFORMATION.—The term;”;

and

(8) in the matter preceding paragraph (1), by striking “chapter—” and inserting “chapter, the following definitions apply:”;

(b) Heading.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

“§ 605. Incorporations by reference and certifications.

(c) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

“§ 605. Incorporations by reference and certification;”;

and

(2) by striking the item relating to section 607 and inserting the following:

“§ 607. Quantification requirements;”.

By Mr. SPECTER (for himself, Mrs. FEINSTEIN, and Mr. KYL):

S. 1389. A bill to reauthorize and improve the USA PATRIOT Act; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition to introduce, along with my colleagues Senator FEINSTEIN and Senator KYL, the USA PATRIOT Improvement and Reauthorization Act of

S222

CONGRESSIONAL RECORD — SENATE

July 13, 2005
2005, a bipartisan bill to reauthorize provisions of the landmark anti-terrorism legislation we adopted in the wake of September 11, 2001. We continue to give tools to law enforcement to protect our security; and, at the same time, to make important improvements to the law to ensure greater protection of civil liberties and to require greater accountability through enhanced reporting and oversight.

In recent months, the political rhetoric—by the PATRIOT Act, which reached a fever pitch. Not surprisingly, however, the reality fails to match the rhetoric. As the Washington Post has editorialized, “Although the PATRIOT Act has become a catch phrase for civil liberties, it is not true. The fact is that the PATRIOT Act, with minor modifications, could conduct roving surveillance of a target with particularity.

Nevertheless, as last week’s attacks remind us, the danger of international terrorism is very real, and has not abated in the years since 9/11. So, we must remain vigilant, and we must be cautious not to recreate the legal circumstances that arguably contributed to significant intelligence failures before 9/11. Reauthorizing the PATRIOT Act, while incorporating improvements designed to safeguard our liberties and enhance oversight, is the right thing to do. To quote the Post again, “there is little evidence of abuse—and considerable evidence that the law has facilitated needed cooperation. Based on what’s known, it merits reauthorization with minor modifications.”

The bill we introduce today is the result of careful consideration. We have listened to the arguments and the arguments of the administration. We have probed and prodded both sides of the political aisle to fashion language designed to maintain the Government’s ability to effectively investigate—and hopefully preempt—terrorist attacks, while making changes to reassure the American people that the law will be used responsibly, consistently with the rights enshrined in our Constitution.

Mr. President, we would like to focus on the changes we have made to those PATRIOT Act provisions that have generated the most controversy.

The PATRIOT Act modified electronic surveillance law under the Foreign Intelligence Surveillance Act of 1978, or FISA, to permit multipoint wiretaps of suspected terrorists or spies; but only upon a judicial finding of probable cause to believe the target is an agent of a foreign power and a further finding that the targets could thwart efforts to identify a single phone company or similar communications provider upon whom to serve the order. The principle behind this authority, which parallels similar surveillance in the criminal law, is that surveillance of a suspected terrorist or spy should be permitted to continue, uninterrupted, when the target changes phones. By definition, the multipoint wiretap order does not identify the specific phone to be tapped, because the order allows the Government to track the person not a single device. This was a change made necessary by the advent of cell phones, which are easily switched and relocated. After passage of the PATRIOT Act, however, this authority was further modified, so that a FISA surveillance order only had to specify the identity of the target “if known.” If the identity was unknown, the order had to include a “description of the target,” but there was no further requirement about how detailed the description of such “John Doe” targets had to be—raising concerns that the Government could conduct surveillance in a broadly described target. Our bill corrects this shortcoming and makes other improvements to the roving authority under FISA.

First, the bill responds to concerns that occurred John Doe wiretaps could be used against someone described generically as a “Middle Eastern male” or “Hispanic female” by requiring such orders to include “sufficient information to describe a specific target” or information that makes it clear that, although such orders may “rove” from one phone to another when the target changes devices, the Government cannot “rove” from one investigative target to another, seeking to identify the right person. Through this change, we avoid rewarding terrorists or spies who successfully conceal their identities, but we also protect innocent Americans from unwarranted surveillance.

The bill minimizes the chance that “roving” wiretaps could be used indiscriminately against multiple devices by requiring the Government to notify the court every time it begins surveillance of a new device. This notice must be made within 10 days of the initiation of surveillance, and must include a description of the new device, as well as the “facts and circumstances” indicating that each new phone or similar device is “being used, or is about to be used,” by the target. The bill also requires the techniques being used to minimize the interception and retention of unrelated communications. Finally, the bill adds new reporting requirements and extends the sunset date until December 31, 2009, allowing the FISA court to revisit the need for this surveillance tool.

I would next like to turn to the bill’s modification of section 215 of the PATRIOT Act, perhaps the most controversial provision of the act, and one that is frequently misunderstood as the “library provision.”

Prior to the PATRIOT Act, FISA authorized the FBI to obtain orders for the production of certain types of business records, including those of hotels, car rental agencies and storage facilities, in limited circumstances. Under the pre-PATRIOT standard, however, the FBI could not even seek the records of someone suspected of being in the presence of a suspected spy or terrorist, unless it had specific reasons to suspect the associate was himself a spy or terrorist. Strangely, this standard was significantly higher than the requirements of the Judges’ Committee in criminal cases. Accordingly, section 215 of the PATRIOT Act amended FISA to permit orders for any records or tangible things sought in connection with an authorized investigation to obtain foreign intelligence not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities.

As enacted, however, section 215 did not require the FBI to establish the factual basis for the requested order. According to critics, section 215 rendered the FISA court little more than a rubber stamp for the Government’s requests. Moreover, section 215 included no explicit right for recipients to confer with legal counsel, despite oft-repeated comparisons to grand jury subpoenas, orders under section 215 included no explicit right to judicial review akin to a motion to quash a subpoena. Indeed, in testimony before the Judiciary Committee earlier this year, Attorney General Gonzales conceded these shortcomings in the law, and expressed a new willingness to consider modifications of section 215.

Our bill addresses these issues, and adds still more protections to ensure the provision is used responsibly. First, the bill eliminates the mere certification of relevance required by current law and enhances the factual showing that must be made by the Government to obtain records. For example, the bill requires the court to agree with the adequacy of the Government’s factual showing, and adds several procedural protections including heightened approval requirements and increased reporting for orders seeking sensitive materials, like library or medical records. Specifically, the bill requires the Government to submit “a statement of facts” showing “reasonable grounds to believe that the records or other things sought are relevant” to an authorized investigation. The bill then requires the FISA judge acting as a “rubber stamp” by requiring the court to find that the facts establish “reasonable grounds to believe” the items sought are relevant. The bill also adds an explicit right to consult counsel; provides for judicial review; requires approval of the FBI Director or Deputy Director for orders concerning library records and other sensitive materials; and adds annual reports to Congress regarding use of the provision to obtain grand jury records, firearms sales records, health information or tax information. This reporting feature is important because it enables
the Congress to monitor the Justice Department’s activities.

In addition to the foregoing, the bill also requires an annual report on the number of times FISA orders for records and tangible things have been issued, and the number of times FISA orders were not issued because, for example, the Attorney General informed the court that issuing an order would be unreasonable under the Fourth Amendment. The bill also authorizes the Attorney General to provide the Congress with other information about the use of the authority provided for under FISA, including: (A) enduring the life or physical safety of an individual; (B) flight from prosecution; (C) destruction of, or tampering with, evidence; (D) intimidation of potential witnesses; or (E) otherwise seriously jeopardizing an investigation.

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the Patriot Act should be reauthorized, rolled back or expanded—and whether this time it should be made permanent, as the administration wishes, or renewed only temporarily.

Although the Patriot Act has become a catch phrase for civil liberties anxieties, it in fact has little connection to the most serious infringements on civil liberties in the war on terrorism. It has nothing to do with the detention of Americans as enemy combatants abroad or the roundup of foreigners for minor immigration violations. The law’s key sections were designed to expand investigative powers for national security. Administratively, they permit more information-sharing between intelligence and law enforcement agencies. These have sparked controversy more because they might permit than the cause of anything that is known to have happened. Indeed, there is little evidence of abuse—and considerable evidence that the law has facilitated needed cooperation. Based on what’s known, it merits reauthorization with minor modifications.

But first more ought to be known. Far from releasing information about its use of the law, the administration has generally hidden even basic information—only to release it when politically convenient. The Patriot Act meant that the surveillance statute it amended did Congress require the sort of routine public reporting that would offer Americans a useful ongoing sense of the law in operation. And while the administration has, in recent months, released a good deal of information to support its request for reauthorization, the public still lacks a full picture. Before reauthorizing the Patriot Act, Congress needs to demand and release sufficient information. And in revising the law, Congress should make sure its use is not at the mercy of the administration’s sense of openness.

Nor should reauthorization be permanent. Knowing it had to return to Congress for reauthorization was one of the few incentives for the administration to release information; it’s useful to maintain that incentive. And it’s not overly burdensome to ask the executive branch to periodically justify its need for such powerful investigative tools.

Final Intelligence Committee has included as part of its reauthorization package a broad authority for the FBI to collect information from businesses in intelligence interests. The FBI has said its administrative subpoenas can offer the FBI the ability to seize information without issuing a search warrant. The senators did not agree but let it be known that the senators would make sure that the FBI would release a full picture of how it uses the law.

Asking for a reduction in reauthorization would be made contemporaneous to the search, there is reasonable cause to believe that the following might occur: (1) notification would endanger or reveal the identity of an individual; (2) notification would cause flight from prosecution; (3) notification would result in destruction of, or tampering with, evidence; (4) notification would result in intimidation of potential witnesses; or (5) notification would cause serious jeopardy to an investigation or unduly delay a trial. To be clear, five tailored circumstances that the Department may require judicial approval to delay notification, in addition to the Department’s evaluation before approving any delay.

Delayed-notification search warrants provide a crucial balance to law enforcement. If immediate notification were required regardless of the circumstances, law enforcement officials would be too often forced into making a ‘Hobson’s choice’—they want need to conduct a search and/or seizure or conducting the search and prematurely notifying the individual of the law enforcement interest in his or her illegal conduct and undermine the equally pressing need to keep the ongoing investigation confidential.

A prime example in which a delayed-notification search warrant was executed is Operation Candy Box. This operation was a complex multi-year, multi-country, multi-agency investigative effort by the Organized Crime Drug Enforcement Task Force, involving the law enforcement and distribution of both MDMA (also known as Ecstasy) and BC bud (a potent and expensive strain of marijuana). Operations involving the investigation was obtained on the grounds that notice would cause serious jeopardy to the investigation (see 18 U.S.C. § 3103a).

In 2004, investigators learned that an automobile loaded with a large quantity of Ecstasy would be crossing the U.S.-Canadian border on April 20, 2004, after the suspect vehicle crossed into the United States near Buffalo. Drug Enforcement Administration agents followed the vehicle until the driver stopped at a restaurant. One agent then used a duplicative key to enter the vehicle and drive away while the agents spread broken glass in the parking space to create the impression that the vehicle had been stolen. The ruse worked, and the drug traffickers were not interested in recovering their drugs. A subsequent search of the vehicle revealed a hidden compartment containing 300 pounds of MDMA tablets of BC bud. Operation Candy Box was able to continue because agents were able to delay notification of the search for more than three weeks.

On March 31, 2004, in a two-nation crackdown the Department notified the owner of the car of the seizure and likewise arrested more than half a million Ecstasy pills. By any measure this was a major victory. Operation Candy Box seriously disrupted the Ecstasy market in the United States and made MDMA pills less potent, more expensive and harder to find. There has been a sustained nationwide eight percent per pill price increase since the culmination of Operation Candy Box; a permanent decrease of average purity per pill to the lowest levels since 1996; and currency seizures have denied traffickers access to critical resources—preventing the distribution of between 17 and 34 million additional Ecstasy pills.

Had Operation Candy Box agents, however, been required to provide immediate notification of the seizure of the car and seizure of the drugs, they would have prematurely revealed the existence of and thus seriously jeopardized the ultimate success of this massive long-term investigation. The dilemma faced by investigators in the absence of delayed notification is even more acute in terrorism investigations where the slightest indication of the investigation the terrorist or criminals and protecting the public—we can do both.

It is important to stress that in all circumstances the subject of a criminal search warrant is informed of the search. It is simply false to suggest, as some have, that delayed-notification search warrants are available, investigators choose to delay notification of the terrorist or criminals and protecting the public—we can do both.
Delayed-notification search warrants are constitutional and do not violate the Fourth Amendment. The U.S. Supreme Court expressly held in Dalia v. United States that the Fourth Amendment is not violated if law enforcement gives immediate notice of the execution of a search warrant. Since Dalia, three Federal courts of appeals have concluded that the Fourth Amendment does not require immediate notice of search warrants, and all three have upheld their constitutionality. To our knowledge, no court has ever held otherwise.

On or before January 31, 2005, the 94 U.S. Attorneys' Offices were given the final opportunity to seek court permission to execute a delayed-notification search warrant. According to the survey of the 94 U.S. Attorneys' Offices, between April 1, 2003, and January 31, 2005, the shortest period of time for which the government has requested delayed notification was 180 days. The longest period of time for which delayed notification was sought was 360 days.

The Committee has requested detailed information regarding the 200 cases in which the government sought court permission to execute delayed-notification search warrants. In total, since the passage of the USA PATRIOT Act, the Department has sought to execute a delayed-notification search warrant in 200 cases.

Delayed-notification search warrants are constitutionally permitted when the government seeks to execute a warrant that involves the use of a device that cannot be seized without destroying evidence, or when there is a legitimate need to prevent the Government from being able to seize evidence or material until the court approves the warrant. In certain cases, the Department of Justice will seek a court order to delay notification of the search warrant, either to provide time for the government to obtain additional evidence or to protect the interests of the community. In other cases, the Department of Justice will seek a court order to delay notification, either to protect the interests of the community or to allow the government to obtain additional evidence.

Seizures can be made only after receiving court approval of a Federal judge that the government has probable cause to believe the property or material to be seized constitutes evidence of a criminal offense and that there is reasonable necessity for the seizure. (See 18 U.S.C. § 3103a(b)(2).) According to the survey of all U.S. Attorneys' Offices, the Department has asked a court to find reasonable necessity for a seizure in connection with delayed-notification searches 45 times between April 1, 2003, and January 31, 2005. In each instance in which we have sought authorization from a court during this same period, the court has granted the request. Therefore, from the date of the passage of the USA PATRIOT Act through January 31, 2005, the Department exercised this authority 59 times. We previously, in May 2005, advised Congress that we had made 15 requests for seizures, one of which was denied. In total, since the passage of the USA PATRIOT Act, the Department has requested a court approval to make a seizure and delay notification of seizures 60 times. Most commonly, these requests related to the seizure of electronic data that is deemed necessary to prevent these drugs from being distributed because they are inherently dangerous to the community. Other seizures have been authorized pursuant to delayed-notification search warrants so that explosive material and the operability of gun components could be tested, other relevant evidence could be obtained, and it would not be lost if destroyed, and a GPS tracking device could be placed on a vehicle. In short, the Department has sought seizure authority only when reasonably necessary.

The length of the delay in providing notice of the execution of a warrant has also received significant attention from Members of Congress. The majority of cases have been decided on a case-by-case basis and is always dictated by the approving judge or magistrate.
fact that one of the targets of the investiga-
tion was, by this time, in Federal custody in
California on an unrelated matter. At some
point after notification was made, however,
the other seven were in Mexico.

In sum, both before enactment of section
213 and after, immediate notice that a search
warrant had been executed has been standard
practice in local law enforcement investiga-
tions. They have been used for decades by law enforce-
ment and, as demonstrated by the numbers
provided above, delayed-notice warrants are used infrequently and scruplously—only in
appropriate situations where immediate no-
tice likely would harm individuals or com-
promise investigations, and even then only
with a judge’s approval. Investigating agen-
tors and prosecutors on the front lines of
fighting crime and terrorism should not be
forced to choose between preventing imme-
diate harm—such as a terrorist attack or an
influx of illegal drugs—and completing a satis-
fying investigation that might shut down an
entire terror cell or drug trafficking opera-
tion.

Thanks to the long-standing avail-
ability of delayed-notice warrants in these
circumstances, they do not have to make
that choice. Section 213 is better to better
protect the public from terrorists and crim-
inals while preserving Americans constitu-
tional rights.

You may be aware, the Department pub-
lished a detailed report last year that in-
cludes numerous additional examples of how
delaying notification of search warrants in
appropriate situations likely would harm in-
dividuals or compromises investigations, and
even then only with a judge’s approval. In-
vestigators and prosecutors on the front lines of
fighting crime and terrorism should not be
forced to choose between preventing imme-
diate harm—such as a terrorist attack or an
influx of illegal drugs—and completing a satis-
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protect the public from terrorists and crim-
inals while preserving Americans constitu-
tional rights.

If we can be of further assistance regarding
this or any other matter, please do not hesi-
tate to contact this office.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: During the closed ses-
ion of the Senate Judiciary Committee on
April 12, 2005, you requested additional infor-
mation regarding Section 213 of the USA PATRIOT
Act. Specifically, you inquired about examples of
where the ‘‘seriously jeopardizing an investigation’’
prong was the sole cause for delay, and about
the Department’s use of delayed-notice
search warrants.

In addition to Operation Candy Box, which
was detailed in our April 4, 2005, letter
(Enclosure 1), we have described seven
additional cases below. It is important to
note that the twenty-eight instances cited in
our April 4 letter do not equate to twenty-
eight investigations or cases. For example,
some of the cases that used delayed-notice
search warrants utilizing the ‘‘seriously jeopardize’’
prong involved multiple search warrants.

As we are sure you will agree, the fol-
lowing examples of the use of delayed-notice
search warrants illustrate not only the
appropriateness of the Department’s use of this
important tool but also its criticality to law
enforcement investigations.

Example #1: Western District of Pennsyl-
via

The Justice Department obtained a de-
layed-notice search warrant for a Federal
Express package that contained counterfeit
credit cards. At the time of the search, the
package was in California. It was the most
important not to disclose the exist-
ence of a federal investigation, as this would
have revealed and endangered a related Title
III wiretap that was used to monitor the
movement of counterfeit credit cards. The
credit cards had been stolen in Mexico and
were being sold to dealers in the area.

The Department sought and was granted a
ten-day delay by the court; but the Department sought and
was granted eight extensions before notice could be
made.

An Organized Crime Drug Enforcement
Task Force (‘‘OCDETF’’), which included
agents from the Drug Enforcement Adminis-
tration (DEA), the Internal Revenue Service,
and the Pittsburgh Police Department, as
well as several other local law enforce-
ment agencies, was engaged in a multi-
year investigation that culminated in the
indictment of the largest trafficking organiza-
tion ever prosecuted in the Western District
of Pennsylvania. The organization was led-
headed by Oliver Beasley and Donald ‘‘Chico’’
Lyles. A total of 13 defendants were
indicted on drug, money laundering and fire-
arms charges. Beasley and Lyles were
charged with operating a Continuing Crimi-
nal Enterprise (CCE). Both pleaded guilty and
received very lengthy sentences of imprison-
ment.

The Beasley-Lyle organization was respon-
sible for bringing thousands of kilograms of
cocaine and heroin into Western Pennsyl-
ania. Cooperation was obtained from se-
lected defendants and their cooperation was
useful in identifying other individuals in
New York who supplied the heroin and
cocaine. Thousands of dollars in real es-
state, automobiles, jewelry and cash have been
forfeited.

The case had a discernible and positive im-

the North Side of Pittsburgh, where
the organization was based. The DEA
and IRS-CI were investigating a
major drug trafficking organization
involving in heroin and cocaine in this region decreased as the result
of the successful elimination of this major
drug trafficking organization. In addition,
heroin distribution in Allegheny County declined from 138 in 2001 to 46 in 2003.

While the drug investigation was ongoing, it became
known that the leaders of the
drug conspiracy had ties to an ongoing credit
card fraud operation. An investigation into
the credit card fraud was undertaken, and a
search was made of a FedEx package that
contained fraudulent credit cards. Had the
search into the credit card fraud investiga-
tion revealed the ongoing drug investigation
prematurely, the drug investigation could
have been seriously jeopardized. The credit
card investigation ultimately resulted in
several cases including US v. Larry Goosby,
30-84), US v. Lasaun Beeman, Derinda Daniels, Anna Holland,
Darryl Livey and Kevin Livey (Cr. No. 03-
43); US v. Gayle Charles (Cr. No. 03-77); US v.
Lasaun Beeman (Cr. No. 03-31); US v.
Scott Robertson (Cr. No. 03-44). All of the defendants charged with credit
card fraud were convicted except one, Lloyd
Foster, who was acquitted at trial. These
cases have now concluded.

Example #2: Western District of Texas

The Justice Department executed three de-
layed-notice search warrants as part of an OCDETF
investigation of a major drug trafficking
ring that operated in the Western and North-
ern Districts of Texas. The investigation
lasted a little over a year and employed a
wide variety of electronic surveillance tech-
niques such as tracking devices and wiretaps
doing cell phones used by the leadership.

The original delay approved by the court in this
case was for 60 days. The Department sought
two extensions, one for 60 days and one for 90
days both of which were approved.

During the course of the investigation, the
Department obtained and executed a
delayed-notice search warrant were executed at the organ-
ization’s stash houses. The search warrants were
based primarily on evidence developed
as a result of a wiretap that was authorized
pursuant to section 213 of the USA PATRIOT Act, the court
allowed the investigating agency to delay
the notifications of these search warrants.

As a result of information obtained through
a wiretap as well as a drug-sniffing dog, inves-
tigators believed that the leader of the
organization was, by this time, in Federal custody in
California on an unrelated matter. At some
time, the search, it

The Department was notified by the
officials told us as we con-
continued with the investigation. Because of
the availability of delayed-notice search
warrants, the Department was not forced to
least seize the drugs and allow the organization to
continue to sell them in the community as we
thereby end our ability to build a signifi-
cant case on the leadership or (2) not seize
the drugs and allow the organization to
continue to sell them in the community as we
continue with the investigation.

On March 16, 2005, a grand jury returned an
indictment charging twenty-one individuals
with conspiracy to manufacture, distribute,
and sell drugs in the United States in
amounts exceeding more than 50 grams of
cocaine base. Nineteen of the defendants, including all of the leader-

The Justice Department believed that if
the targets of the investigation were notified
of our use of the GPS devices and our moni-
toring of live phone conversations, we
acted as a result of this investigative tool would be defeated, and
the investigation would be totally compromised. As it was, the principals in the targeted
drug distribution organization were highly
surveillance-conscious, and reacted notice-
bly to perceived surveillance efforts by law
enforcement. Had they received palbable
evidence of the ongoing federal criminal investigation, the Justice
Department believed they would have ceased
their activities, or altered their methods to
avoid being detected. As such, we have been required to use
this tool again.

In each instance, the period of delay re-
quested and granted was 90 days, and no re-
newals of the delay orders were sought. As
required by law, the interested parties
were made aware of the intrusions resulting
from the execution of the warrants within the
30 day period authorized by the court.

Example #4: Western District of Wash-
ington

During an investigation of a drug traf-
ficking organization, which was distributing
cocaine and a unusually pure methamphet-
amine known as ‘‘Ice,’’ a 30-day delayed-no-
tice search warrant was sought in April 2004.
As a result of information obtained through
a wiretap as well as a drug-sniffing dog, inves-
tigators believed that the leader of the
drug distribution organization was storing
amphetamines in a storage locker in
Everett, Washington. The warrant was
executed, and while no drugs or cash was
found, the authorities recovered a 30-caliber
machine gun, two shotguns and 40 rounds of
delayed notice of the search warrant’s
execution was necessary in order to protect
the integrity of other investigative tech-
niques employed in conjunction with the
wiretap. The investigation ultimately led to the indictment of twenty-seven individuals in

CONGRESSIONAL RECORD — SENATE S8227

July 13, 2005
the methamphetamine conspiracy. Twenty-three individuals, including the leader, have pled guilty, three are fugitives, and one is awaiting trial.

Example #6: Southern District of Illinois:
The Justice Department used section 213 of the USA PATRIOT Act in an investigation into a methamphetamine conspiracy in the Southern District of Illinois. In particular, in November 2003, a vehicle was seized pursuant to authority granted under the patent warrant.

During this investigation, a Title III wiretap was obtained for the telephone of one of the leaders of the organization. As a result of intercepted calls and surveillance conducted by DEA, it was learned that a load of marijuana was being brought into Illinois from Texas. Agents were able to identify the vehicle which supported the suspicion. DEA then located the vehicle at a motel in the Southern District of Illinois and developed sufficient probable cause to apply for a warrant to search the vehicle. It was believed, however, that immediate notification of the search warrant would disclose the existence of the investigation, resulting in, among other things, phones being turned off and targets ceasing their activities, thereby jeopardizing potential success of the wiretaps and compromising the overall investigation (similar to the wiretaps investigated in other districts). At the same time it was important, for the safety of the community, to keep the marijuana from being distributed.

The Department initially received a delayed-no-notice of the searches was given upon arrest.

As a result of this investigation, ten defendants were ultimately charged in the Southern District of Illinois. Seven of these defendants have pled guilty, and the remaining three defendants are scheduled for jury trial beginning on June 7, 2005.

Example #7: Eastern District of Wisconsin:
In a Wisconsin drug trafficking case, a delayed-notice search warrant was issued under section 213 of the USA PATRIOT Act. It authorized the interception of wire and electronic communications. The DEA, acting under section 213 of the USA PATRIOT Act, intercepted telephone calls and surveillance, DEA agents administratively seized a black Ford Focus owned by one of the defendants, a vital aspect of the Department of Justice has provided the Senate Judiciary Committee.

In this case, a district judge had authorized the interception of wire and electronic communications occurring over four cellular telephones that were being used in furtherance of drug trafficking and/or money laundering activities. On December 18, 2004, the DEA, acting under section 213 of the USA PATRIOT Act, applied for a warrant to seize the vehicle. The warrant was based on probable cause. The request was based on the belief that notice would compromise the investigation. The court granted an extension of the delay based on the showing that notice would compromise the investigation. The court granted an extension of the delay based on the showing that notice would compromise the investigation.

Delayed-notice search warrants have been used by law enforcement officers for decades. Such warrants were not created by the USA PATRIOT Act. Rather, the Act simply codified a common-law practice recognized by courts across the country. Congress recognized that delayed-notice search warrants are a vital aspect of the Department of Justice has provided the Senate Judiciary Committee.

In closing, the Department believes very strongly that section 213 is an invaluable tool in the war on drugs and our efforts to combat serious criminal conduct. In passing the USA PATRIOT Act, Congress recognized that delayed-notice search warrants are a vital aspect of the Department of Justice has provided the Senate Judiciary Committee. The Act created an explicit statutory authority for investigators and prosecutors to ask a judge for permission to delay notice temporarily that a search was executed.

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or (5) notification would cause serious jeopardy to an investigation or unduly delay a trial.

To be clear, it is only in these five tailored circumstances that the Department may request judicial approval to delay notification, and a federal judge must agree with the Department's evaluation before approving any delay.

Delayed-notification search warrants provide a crucial option to law enforcement. If immediate notification is required regardless of the circumstances, law enforcement officials would be too often forced into making a "Hobson's choice": delaying the urgent need to conduct a search and prematurely notifying the target of the existence of law enforcement interest in his or her illegal conduct, or the equally pressing need to keep the ongoing investigation confidential.

It is important to stress that in all circumstances the subject of a criminal search warrant is informed of the search. It is simply false to suggest, as some have, that delayed-notification search warrants allow the government to sequester an individual's homes, businesses, vehicles, and effects without notifying them of the search. In every case where the government sought a delayed-notification search warrant, including those issued pursuant to section 213, the subject of the search is told of the search. With respect to delayed-notification search warrants, notice is always delayed for a reasonable period of time—a time period defined by a federal judge.

Delayed-notification search warrants are constitutional and do not violate the Fourth Amendment. The U.S. Supreme Court expressly held in Dalia v. United States that the Fourth Amendment does not require law enforcement to provide immediate notice of execution of a search warrant. Since Dalia, three federal courts of appeals have considered the constitutionality of delayed-notification search warrants, and all three have upheld their constitutionality. To our knowledge, no court has ever held otherwise. In short, the USA PATRIOT Act simply resolved the mix of inconsistent rules, practices and court decisions that remain under seal are currently awaiting trial.

The Department has provided the Committee with detailed information regarding how often section 213 has been used. Let us assure you again that the use of a delayed-notification search warrant is the exception, not the rule. Law enforcement agents and investigators provide immediate notice of search warrant execution in the vast majority of cases. According to Administrative Office of the U.S. Courts (AOUSC), during the second quarter of 2004, U.S. District Courts handled 95,925 search warrants. By contrast, in the 39-month period between the passage of the USA PATRIOT Act and January 31, 2005, the Department used the section 213 authority only 153 times according to a Department survey. When compared to the AOUSC data for a similar period of time, the section 213 rate is 0.2% of the total search warrants handled by the courts.

Specifically, you have inquired about examples where the "seriously jeopardizing an investigation" prong was the sole "adverse result" used to request delayed notice. From April 1, 2003, to January 31, 2005, the Department did not use the prong in any of the cases; the "seriously jeopardizing an investigation" prong has been the sole ground for requesting delayed notice in thirty-two instances. Contrary to concerns expressed by some, this prong is not a "catch-all" that is used in run-of-the-mill cases. The Department estimates that only one in ten of the search warrants that have been obtained since the passage of the PATRIOT Act have been delayed-notification search warrants. In every case where immediate notice was provided, moreover, fewer than one in three delayed-notification search warrants obtained by the Department in the last two years relied on the fact that immediate notification would seriously jeopardize an investigation. Thus, fewer than one in ten cases involving this prong, a fact hardly consistent with the concern that the Department will obtain a delayed-notification search warrant in the typical case.

Of those thirty-two instances, delayed-notification search warrants were used in a total of twenty-two investigations. The thirty-two instances do not equate to thirty-two investigations or cases because some of the cases that used delayed-notification search warrants utilizing the "seriously jeopardizing" prong involved multiple search warrants. The Department of Justice has provided the Committee detailed descriptions of eight of the twenty-two investigations where the "seriously jeopardizing" prong was the sole "adverse result" used to request delayed notice. The descriptions already provided include Operation Candy Box, which was detailed in the letter to the Committee, and seven additional cases described in a May 3, 2005 letter to the Committee. This letter is intended to supplement the previous information we have provided by detailing the seven remaining investigations that have been unsealed, and identifying the seven remaining investigations that are warrant of the seven investigations that remain under seal are terrorism-related.

As we are sure you will agree, the following examples of the use of delayed-notification search warrants illustrate not only the appropriateness of the Department’s use of this vital tool but also its importance to law enforcement investigations.

Example #9: Southern District of Illinois:

The United States Attorney’s Office for the Southern District of Illinois conducted a delayed-notification search warrant pursuant to Title 18 U.S.C. § 3109 in an investigation of an OCDETF (Organized Crime Drug Enforcement Task Force) Operation conducted by the United States Attorney’s Office for the Southern District of Illinois that was handled in each of the jurisdictions involved in this multi-district and international investigation of a distribution cell operating in Chicago, Illinois, as well as in U.S. Attorney’s Offices in California, Ohio, and Arizona and by law enforcement authorities in Mexico. As part of this multi-district and international investigation, Title III wiretap orders were obtained in each of the jurisdictions involved in the investigation. In May 2005, information was received as a result of a Title III interception order that the targets of the investigation were arranging the transportation of a vehicle (“load vehicle” that was believed to conceal a substantial quantity of cocaine by transporting it on a car carrier. Once it was determined that the car carrier would transport the load vehicle to the Western District of New York, an application was made to search the load vehicle. The magistrate judge that issued the warrant also authorized delay in giving notice of the execution of the search warrant pursuant to section 213 of the USA PATRIOT Act.

Once the car carrier transporting the load vehicle arrived in the Western District of New York, a local Sheriff’s Department deputy executed a traffic stop. It was discovered that the VIN plate on the dashboard of the load vehicle appeared to have been tampered with or replaced. As a result of the suspect VIN plate, the load vehicle was removed...
from the car carrier, impounded and the car carrier was allowed to proceed on its way. Thereafter, a delayed-notice search warrant was executed on the load vehicle, resulting in 47 kilograms of cocaine being seized. After the seizure of the load vehicle, conversations regarding efforts to re-obtain the load vehicle were intercepted between the subject and investigators. The prosecution continued until July 30, 2003, which was the takedown date for all aspects of the investigation. Extensions of the order delaying notice were obtained until the takedown date. Until they were arrested, the subjects of the investigation were completely unaware as to the reason why the load vehicle was intercepted and that the cocaine, which was concealed in the load vehicle had been located.

Obviously, had the subjects of the investigation received notice that a search warrant had been obtained for the load vehicle, this investigation would have been seriously compromised. Delayed notice allowed the investigators to make a significant seizure of cocaine while at the same time allowing the investigation, which had national and international ramifications, to continue to its successful conclusion. Twenty defendants were charged in the Western District of New York, and all have pled guilty.

Example #13: Western District of New York:

As a result of investigations in the Western District of New York, the Eastern District of California, and Canada, including wiretaps at locations in Canada, information was obtained that several defendants were involved in smuggling large quantities of ephedrine, a listed chemical, from Canada into the United States. There were four delayed-notice search warrants issued in the case, which were all justified by the “seriously jeopardizing an investigation” prong only; the warrants that were believed to be “stash houses” for ephedrine and money; and two for packages sent through the U.S. and Canadian mail which were believed to contain contraband. All delayed-notice search warrants were issued for 10 days on the grounds that providing notice would adversely affect the investigation. In the multi-district case in the Eastern District of California the prosecution in this case is currently pending.

Example #14: Western District of New York:

A delayed-notice search warrant was obtained for the District of Maryland to open and photograph the contents of a safe deposit box that the target, a Canadian citizen, was allegedly using to store his proceeds of drug trafficking. Following the sale of heroin by the target to undercover law enforcement in Maryland, he was followed back to the U.S./Canada border and observed going to a bank in Niagara Falls, New York before entering Canada. A search warrant was obtained for the deposit box, and money (identified through prerecorded serial numbers) from the purchase of the drugs was found in the box. The contents were photographed but not seized. The notification was delayed until arrests could be made in the case—a period of six months. This target is currently a fugitive while other subjects of the investigation were arrested in August 2003.

Example #15: Western District of Michigan:
The United States government was charged on numerous drug-trafficking counts in indictments returned in 1995 and 1996, and was a fugitive until his arrest in July 2003. The defendant was identified and his case was pending, information was discovered that the defendant was corresponding with associates and family members through the mail at the Kalamazoo County Jail in an attempt to intimidate witnesses, obstruct justice or even contract for the murder of a federal prosecutor. It was determined that the only way to effectively obtain information about these threats was to use a delayed-notice search warrant, which allowed the defendant’s incoming and outgoing mail and envelopes, to be seized, and that the mail, and then forward the mail to the intended recipient. The judge determined that if we allowed the defendant to commit additional criminal actions, those actions would have seriously jeopardized the investigation. Additional information concerning the underlying threat investigation cannot be disclosed at this time.

In sum, delayed-notice search warrants have been used for decades by law enforcement and, as demonstrated by the numbers and examples provided above, delayed-notice warrants are used infrequently and scrupulously—only in appropriate situations where immediate notice likely would harm the investigation. The deterrent effect, and even then only with a judge’s express approval. The investigators and prosecutors on the front lines of fighting crime and terrorism should not be forced to choose between preventing immediate harm—such as a terrorist attack or an influx of illegal drugs—and completing a sensitive investigation that might shut down an entire terror cell or drug trafficking operation. Thanks to the long-standing availability of delayed-notice warrants in these circumstances, they do not have to choose. See section 213 enables us to better protect the public from terrorists and criminals while preserving Americans constitutional rights. The Department of Justice believes it is critical that law enforcement continue to have this vital tool for those limited circumstances, such as those discussed above, where a court finds good cause to permit the temporary delay of notification of a search.

We hope the information provided above is helpful. Should you require any further information, please do not hesitate to contact this office.

Sincerely,

William E. Moschella, Assistant Attorney General.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1389

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short title. This Act may be cited as the "USA PATRIOT Improvement and Authorization Act of 2005".

(b) Table of Contents. The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Patriot section 203; notice to court of disclosure of foreign intelligence information.
Sec. 3. Patriot section 206; additional requirements for multipoint electronic surveillance under FISA.
Sec. 4. Patriot section 207; duration of FISA surveillance of non-United States persons.
Sec. 5. Patriot section 208; enhanced oversight of good-faith emergency disclosures.
Sec. 6. Patriot section 213; limitations on pen register and trap and trace authorizations under FISA.
Sec. 7. Patriot section 214; factual basis for pen register and trap and trace authorizations under FISA.
Sec. 8. Patriot section 215; procedural protections for court orders to produce records and other items in intelligence investigations.
Sec. 9. Patriot section 505; procedural protections for national security letters.
Sec. 10. Sunset provisions.
Sec. 11. Enhancement of sunshine provisions.

SEC. 2. PATRIOT SECTION 203; NOTICE TO COURT OF DISCLOSURE OF FOREIGN INTELLIGENCE INFORMATION.

Section 203 of title 18, United States Code, is amended by adding at the end the following:

"(9) Within a reasonable time after disclosure is made, pursuant to paragraph (6), (7), or (8), of the contents of any wire, oral, or electronic communication, an attorney for the Government must file, under seal, a notice to the judge that issued the order authorizing or approving the interception of such wire, oral, or electronic communication, stating that such contents or evidence disclosed and the departments, agencies, or entities to which the disclosure was made."

SEC. 3. PATRIOT SECTION 206; ADDITIONAL REQUIREMENTS FOR MULTIPoint ELECTRONIC SURVEILLANCE UNDER FISA.

(a) Particularity Requirement.—Section 105(c)(1)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(1)(A)) is amended by inserting before the semicolon the following: "An order approving an electronic surveillance under this section shall include sufficient information to describe a specific target with particularity."

(b) Additional Directions.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) by striking "An order approving an electronic surveillance under this section shall;" and

(2) in paragraph (1), by inserting before "specify" the following: "SPECIFICATIONS.—An order approving an electronic surveillance under this section shall include sufficient information to describe a specific target with particularity."

(3) in paragraph (1)(F), by striking "and" and inserting a period.

(4) in paragraph (2), by inserting before "shall;" the following: "An order approving an electronic surveillance under this section shall;" and

(5) by adding at the end the following:

"(6) IN SPECIAL CIRCUMSTANCES FOR CERTAIN OR-PERS.—An order approving an electronic surveillance under this section in circumstances where the nature and location of each of the facilities or places at which the surveillance will be directed is not known shall direct the applicant to provide notice to the court..."
SEC. 5. PATRIOT SECTION 212; ENHANCED OVERSIGHT OF GOOD-FAITH EMERGENCY DISCLOSURES.

(a) Enhanced Oversight.—Section 2702 of title 18, United States Code, is amended by adding at the end the following:

"(d) REPORTS ON EMERGENCY DISCLOSURES.—On an annual basis, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report containing—

"(1) the number of accounts from which the Department of Justice has received voluntary disclosures under subsection (b)(8); and

"(2) a summary of the basis for disclosure in those instances where—

"(A) voluntary disclosures under subsection (b)(8) were made to the Department of Justice; and

"(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges.".

(b) TECHNICAL AMENDMENTS TO CONFORM COMMUNICATIONS AND CUSTOMER RECORDS EXCEPTIONS.—

(1) VOLUNTARY DISCLOSURES.—Section 2702 of title 18, United States Code, is amended—

(A) in subsection (b)(8), by striking "Federal, State, or local"; and

(B) by striking "immediate" before "danger".

(2) R EPORT BY ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—In April of each year, the Director of the Administrative Office of the United States Courts shall transmit to Congress a full and complete report—

"(A) concerning the number of applications for warrants and extensions of warrants authorizing delayed notice pursuant to this section, and the number of warrants and extensions granted or denied pursuant to this section during the preceding calendar year; and

"(B) that includes a summary and analysis of the data required to be filed with the Administrative Office by paragraph (1)."

(c) REPORTS.

SEC. 6. PATRIOT SECTION 213; LIMITATIONS ON DELAYED NOTICE SEARCH WARRANTS.

(a) GRANDS FOR DELAY.—Section 3103a(b)(1) of title 18, United States Code, is amended by striking "may have an adverse result (as defined in section 2705);" and inserting "may result in flight from prosecution;"

(b) result in destruction of or tampering with evidence;

(c) result in intimidation of potential witnesses; or

(E) otherwise seriously jeopardize an investigation;

(b) LIMITATION ON REASONABLE PERIOD FOR DELAY.—Section 3103a(b)(2) of title 18, United States Code, is amended by—

(1) inserting "on a date certain that is before "within a reasonable period of its execution"; and

(2) after "good cause shown" inserting "subject to the condition that extensions should only be granted upon an updated showing of the need for further delay and that each additional delay should be limited to periods of 90 days or less, unless the facts of the case justify a longer period of delay.

(c) ENHANCED OVERSIGHT.—Section 3103a of title 18, United States Code, is amended by adding at the end the following:

"(c) REPORTS.—(1) REPORT BY JUDGE.—Not later than 30 days after the expiration of a warrant authorizing delayed notice (including any extension thereof) entered under this section, or the denial of such warrant (or request for extension), the issuing or denying judge shall transmit to the Administrative Office of the United States Courts—

"(A) the fact that a warrant was applied for; and

"(B) the fact that the warrant or any extension thereof was granted as applied for, was modified, or was denied;

"(C) the period of delay in the giving of notice authorized by the warrant, and the number and duration of any extensions; and

"(D) the offense specified in the warrant or application.

(d) REPORT BY ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—In April of each year, the Director of the Administrative Office of the United States Courts shall transmit to Congress a full and complete report—

"(A) concerning the number of applications for warrants and extensions of warrants authorizing delayed notice pursuant to this section, and the number of warrants and extensions granted or denied pursuant to this section during the preceding calendar year; and

"(B) that includes a summary and analysis of the data required to be filed with the Administrative Office by paragraph (1)."

SEC. 7. PATRIOT SECTION 214; FACTUAL BASIS FOR PEN REGISTER AND TRAP AND TRACK DEVICES UNDER FISA.

(a) FACTUAL BASIS FOR PEN REGISTERS AND TRAP AND TRACK DEVICES UNDER FISA.—

(1) APPLICATION.—Section 402(c)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)(2)) is amended by striking "a certification by the applicant that" and inserting "a statement of the facts relied upon by the applicant to justify the applicant's belief that".

(2) ORDER.—Section 402(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(1)) is amended by adding "if the judge finds that" and all that follows and inserting "if the judge finds that the application includes sufficient facts to justify the belief that the information obtained is foreign intelligence information not concerning a United States person or is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities and otherwise satisfies the requirements of this section.".

(b) RECORDS.—Section 402(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (1), by adding "and" at the end and

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

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

(3) by adding at the end the following:

"(C) shall direct that, upon the request of the applicant, the provider of a wire or electronic communication service shall disclose to the Federal officer using the pen register or trap and trace device covered by the order—

"(1) in the case of the customer or subscriber using the service covered by the order (for the period specified by the order)—

"(I) the name of the customer or subscriber; and

"(II) the address of the customer or subscriber;"
(III) the telephone or instrument number, or other subscriber number or identifier, of the customer or subscriber, including any temporarily assigned network address or associated routing or transmission information;

(IV) the length of the provision of service by such provider to such customer or subscriber;

(V) in the case of a provider of local or long distance telephone service, any local or long distance telephone records of the customer or subscriber;

(VI) if applicable, any records reflecting period of usage (or sessions) by the customer or subscriber; and

(VII) any mechanisms and sources of payment for such service, including the number of credit card or bank account utilized for payment for such service; and

(ii) if available, with respect to any customer or subscriber of incoming or outgoing communications and from or from the service covered by the order—

(I) the name of such customer or subscriber;

(II) the address of such customer or subscriber;

(III) the telephone or instrument number, or other subscriber number or identifier, of such customer or subscriber; including any temporarily assigned network address or associated routing or transmission information; and

(IV) the length of the provision of service by such provider to such customer or subscriber and the types of services utilized by such customer or subscriber.

(c) ENHANCED OVERSIGHT.—Section 606 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1866) is amended—

(1) by inserting “, and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,” after “of the Senate”; and

(2) in subsection (b), by striking “On a semiannual basis” through the preceding 6-month period” and inserting “In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Courts and to Congress a report setting forth with respect to the preceding calendar year—

SEC. 8. PATRIOT SECTION 215; PROCEDURAL PROVISIONS FOR COURT ORDERS TO PRODUCE RECORDS AND OTHER ITEMS IN INTELLIGENCE INVESTIGATIONS.

(a) FACTUAL BASIS FOR REQUESTED ORDER.—

(1) APPLICATION.—Section 501(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)) is amended by striking “shall specify that the records concerned are sought for” and inserting “shall include a statement of facts showing that there are reasonable grounds to believe that the records or other things sought are relevant to”

(2) ORDER.—Section 501(c)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)(1)) is amended by striking “if the judge finds that” and all that follows and inserting “the judge finds that the statement of facts contained in the application establishes reasonable grounds to believe that the records or other things sought are relevant to

(b) ADDITIONAL PROTECTIONS.—Section 501(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)) is amended—

(1) in paragraph (2), by inserting after “An order under this subsection” the following:

“(A) shall describe the tangible things concerned with sufficient particularity to permit them to be fairly identified;

(B) shall contain a date which will provide a reasonable period of time within which the tangible things can be assembled and made available;

(C) shall specify that the records concerned are to be produced to the person to whom the disclosure is made of the prohibition against the production of tangible things pursuant to an order under this section other than to

(A) those persons to whom such disclosure is necessary to comply with such order;

(B) an attorney to obtain legal advice or assistance with respect to the production of things in response to the order; or

(C) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

(2) Any person having received a disclosure authorized by subparagraph (A), (B), or (C) of paragraph (1) shall notify the person to whom the disclosure is made of the prohibition on disclosure under this subsection.

(3) An order under this section shall notify, in writing, the person to whom the order is directed of the nondisclosure requirement of title 18, United States Code.

(e) JUDICIAL REVIEW.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following:

“(1) Any person receiving an order authorizing the disclosure of any tangible things under this section may challenge the legality of that order by filing a petition in the court established under section 103(a).

(B) That petition may be considered by any judge of the court.

(C) The judge considering the petition may modify or set aside the order if the judge finds that the order does not meet the requirements of this section or is otherwise unlawful.

(D) Any petition for review of a decision to affirm, modify, or set aside an order under this subsection; or for an order authorizing the disclosure of any tangible things under this title; and any person receiving such order shall be sent to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions.

(E) The court of review shall immediately provide for the record a written statement of the reasons for its decision and, on request of the United States or any person receiving such order for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

(2)(A) Judicial proceedings under this subsection shall be concluded as expeditiously as possible.

(B) The record of proceedings, including applications made and orders granted, shall be maintained under procedures established by the Chief Justice of the United States in consultation with the Attorney General and the Director of National Intelligence.

(C) All petitions under this subsection shall be filed under seal, and the court, upon the request of the Government, shall review any Government submission, which may include classifiable material, and the application of the Government and related materials, ex parte and in camera.”.

(f) ENHANCED OVERSIGHT.—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended—

(1) in subsection (a), by inserting “, and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate,” after “of the Senate”;

(2) in subsection (b)—

(A) by striking “On a semiannual basis” through the preceding 6-month period” and inserting “In April of each year, the Attorney General shall transmit to the Congress a report setting forth with respect to the preceding calendar year—

(B) in paragraph (1), by striking “and” at the end;

(C) in paragraph (2), by striking the period at the end and inserting “; and”;

and

(D) by adding at the end the following:

“(3) the total number of applications made for orders approving requests for the production of tangible things under section 501, and the total number of orders either granted, modified, or denied, when the application or order involved any of the following—

(A) The production of tangible things from a library, as defined in section 213(2) of the Library Services and Technology Act (20 U.S.C. 2132).

(B) The production of tangible things from a person or entity primarily engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication whether in print or digitally.

(C) The production of records related to the purchase of a firearm, as defined in section 103(1) of title 16, United States Code.

(D) The production of health information, as defined in section 117(i)(4) of the Social Security Act (42 U.S.C. 1320d-4).

The production of any other government return information, return, or return information, as defined in section 6103(b) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(b)).

(c) Each report under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

(4) In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Courts and to Congress a report setting forth with respect to the preceding calendar year—

(1) the total number of applications made for orders approving requests for the production of tangible things under section 501; and

(2) the total number of such orders either granted, modified, or denied.”.
SEC. 9. PATRIOT SECTION 505; PROCEDURAL PROTECTIONS FOR NATIONAL SECURITY LETTERS.

(a) In General.—Section 2709(a) of title 18, United States Code, is amended—

(1) by striking “A wire or electronic communication service provider” and inserting the following:

“(A) in subsection (a), by adding at the end—

(1) A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court to modify or set aside the request. Any such motion shall state the grounds for challenging the request with particularity. The court may modify or set aside the request if compliance would be unreasonable or oppressive.”; and

(b) Nondisclosure.—Section 2709(c) of title 18, United States Code, is amended—

(1) by striking “No wire or electronic communication service provider” and inserting the following:

“(A) in subsection (a), by adding at the end—

(1) A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court to modify or set aside the request. Any such motion shall state the grounds for challenging the nondisclosure requirement with particularity.

(2) The court may modify or set aside such a nondisclosure requirement if there is no reason to believe that disclosure may endanger the national security of the United States or interfere with diplomatic relations by the Government that the disclosure may be unreasonable or oppressive.

(3) The court may modify or set aside such a nondisclosure requirement, the certification by the Attorney General that the disclosure may endanger the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.”; and

(c) ENFORCEMENT OF NATIONAL SECURITY LETTERS.—Section 2709(a) of title 18, United States Code, as amended by subsection (b), is amended by adding at the end the following:

“(B) in paragraph (2), by striking the period and inserting —

(c) in paragraph (2), by striking —

(d) DISCLOSURE OF INFORMATION.—

(1) SECURE PROCEEDINGS.—Section 2709 of title 18, United States Code, as amended by subsections (b) and (c), is amended—

(1) by striking “as defined in section 3054 of title 18,” and inserting the following:

“(A) MODIFICATION OF PATRIOT ACT SUNSET PROVISION.—Section 2510(a) of the USA PATRIOT Act (18 U.S.C. 2510 note) is amended to read as follows:

“(a) In General.—Except as provided in subsection (b), the amendment made by section 2(a) and the amendments made by such sections, shall cease to have effect on December 31, 2009, and any provision of law amended or modified by such sections shall take effect on January 1, 2010, as if in effect on the day before the effective date of this Act.

(b) EXTENSION OF SUNSET ON ‘‘LONER WOLF’’ PROVISION.—Section 2(b) of section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended to read as follows:

“(b) SUNSET.—

(1) In General.—Except as provided in paragraph (2), the amendment made by subsection (a) shall cease to have effect on December 31, 2009.

(2) Special Rule.—With respect to any particular foreign intelligence investigation that began before the date on which the amendment made by subsection (a) ceases to have effect, section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a), shall continue in effect.

(c) REPEAL OF SUNSET PROVISION RELATING TO SECTION 2322B AND THE MATERIAL SUPPORT PROVISION OF SECTION 107 OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT.—

Section 107 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(b)), as amended by section 7, is amended—

(1) by striking “(a)” and inserting “(b)”;

(2) by striking “in subsection (b)” and inserting “in subsection (c)”;

(3) by striking “in paragraph (b)” and inserting “in paragraph (c)”;

(4) by striking “or the” and inserting “or the”; and

(d) TECHNICAL AMENDMENT.—

Section 1(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act) of 2001 is amended to read as follows:

“(a) SHORT TITLE.—This Act may be cited as the ‘Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism’ (USA PATRIOT Act) of 2001 and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. SUNUNU):

S. 1390. A bill to reauthorize the Coral Reef Conservation Act of 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce the Coral Reef Conservation Amendments Act of 2005, legislation to reauthorize and update the Coral Reef Conservation Act of 1999. I am pleased to be joined in this endeavor by Senator JOHN SUNUNU, the new Chairman of the Commerce Committee’s National Ocean Policy Study, who is also greatly concerned about the fate of our coral reefs and the future well-being of our coastal regions and resources. Coral reefs, often called the “rainforests of the sea,” are among the oldest and most diverse ecosystems on
the planet. Covering less than one percent of the Earth’s surface, these fragile resources provide services worth billions of dollars each year to the United States economy and economies worldwide. Coral reef resources provide economic and environmental benefits in the form of food, jobs, natural products, pharmaceuticals, and shoreline protection. In Hawaii, reef-related activities generate $360 million each year for the State’s economy, and the overall worth of these reefs has been estimated at close to $10 billion.

However, these reefs are also under pressure from some 1.2 million residents and the seven million tourists visiting each year. Threats range from land-based sources of pollution, overfishing, recreational overuse, alien species introduction, marine debris, coral bleaching and the increased acidity of our oceans. Despite these impacts, there are still remote coral reefs that are largely intact, such as those in the Northwestern Hawaiian Islands. Continued conservation and study of these isolated reefs is necessary for understanding healthy coral reef ecosystems and restoring impacted ecosystems.

The reefs of the Northwestern Hawaiian Islands are an important nesting and breeding site for many endangered and threatened species. A Federal public designation process is underway to manage these areas as a National Marine Sanctuary under a science-based management scheme that will accommodate multiple uses while achieving the necessary conservation goals. Increased funding and expanded Federal, State and local partnerships in this area have resulted in monitoring, mapping, and research programs have improved our understanding of the spatial and temporal dynamics of Hawaiian reefs which can be used to guide conservation and management decisions.

Through this reauthorization, we can build upon lessons learned in Hawaii and other areas and apply them throughout the United States. A mere five years ago, Congress took its first step toward addressing coral reef declines by authorizing legislation that provided targeted funding to advance our understanding and capacity to address threats to coral reefs. Since then, strong support for these programs around the country, as well as focused funding, have enabled a transformation that will help us strengthen and refocus the legislation. The report of the U.S. Ocean Commission has further underscored the urgent need to improve management and conservation of coral reefs from a variety of threats. Our hearings on coral threats last month provided additional recommendations for changes to move from monitoring to action to improve coral conservation.

The Coral Reef Amendments Act of 2005 responds to these recommendations by increasing annual authorizations under the Coral Reef Conservation Act, starting at $30 million in fiscal year 2006, and increasing to $35 million in fiscal year 2009 to 2012. This roughly doubles the authorization levels in the existing act. It also gives priority attention to local action strategies and territorial needs, as well as on prevention of physical damage from vessel or other physical impacts, including international and territorial priorities, or threats identified by the Administrator in consultation with the Coral Reef Task Force; and

SEC. 3. EMERGENCY RESPONSE.

Section 206 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6404(c)) is amended to read as follows:

SEC. 2. EXPANSION OF CORAL REEF CONSERVATION PROGRAM.

(a) PROJECT DIVERSITY.—Section 204(d) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403(d)) is amended— (1) by striking “geographic and biological” in the heading and inserting “PROJECT”;

(b) APPROVAL CRITERIA.—Section 204(g) of that Act (16 U.S.C. 6403(g)) is amended— (1) by striking “40 percent” in paragraph (2) and inserting “30 percent”;

(2) by striking paragraph (3) and inserting the following:

(3) Remaining funds shall be awarded to the Administrator under this section should—

(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Administrator in consultation with the Coral Reef Task Force; and

(3) other appropriate projects, as determined by the Administrator, including monitoring and assessment, research, pollution reduction, education, and technical support.

SEC. 4. NATIONAL PROGRAM.

Section 206 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6404) is amended by striking "or" after the semicolon in paragraph (9)

SEC. 5. NATIONAL PROGRAM.

SEC. 6. EMERGENCY RESPONSE ACTIONS.

(a) IN GENERAL.—The Administrator may undertake or authorize action necessary to prevent or minimize the destruction or loss of, or injury to, coral reefs or coral reef ecosystems from vessel impacts or other physical damage to coral reefs, including damage from unforeseen or disaster-related circumstances.

(b) ACTIONS AUTHORIZED.—Action authorized by subsection (a) includes vessel removal and emergency reestablishment of the vessel and any impacted coral reef.

(c) PARTNERING WITH OTHER FEDERAL AGENCIES.—When possible, action by the Administrator under this section should—

(1) be conducted in partnership with other Federal agencies, including the United States Coast Guard, the Federal Emergency Management Agency, the Army Corps of Engineers, and the Department of the Interior; and

(2) leverage resources of such other agencies, including funding or assistance authorized under other Federal laws, such as the Oil Pollution Act of 1990, the Comprehensive Environmental Response, Compensation, and Liability Act, and the Federal Water Pollution Control Act.”.

SEC. 4. NATIONAL PROGRAM.

Section 207(b) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6404) is amended—

SEC. 1. SHORT TITLE.

This Act may be cited as the “Coral Reef Conservation Amendments Act of 2005.”
(2) by striking “partners,” in paragraph (4) and inserting “partners; and”; and
(3) by adding at the end the following:
“(5) activities designed to minimize the likelihood of vessel grounding or other physical damage to coral reefs, including those activities described identified in section 210(b).”

SEC. 4. REPORT TO CONGRESS.

(a) In General.—Section 208 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6407) is amended to read as follows:

“SEC. 208. Report to Congress.

“(a) In General.—The Administrator may maintain an inventory of all vessel grounding incidents on coral reef resources, including a description of—

“(1) the impacts to such resources;

“(2) vessel and ownership information, if available;

“(3) the estimated cost of removal, mitigation, or restoration;

“(4) the response action taken by the owner, the Administrator, the Commandant of the Coast Guard, or other Federal or State agency representatives;

“(5) the status of the response action, including the dates of vessel removal and mitigation or restoration and any actions taken to prevent future grounding incidents; and

“(6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

“(b) IDENTIFICATION OF AT-RISK REEFS.—The Administrator may—

“(1) use information from any inventory maintained under subsection (a) or any other available information source to identify coral reef resources and National Marine Sanctuaries that have a high incidence of vessel impacts, including groundings and anchor damage; and

“(2) identify strategies, including action by other agencies, to reduce the likelihood of such impacts.

“SEC. 211. REGIONAL COORDINATION.

“The Administrator shall work in coordination and cooperation with other Federal agencies, States, and United States territorial governments to implement the strategies developed under section 203, including participation in local strategies, to address multiple threats to coral reefs and coral reef ecosystems such as coastal runoff, vessel impacts, and overfishing.

”SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6408), as redesignated by section 6, is amended—

“(1) by striking “$16,000,000 for each of fiscal years 2001, 2002, 2003, and 2004.”; and

“(2) by adding at the end the following:

“$2,000,000 for fiscal year 2008; such sums to remain available until expended.”; and

“(3) by striking subsection (d).

By Mr. LAUTENBERG (for himself, Mr. JEFFORDS, Mrs. BOXER, Mr. KERRY, Mr. CORZINE, Mrs. CLINTON, and Mr. KENNEDY)

S. 1391. A bill to amend the Toxic Substances Control Act of 1976 in order to prevent the exposure of children, workers, and consumers to toxic chemical substances; to require the Administrator of the Environmental Protection Agency and the United States Army Corps of Engineers, the National Oceanic and Atmospheric Administration, and the United States Army Corps of Engineers to identify coral reef resources and National Marine Sanctuaries that have a high incidence of vessel impacts, including groundings and anchor damage, and to provide for the implementation of strategies to address vessel impacts; to authorize the Administrator to use proceeds of sales of coral reef resources and National Marine Sanctuaries to support the construction and maintenance of public use facilities, to create a program to provide grants to local governments to implement the national coral reef strategy under section 211 through 214; and for other purposes.

S. 8235. A bill to amend the Toxic Substances Control Act of 1976 (15 U.S.C. 2601 et seq.) to prohibit the manufacture, import, and sale of any cosmetic product, and to require the Administrator to issue a report to Congress and the public on the safety of products.

Mr. LAUTENBERG. Mr. President, I rise today to introduce the Child, Worker and Consumer Safe Chemicals Act of 2005. Senators JEFFORDS, BOXER, KERRY, CORZINE, CLINTON and KENNEDY are cosponsors of this legislation.

Every day, Americans use household products that contain hundreds of chemicals. Most people assume that those chemicals have been proven safe for their families and children. Unfortunately, that assumption is wrong. Many chemicals that have been in use for decades have never been tested for their health effects.

Over 40 years ago Rachel Carson, in her book Silent Spring, warned about the dangers of the chemicals that had not been fully tested. Today, nearly all of those same chemicals are still being used—yet to this day most of them have never been tested for their health effects.

Many of these chemicals perform amazing services and make our lives easier. But in recent years study after study has raised concerns about some of the chemicals that are used in thousands of products.

For instance, take the common baby bottle. Many baby bottles contain the chemical “Bisphenol A” which at very low doses has been shown to affect reproduction, the immune system, brain chemistry, behavior, and more. How great is the risk of using Bisphenol A in baby bottles, water bottles and other everyday products? The answer is “we don’t know.”

We have laws to make sure that pesticides and medicines are safe—and even toys. But we fail to require similar standards for the thousands of other products used in baby bottles, water bottles, food packages and thousands of other products. This is inexcusable.
But the current law, known as “Toxic Substances Control Act” (TSCA) actually sets up roadblocks to EPA getting the vital information it needs to determine whether these chemicals are safe. So last year, I asked the Government Accountability Office (GAO) to assess TSCA to determine how effective it has been in doing the job of protecting public health and the environment.

In the GAO report released today, “Chemical Regulation: Options Exist to Improve EPA’s Ability to Assess Health Risks and Manage its Chemical Review Program,” we learn that TSCA is such an ineffective and burdensome law that it often fails to protect our children, workers and the general population from exposure to carcinogens such as asbestos—for which there is no safe level of exposure.

According to the GAO, only five chemicals used 29 years ago when Congress passed TSCA have ever been restricted by EPA. In 29 years, the agency has formally requested health and environmental effects information on just 200 chemicals—out of about 80,000.

The GAO reports, “EPA does not routinely assess existing chemicals and has limited information on their health and environmental risks.” It adds, “EPA lacks sufficient data to ensure that potential health and environmental risks of new chemicals are identified.”

Children are the most sensitive population to chemical pollutants and we must protect that sacred bond between a mother and her child. Again, it is inexcusable that our laws require extensive data to approve pesticides and pharmaceuticals as safe—but fail to require similar analysis for the chemicals used in baby bottles, water bottles, food packages and thousands of other products.

That is why today I am introducing The Child-Safe Chemicals Act. My bill will establish a safety standard that each chemical must meet. It shifts the burden of proving that chemicals are safe from EPA to the chemical manufacturers. Under my bill, the manufacturers must provide the EPA with whatever data it needs to determine if a chemical use meets the safety standard. And the bill strengthens EPA’s authority to restrict the use of chemicals which fail to meet that standard.

I have ten grandchildren . . . and I believe we have a sacred duty to protect the health of infants and children. I agree with Daniel Maguire, a professor of religious ethics at Marquette University who stated, “As a principle of ethics, whatever is good for kids is good; whatever is bad for kids is ungodly.”

My bill has been endorsed by the American Public Health Association and many of the nation’s leading pediatricians. The American people have a right to assume that the products they use are safe. This bill will help guarantee that right.

Mr. JEFFORDS. Mr. President, I rise today to introduce the Kid Safe Chemicals Act with Senators LAUTENBERG, BOXER, KERRY, CORZINE, CLINTON and KENNEDY. The purpose of the bill is simple—improve children’s health by reducing exposure to harmful toxic chemicals in everyday consumer products.

Synthetic chemicals play an integral role in the US economy and in enhancing our quality of life. Yet—like most Americans—I assumed basic safeguards were in place to ensure that chemicals widely used in household products were first determined to be safe. Sadly, this assumption is false.

A new report, issued today by the Government Accountability Office, shows that most chemicals used in consumer products today have never undergone any Federal safety review.

Further, the report demonstrates that EPA lacks the necessary legal tools to protect our children from harmful chemicals. The bill I reintroduced along with Senators LAUTENBERG and LEAHY is titled “Chemical Regulation: Options Exist to Improve EPA’s Ability to Assess Health Risks and Manage its Chemical Review Program.”

To all people who care about our children’s health, GAO’s conclusions should be a call to action. Three findings merit particular attention.

First, GAO found that “EPA does not routinely assess existing chemicals and environmental risks of existing chemicals and faces challenges obtaining the information necessary to do so.” For example, the Agency has required testing for fewer than 260 of the 62,000 chemicals used in commerce since EPA began reviewing chemicals in 1979.

Additionally, GAO found that “EPA’s reviews of new chemicals provide limited assurance that health and environmental risks are identified before the chemicals enter commerce.” According to the report, chemical companies generally do not test new chemicals for toxicity or human exposure levels before they are submitted for EPA review, forcing the Agency to rely on predictive modeling that “does not ensure that the chemicals’ risks are fully assessed before they enter commerce.”

Finally, even when EPA has toxicity and exposure information on chemicals showing significant health risks, GAO found that the Agency has difficulty overcoming the legal hurdles needed to take action. As a result, in almost three decades, EPA has issued regulations to ban or limit the production or use of only five chemicals.

Our toxic ignorance would be less alarming if it wasn’t coupled with overwhelming evidence of widespread human exposure. Study after study—including those by the Centers for Disease Control—have found a cocktail of synthetic chemicals in the blood and tissues of Americans. For example, bio-monitoring studies have found Bisphenyl A, a chemical used in plastic baby pacifiers, water bottles, and food and beverage containers, in 95 percent of people tested. Similarly, chemicals such as P-FOA, which is used in non-stick Teflon pans, and polybrominated diphenyl ethers, used as flame retardants, are regularly found in breast milk and fetal liver tissue.

To be clear, the products that produce these chemicals are unknown. Unknown because no one is required to look. We do know, however, that most of us are carrying our bodies dozens—if not hundreds—of synthetic chemicals to which our grandparents were never exposed. We also know that the incidence of certain cancers and neurological and developmental disorders linked to chemical exposure are on the rise.

The Kid Safe Chemical Act would fundamentally overhaul the nation’s chemical management framework. First, it would protect kids by requiring chemical manufacturers to perform basic testing of their products. Second, it would reduce our toxic ignorance by providing much needed hazard and exposure information to EPA and the public. Third, using a science based, worst-first priority system, EPA would be required to determine the safety of 30 chemicals within the next five years. By 2020, all chemicals distributed in commerce would need to meet the safety standard.

To avoid imposing an undue burden on industry, the Kid Safe Chemicals Act relies on essentially the same safety standard as the Food Quality Protection Act, which passed the Gingrich-Lott Congress unanimously and which chemical manufacturers themselves have complied with for the past decade.

In short, chemical manufacturers would need to establish to EPA that there was “a reasonable certainty of no harm” before distributing their chemicals in commerce. A ten-fold safety factor would be built in to account for the unique sensitivity of children.

Finally, the Kid Safe Chemicals Act encourages innovation of less toxic chemicals by removing existing disincentives and initiating a safer alternatives and green chemistry program.

As a result, the bill has been endorsed by a wide array of public health groups, such as the Breast Cancer Fund, the Center for Children’s Environmental Health, and the American Public Health Association.

I believe that the Kid Safe Chemicals Act represents a rational, common sense approach to reducing children’s exposure to toxic chemicals.

By Mr. SMITH. Mr. President, I rise today with Senator DORGAN to introduce the FTC Reauthorization Act of 2005.

As the chairman of the Subcommittee on Trade, Tourism, and...
Economic Development, I am pleased to have Senator DORGAN, the ranking member of the subcommittee join me to introduce this important bill. Our subcommittee has jurisdiction over the Federal Trade Commission and its missions and the legislation would reauthorize the FTC from fiscal year 2006 through 2010.

The FTC reauthorization bill is important for the FTC to carry out its critical mission of preventing unfair competition and protecting consumers from deceptive acts or practices in the marketplace.

The responsibility to protect consumers is quite broad and includes a wide array of deception and unfair business practices, including price fixing, telemarketing fraud, Internet scams, and consumer identity theft.

As a product of its responsibilities, the FTC plays a vital role in maintaining integrity in the marketplace and strengthening our economy.

This legislation authorizes appropriations to fund the FTC’s operations including monies for efforts to secure data privacy and to combat spyware and identity theft. These are areas that have posed an increased threat to consumers recently, affecting millions of consumers with a pricetag to society in the billions of dollars.

The services and protections the FTC performs for consumers are invaluable and we need to pass an authorization bill, which it has operated without since 1993.

I urge my colleagues to support this legislation and its expeditious passage through the Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1392

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 “FTC Reauthorization Act of 2005.”

SEC. 2. REAUTHORIZATION.

The text of section 25 of the Federal Trade Commission Act (15 U.S.C. 57c) is amended to read as follows:


(a) The Federal Trade Commission, in the fulfillment of its duties, should be authorized to make any expenditures necessary for the proper discharge of its functions.

(b) The Federal Trade Commission shall be authorized to make such expenditures in any fiscal year as may be necessary to carry out its functions, powers, and duties.

(c) The amount of any expenditures authorized under this section shall be determined by the Appropriations Act for the fiscal year in which such expenditures are to be made.

SEC. 3. APPROPRIATIONS.

(a) Appropriations to FTC.

The Federal Trade Commission is authorized to make appropriations for any fiscal year in such amount as may be necessary to carry out its functions, powers, and duties.

(b) Authorization of Appropriations.

The amount of any appropriations authorized under this section shall be determined by the Appropriations Act for the fiscal year in which such appropriations are to be made.

SEC. 4. AUDIT AND REPORT.

(a) Audit of FTC.

The Federal Trade Commission shall conduct an audit of its operations for each fiscal year and submit a report to the Congress on such audit.

(b) Report to Congress.

The Federal Trade Commission shall submit a report to the Congress on its operations for each fiscal year.

SEC. 5. COMMISSION.

(a) Commission Members.

The Federal Trade Commission shall consist of five members appointed by the President with the advice and consent of the Senate, to serve for a term of six years.

(b) Chairperson.

The President shall designate one of the members of the Federal Trade Commission as chairperson.

(c) Ex officio Members.

The Secretary of Commerce, the Attorney General, the Secretary of the Treasury, and the Secretary of Labor shall be ex officio members of the Federal Trade Commission.

SEC. 6. REGULATIONS.

(a) Regulations.

The Federal Trade Commission shall adopt such regulations as may be necessary to carry out its functions, powers, and duties.

(b) Enforcement.

The Federal Trade Commission shall have the power to enforce its regulations.

SEC. 7. ENFORCEMENT.

(a) Civil Penalties.

The Federal Trade Commission may assess civil penalties against any person who violates any provision of this Act.

(b) Criminal Penalties.

The Federal Trade Commission may refer any violation to the Department of Justice for prosecution under any provision of law.

SEC. 8. REPORTS.

(a) Annual Reports.

The Federal Trade Commission shall submit an annual report to the Congress on its operations.

(b) Special Reports.

The Federal Trade Commission shall submit special reports to the Congress on any matter that the Commission determines to be of interest.

SEC. 9. AUDIT AND REPORT.

(a) Audit of FTC.

The Federal Trade Commission shall conduct an audit of its operations for each fiscal year and submit a report to the Congress on such audit.

(b) Report to Congress.

The Federal Trade Commission shall submit a report to the Congress on its operations for each fiscal year.

SEC. 10. COMMISSION.

(a) Commission Members.

The Federal Trade Commission shall consist of five members appointed by the President with the advice and consent of the Senate, to serve for a term of six years.

(b) Chairperson.

The President shall designate one of the members of the Federal Trade Commission as chairperson.

(c) Ex officio Members.

The Secretary of Commerce, the Attorney General, the Secretary of the Treasury, and the Secretary of Labor shall be ex officio members of the Federal Trade Commission.

SEC. 11. REGULATIONS.

(a) Regulations.

The Federal Trade Commission shall adopt such regulations as may be necessary to carry out its functions, powers, and duties.

(b) Enforcement.

The Federal Trade Commission shall have the power to enforce its regulations.

SEC. 12. ENFORCEMENT.

(a) Civil Penalties.

The Federal Trade Commission may assess civil penalties against any person who violates any provision of this Act.

(b) Criminal Penalties.

The Federal Trade Commission may refer any violation to the Department of Justice for prosecution under any provision of law.

SEC. 13. REPORTS.

(a) Annual Reports.

The Federal Trade Commission shall submit an annual report to the Congress on its operations.

(b) Special Reports.

The Federal Trade Commission shall submit special reports to the Congress on any matter that the Commission determines to be of interest.

SEC. 14. AUDIT AND REPORT.

(a) Audit of FTC.

The Federal Trade Commission shall conduct an audit of its operations for each fiscal year and submit a report to the Congress on such audit.

(b) Report to Congress.

The Federal Trade Commission shall submit a report to the Congress on its operations for each fiscal year.

SEC. 15. COMMISSION.

(a) Commission Members.

The Federal Trade Commission shall consist of five members appointed by the President with the advice and consent of the Senate, to serve for a term of six years.

(b) Chairperson.

The President shall designate one of the members of the Federal Trade Commission as chairperson.

(c) Ex officio Members.

The Secretary of Commerce, the Attorney General, the Secretary of the Treasury, and the Secretary of Labor shall be ex officio members of the Federal Trade Commission.

SEC. 16. REGULATIONS.

(a) Regulations.

The Federal Trade Commission shall adopt such regulations as may be necessary to carry out its functions, powers, and duties.

(b) Enforcement.

The Federal Trade Commission shall have the power to enforce its regulations.

SEC. 17. ENFORCEMENT.

(a) Civil Penalties.

The Federal Trade Commission may assess civil penalties against any person who violates any provision of this Act.

(b) Criminal Penalties.

The Federal Trade Commission may refer any violation to the Department of Justice for prosecution under any provision of law.

SEC. 18. REPORTS.

(a) Annual Reports.

The Federal Trade Commission shall submit an annual report to the Congress on its operations.

(b) Special Reports.

The Federal Trade Commission shall submit special reports to the Congress on any matter that the Commission determines to be of interest.

SEC. 19. AUDIT AND REPORT.

(a) Audit of FTC.

The Federal Trade Commission shall conduct an audit of its operations for each fiscal year and submit a report to the Congress on such audit.

(b) Report to Congress.

The Federal Trade Commission shall submit a report to the Congress on its operations for each fiscal year.
$155,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants. Provided, That the balance shall be allocated by the Secretary to States based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICO. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing, entitled “Climate Change Science and Economics,” will be held on Thursday, July 21 at 10 a.m. in Room SH-216.

The purpose of the hearing is to receive testimony regarding the current state of climate change scientific research and the economics of strategies to manage climate change. Issues to be discussed include: the relationship between energy consumption and climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony should send copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact: Steve Waskiewicz at 202-224-7555.

AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 13, 2005, at 9:30 a.m., to receive testimony on the investigation into FBI allegations of detainee abuse at the Guantanamo Bay, Cuba Detention Facility.

Mr. CORNYN. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 13, 2005, at 10 a.m., to conduct a hearing on “Money Laundering and Terror Financing issues in the Middle East.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, July 13, 2005, at 9:30 a.m. for a hearing titled, “Chemical Facility Security: What Is the Appropriate Federal Role?”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Ha - beus Corpus Proceedings and Issues of Actual Innocence” on Wednesday, July 13, 2005, at 9:30 a.m. in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Wednesday, July 13, 2005, at 10 a.m., on the Financial Stability of the Airlines, PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet on July 13, 2005, at 9:30 a.m., to hold a hearing to discuss the Endangered Species Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest that the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.
The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARMY PFC MEGAN ADELMAN-TENNY

Mr. DEWINE. Mr. President, next week, on Saturday, July 23, people of all ages will gather for a special race in Alliance, OH. This race will benefit the Megan Adelman-Tenny Foundation, which was set up in memory of Army PFC Megan Adelman-Tenny, who was killed in an airborne training accident on January 25, 2005, when her parachute failed to open. She was 19 years old.

This foundation will award an annual scholarship to a high school student who has participated in cross-country, has lettered in the sport, and who possesses the same attributes that made Megan such a special person. I rise today to pay tribute to Megan and to celebrate those attributes—her zest for life, her zeal for organization, and her unmatched competitiveness.

According to her mother Melissa, Megan grew up as a “tomboyish” girl. She was always outside, riding her bike or rollerblading. She never backed down from her older siblings and twin-brother, Matt. She was always speaking her mind and asserting her will. Her sisters refer to her as “energetic and full of life. She was a kick-butt girl. She took no prisoners. She didn’t let anything hold her back.”

Indeed, Megan was someone who lived her life to the fullest. At Alliance High School, Megan played the violin, sang in the choir, and ran on the cross-country team. Starting her sophomore year, Megan also worked part-time at McDonald’s. Her involvement in all these activities left her just enough time to spend with her junior high and high school sweetheart—the love of her life—Joshua Tenny.

As a testament to Megan’s penchant for living in the moment, she and Joshua eloped on December 22, 2004. Her older brother, Marcus, remembers the surprising elopement:

I picked Megan and Joshua up, and we were driving to the Best Buy store in Canton, and Megan told me they needed to make a stop first because they wanted to get married. So, we went to the municipal building in Canton. They filled out all the paperwork for their marriage license and were getting excited. . . . It was spur-of-the-moment, but they wanted to get married and be together.

While Megan lived her life as it came to her, she was also the type of person who made plans, set goals, and did her best to fulfill them.

As a member of the cross-country team, Megan took responsibility for packing the medical bag, organizing meets, and taking care of her twin-brother. According to her mom, Megan acted as another mother to Matt. She cooked for him, cleaned his room, and packed his cross-country bag before meets.

In addition to being exceptionally organized, Megan was also a fierce competitor. In junior high school, she faced the choice between two sports: basketball and cross-country. Megan decided to join the cross-country team, an individual sport in which the athletes must compete with other runners, as well as their own bodies.

Megan excelled. She was a fantastic runner, qualifying for the State meet three times. She was a leader on her team and inspired others to do their best. Her track coach, Al Eibel, remembers Megan as a hard worker who never complained. During the 2002 season, Megan was clipped by a car while on a practice road-run. Though she didn’t break it, her arm was badly bruised and swollen. Even though she could barely move her arm, Megan competed a few days later. Coach Eibel recalls one of Megan’s decide:

I know she was in pain, but she didn’t say a word. She ran, and by districts, she was fine. Everyone knew we’d always be able to count on Megan.

Upon graduating from high school, Megan knew that it wasn’t the right time for her to go to college. She didn’t feel particularly drawn to it and, with two siblings already attending Ohio University, Megan knew it would be a financial hardship for her family. Instead, she began a plan to serve 4 years in the Army, with her husband Joshua, and then start a family. She reserved a place for college at a later time, if she felt inclined to go.

Her mother remembers Megan’s decision to join the Army:

She thought about it and came to the conclusion she was going to do it. And, she went in and did it with gusto.

Megan completed advanced individual specialty training in human resources and was part of the 82nd Airborne at Fort Bragg, NC. Megan’s organizational skills and attention to detail allowed her to breeze through basic training. At one point, she even mentioned to her mother that she might want to become a drill sergeant. Her mother said:

Well, you’re bossy and you’re organized—I don’t see what would keep you from doing it.

It didn’t surprise anyone when Megan was the strongest woman and fastest person in her basic training unit. She earned the nickname “Speedy Gonzales” from others in her unit because of her running ability. Megan was not someone who held back when it came to competition and she never backed down from anyone or anything.

Her brother, Marcus remembers Megan crying during boot-camp, not because it was difficult, but because she felt others were not taking it as seriously as she was. That’s just the type of person Megan was. She was passionate about the things and the people she cared about.

Marcus talked to his sister after she had completed her first training jump with the 82nd Airborne. Megan, who was always something of a daredevil, had “loved the jump.” She told her brothers and sister that they would have to try sky diving with her. Megan was also extremely excited about her next jump and her career in the Army. Frankly, Megan was just excited about life.

Any person who devotes a large part of their time and effort to competitive running has probably seen the movie “Chariots of Fire.” In the film, one of the characters asks the question: “[W]here does the power come from to see the race to its end?” The answer to this question is, “From within.”

Megan Adelman-Tenny had that power, that passion, that drive from within, which allowed her to accomplish anything she set her mind to. She was someone who, like any good runner, took things step by step, while also keeping the finish line in sight.

On July 25, many people will run and walk 5 kilometers in memory of Megan. And, with each step taken, they honor her life.

As I think about Megan’s short, but full life, I am reminded of a very familiar passage from the Bible, a passage from St. Paul’s letter to Timothy, in which St. Paul said:

[The time of my departure has come. I have fought the good fight. I have finished the course. I have kept the faith.]

There is no question, Megan Adelman-Tenny fought the good fight. She finished the course. She kept the faith. Megan was truly a wonderful young woman, whom we will never forget.

My wife, Fran, and I continue to keep Megan’s husband, Joshua, her parents, Mark and Melissa, her sister Tina, and brothers Marcus and Matt in our thoughts and in our prayers.

MARINE CORPORAL RICHARD GILBERT, JR.

Mr. DEWINE. Mr. President, I rise today to pay tribute to Marine Cpl Richard Gilbert, Jr., from Dayton, OH, who gave his life in the defense of freedom on January 26, 2005. Richard lost his life in a helicopter accident near the town of Rutba, Iraq. Thirty-one service members lost their lives in this tragic accident.

Having just completed major operations in Fallujah, Richard and his unit were on their way to help secure Iraq for the upcoming elections. They sacrificed their lives standing up for freedom and standing against terror and tyranny. Like his comrades who perished with him, Richard Gilbert gave his body, will, and soul to his country and for his country. For that I wish to honor him this evening.

Richard Gilbert was born on May 12, 1978. He was a caring boy, who loved animals and being outdoors. He hated when people cried. His mother, Helen, recalls that if Richard saw anyone around him crying, he would go over to them, throw one of his small arms
around their shoulders, and tell them it was "ok."

As Richard grew up, he made friends, played Little League, and followed his favorite sports teams. He was an avid fan of the University of Dayton Flyers basketball team and The Ohio State University football team. His brother was the Buckeyes' football team, however, caused a bit of tension in the Gilbert home every year in the late fall. It seems Richard's brother was a Michigan Wolverines fan and according to their mother, when the Wolverines and Buckeyes squared off, "You didn't even want to be near the house when those boys watched the game!"

When Richard wasn't discussing football with his brother, he was often found discussing something with somebody. He was an incredibly articulate and intelligent young man, able to spout facts about anything from sports to religion to politics. His friends would often call Richard over if they were debating and needed someone with the knowledge to settle it.

Richard also loved music. He was a self-taught guitarist, who composed his own music. According to friends, he loved heavy metal and he was always at peace when composing or playing his guitar.

Of all his interests, however, Richard's greatest love was of politics. After discovering that President Harry Truman was one of his distant cousins, Richard made it his goal to ascend one day to that same office. His passion for politics earned him the nickname "The Governor" from his friends, and his mother jokingly recalls that, "[h]e was my hero, and he was the bravest person I ever met."

Richard had hopes of running either for Mayor of Dayton or the Dayton City Commission after he returned from Iraq. I remember being at calling hours and talking with people who told me about his aspirations, and how they thought he would be a great politician, a great public servant. He would have been great in either position.

Richard was, like many of our service men and women, deeply affected by the terrorist attacks of September 11, 2001. Prior to the attacks, he was working on the assembly line at Behr Dayton Thermal Products. He had just purchased a house, not far from his mother. Richard was also studying political science at Sinclair Community College. He had thought about joining the military, but had held back because he didn't want to cut his long hair.

After September 11, however, Richard saw a clear duty to his country and to protecting all of us from future threats. In December 2001, he joined the Marines, where he was assigned to the 1st Battalion, 3rd Marines Regiment. He had just purchased a house, not far from his mother. Richard was also studying political science at Sinclair Community College. He had thought about joining the military, but had held back because he didn't want to cut his long hair.

I remember being at calling hours and talking with people who told me about his aspirations, and how they thought he would be a great politician, a great public servant. He would have been great in either position.

Richard was, like many of our service men and women, deeply affected by the terrorist attacks of September 11, 2001. Prior to the attacks, he was working on the assembly line at Behr Dayton Thermal Products. He had just purchased a house, not far from his mother. Richard was also studying political science at Sinclair Community College. He had thought about joining the military, but had held back because he didn't want to cut his long hair.

As a child, Richard wrote an essay about his father, Richard Gilbert, Sr., who was a Vietnam veteran. In the essay, Richard described his dad as a hero. Today, Mr. Gilbert says this of his son: "[h]e was my hero, and he was the bravest person I ever met."

This story was told by his friend, Lonnie McMurphy: "He was a warrior. He was a son, a brother, an uncle, a friend, and a U.S. Marine. He wanted nothing more and nothing less.

Richard Gilbert wanted our country to be safe from the dangers of terrorism, and he wanted the Iraqi people to be safe and free. He gave everything he had for those things, as they were the things in which he so firmly believed. Richard stood so that freedom could flourish. We will never forget his service and his sacrifice.

My wife, Fran, and I continue to keep his family and friends in our thoughts and in our prayers.

ARMY SERGEANT CHARLES "CHUCK" WEBB

Mr. DeWINE. Mr. President, this evening I honor the life of Army SGT Charles "Chuck" Webb, from Hamilton, OH. Chuck was a member of Company A, 82nd Engineer Battalion, 1st Infantry, Division, based out of Bamberg, Germany. On November 3, 2004, Sergeant Webb was killed near Salman Pak, Iraq, when a roadside bomb detonated. He was 9 days shy of his 23rd birthday.

Days before his death, Chuck had told his squad that he didn't want them in harm's way if he could help it and that he would do whatever was necessary. "That was the kind of person Chuck was—always looking out for others, always giving them strength, always keeping them safe.

Chuck was born in San Antonio, TX, on November 12, 1981. He moved with his family to Hamilton when he was in sixth grade. Chuck was an easy going, likable kid. He had a passion for history, especially World War II history. He and his father, Conley, could talk for hours about the war.

Conley, a veteran of Vietnam and Desert Storm, was also the source of Chuck's interest in the military. Chuck's sister, Teresa, remembers when Chuck was 5 years old, and the family dressed him up in his father's BDUs and gave him a plastic machine gun. They took pictures of Chuck dressed up in his father's uniform in front of a large American flag. Teresa says he looked like a "miniature G.I. Joe."

Chuck was proud of his military heritage, and his family and friends were proud of the person Chuck became. His junior high school principal, Tom Alf, remembers Chuck as "a fine young man—quiet and polite. I remember his smile... he always had a smile."

Chuck also always had an eye out for others. His sister, Teresa, remembers a phone call she got from her brother in the dead of winter a few years ago. "Teresa," Chuck said, "I need a huge favor." Apparently, he had been approached by a homeless man asking for money. The man had no coat and instead of money, Chuck gave him the coat off his back. He then struck up a conversation with the man and found out that he was trying to get to the other side of the city to meet his wife and kids. That's when Chuck called his sister to come and pick up his new friend and give him a ride.

"That's just the kind of guy Chucky was," Teresa recalled. "He'd give you the coat off his back if you needed it."

In 2000, Chuck graduated from Hamilton High School. He still had a passion for history and had determined he wanted to become a teacher. Chuck decided to take advantage of the G.I. Bill, while also following in his father's footsteps. Just weeks after graduation, the boy who had once posed as a "miniature G.I. Joe," became the real thing when he enlisted in the Army.

During basic training, Chuck broke his foot. He was also, at this time, set to marry his high school sweetheart, Sara. Stacy was hoping to be perfect on that day and had his tuxedo specially altered so that the cast on his foot would be unobtrusive.
Friends remember Chuck being incredibly happy on his wedding day, shedding tears as he said his vows. Chuck was a very sensitive person, who wore his emotions on his sleeve.

The same qualities that made Chuck an exceptional human being made him an exceptional soldier. He was beloved by his fellow service men and women. In a deployment to Kosovo, Chuck earned the nickname “Cabbage Patch,” because of what his sister Teresa describes as, “his chunky face, deep blue eyes, long blonde hair.”

His buddies made a gift of a modified cabbage patch kid to Chucky by giving the doll a “high and tight” hair cut, adding some tattoos, and dressing it in tiny BDUs. Chuck’s mother still has that doll. It sits in a room dedicated to her son in Alexandria, AL.

In Iraq, Chuck led a squad of 10 men. They specialized in mine clearing, bridge building, and in assisting the Iraqi patrols. Their mission was one of rebuilding and security. In carrying out this mission, Chuck was known for protecting his men, putting their safety before his own. He often led patrols, “on point,” meaning he was out front in combat formations, leaving himself the most exposed to danger. This leadership style led to a Purple Heart, when Chuck was wounded by shrapnel from a previous roadside explosive, and earned him the admiration of his fellow soldiers.

SSG Scott Swanson speaks for many of those who knew Chuck when he said this:

[He] was a great NCO—one who soldiers looked up to for knowledge, strength, and most of all, courage. I’m honored to be able to call [Chuck] my brother in arms.

In an email posted on an Internet tribute to Chuck, fellow serviceman Sergeant Shane Uras, wrote the following:

Chuck—it’s been two months now, and I’m still having trouble getting it through my head. I love you bro. I love you, and there’s not a day that goes by that your memory doesn’t make me a stronger person. You were my best friend and godfather to my son Luca. . . . We are having a huge party to call [Chuck] my brother in arms.

Chuck Webb was a good person, who cared about soldiers. We owe it to him to celebrate his life—a life devoted to easing the aches and cooling the pains of so many others. It is in these good deeds that his memory lives on.

My wife, Fran, and I continue to keep Chuck’s family and in our thoughts and in our prayers.

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. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. SESSIONS. Mr. President, I will make some remarks on an amendment I have offered—S. 1140—along with Senator HATCH and Chairman Grassley that is dealing with the appropriation of $5 million, with that amount equally divided between two purposes. One, facilitating the Department of Homeland Security entering into memorandum of understandings with States and localities under section 237(G) of the Immigration and Naturalization Act. That is, the ability to enter into memorandum agreements with States and localities in order that they may participate in a positive way in helping enforce the immigration laws of the United States. And, two, reimbursing States and localities for the costs they incur in training their law enforcement officers under these memorandum of understandings. It’s a provision that this amendment would be divided between two purposes. One, facilitating the Department of Homeland Security entering into memorandums of understanding with States and localities under section 237(G) of the Immigration and Naturalization Act. That is, the ability to enter into memorandum agreements with States and localities in order that they may participate in a positive way in helping enforce the immigration laws of the United States. And, two, reimbursing States and localities for the costs they incur in training their law enforcement officers under these memorandum of understandings.

Chuck—his emotions on his sleeve. tears as he said his vows. Chuck was a caring, sensitive, devoted person who quite literally would—and did—give the “coat off his back.”

The following lines, from Emily Dickinson, seem, in a way, to have guided Chuck’s life. She wrote:

“If I can stop one heart from breaking,
I shall not live in vain.
If I can ease one life the aching,
Or cool one pain,
Or help one fainting robin unto his nest again,
I shall not live in vain...”
for over a decade, but was not used until after 9-11. It is a tragedy we fail to take now advantage of the opportunity this law provides. That agreement allowed for a select group of 21 Alabama State troopers to receive extensive immigration enforcement training as a result of which they are authorized to perform immigration and enforcement functions which resulted in their active communication with the Federal immigration agents stationed in the State—these agreements ought to be conducted routinely in every State in America.

After the MOU was negotiated and signed, the Department of Homeland Security sent personnel to Alabama to train the first class for a 5-week period. I thought 2 weeks was more than sufficient to my way of thinking. A deputy sheriff or city police officer can arrest a Senator for committing crimes in his community, but I suppose we have to have a 5-week training before they can arrest anybody who is not a citizen for violation of our immigration laws.

They were trained in how to identify fraudulent immigration documents, and in how to work together with federal agents to enforce immigration laws. I strongly believe that the MOU has been the most important step in Alabama in the realm of immigration enforcement. As a result of the MOU, Alabama State troopers have performed close to 200 criminal and illegal alien arrests, largely of aliens involved with document fraud, drug trafficking, and human smuggling, and have seized close to $750,000 in drug, document, and human trafficking related cash.

Because of the MOU, new Federal immigration agents have been assigned to the State of Alabama, dramatically increasing the Federal immigration enforcement presence in the State. This February, DHS announced the Alabama MOU would not only be continued but would be expanded, a second class of 25 State troopers is scheduled to be trained by DHS this October. The MOU Alabama entered into has added to the knowledge and resources available to Alabama’s Department of Public Safety and has changed the level of cooperation we receive from the Federal immigration enforcement entities on a daily basis.

I am certain the State of Alabama will seek to continue the agreement for many years to come and I am hopeful other States will follow the lead of Alabama so that they, too, can benefit from the cooperative partnerships fostered by 287(G) MOUs.

Why is this important? It is important for one reason. We have just over 2,000 federal agents nationwide who are not on the borders of our country and charged with the responsibility of apprehending and enforcing immigration laws throughout the heartland of America.

There is no way those 2,000 officers can ever adequately patrol our streets for immigration violators and do a good job of handling these problems. But we have 750,000 State and local law enforcement officers who are on our streets and in our communities every single day, apprehending people for DUls, apprehending people during fights, apprehending people for other crimes, and often by the very act of notice of law enforcement. In the course of that, they often discover these people are here illegally. They, as a result, should be subject to the enforcement of immigration laws by the State and local officers. If we have any respect for law in this country at all that is what should happen, but that is not occurring.

So how do we get to that point? They tell us they have to have all this training to be qualified. OK, let’s give them training. I do not know that we need a full 5 weeks for every officer out there, but I think it is quite helpful that some of these officers have a good and sincere training to be more effective. If we train them properly, and in our Authority, we will have thousands of new officers patrolling our streets all over America at no cost to the Federal Government, watching out on our streets and in our communities for those who violate our laws and are here illegally. We need to be doing if we are serious at all about enforcing the laws of this country. I think the American people are. I think those of us in Congress need to get serious about it.

I think the MOUs under 237(G) of the INA are a good place to start and need to be expanded. Under these MOUs, officers receive good training. The program creates good cooperation between local law enforcement and Federal agents. They learn how each others’ systems work, and they develop memoranda as to what will happen if somebody is apprehended, whom they should call, how they should be detained, how long they should be detained, where they should be taken, and who is going to be compensated for their efforts.

In conclusion, I think this amendment will make it financially attractive for more States to participate in these agreements. After all, they are helping enforce Federal immigration law. Why shouldn’t we assist them in paying for the training we want them to receive? State and local police forces can make a difference in these efforts. I am excited we will perhaps be moving forward with this amendment. It will make a big difference. I understand the managers are not here tonight and will not call up the amendment or attempt to do so, but I have talked with the manager and, hopefully, we can make some progress on that.

Mr. President, I will share briefly that also tomorrow I expect to call up the S. 629, the mass transportation bill I have offered and believe strongly in. We had a hearing on it in the Judiciary Committee and it is unanimous consent to call up and to adopt S. 629. I understand there may be an objection. There is not an objection on the Republican side. There may be an objection on the Democratic side, although it did come out of our Judiciary Committee with bipartisan support. I am hopeful we can move this important bill forward.

We have seen now in Spain and in London that there is a desire to attack our mass transit transportation systems. What the Department of Justice tells us is that we have gaps and loopholes in our current laws that deal with those that would attack our mass transit systems and that those laws need to be tightened up. If we do so, it will help the investigators and prosecutors be more effective in prosecuting those who may seek to do us harm.

I think it is time to move on that legislation. After all, we have been working on it for over a year. I think everybody has had good opportunity to review it. I think it is in every way professional and fair and ought to be passed. I look forward to moving it. If there is some objection from Members, and they would like to share that with me, perhaps we can solve those difficulties and reach an accord and move this important piece of legislation forward. We absolutely do not need to have an attack on our mass transportation systems in America and not have the tools for our prosecutors and investigators to prosecute it adequately. That bill, as I noted, the mass transportation bill, is S. 629. It is not an amendment to the appropriations bill on the floor tomorrow, but a piece of legislation that I expect to be offering.

Finally, Mr. President, I will also be offering tomorrow and would be calling up an amendment to this appropriation bill that deals with making sure our Federal officials enter into the National Crime Information Center database the names and identifying factors of people who have absconded after having been arrested for illegal immigration. That amendment is S.A. 1139.

We have hundreds of thousands of absconders, people who have been apprehended in our country for being here illegally. Amazingly, this is what happens: They are apprehended, they are given a date for a deportation hearing, and they are released on bail prior to that hearing. Or sometimes they have the hearing an are released on a given date, and they are released on bail at that time, with the order to show up for deportation.

For those who have been ordered deported and released on bail, to show up for deportation, we now have learned that over 7 percent of them do not show up to be deported and in some counties over 90 percent never show up for their initial hearings, these percentages really make a mockery of the law. It has to be discouraging to the agents who have gone out and worked these cases, just released on bail, and nobody even enters their names in the National Crime Information Center database.
What is the National Crime Information Center database? This is the database that every police officer in America accesses when they apprehend someone to see if the person is wanted anywhere in the country. If you had a DUI in Washington State, and you did not show up for your trial and they catch you in Mobile, AL, and you are entered in the NCIC because of your DUI in Washington State, the officers in Mobile will hold you, and send you back to Washington State for your trial. But if you jump bail and do not show up for your immigration hearing or for your deportation proceeding, you are not treated the same way, your information is not currently being entered into the NCIC.

So I have been raising this and talking about it for quite some time now, and I have raised it with top officials in the Department of Homeland Security, and they say they are working on it and trying to enter the names faster. I know they as of December of last year they only had about 15,000 names entered into the Immigration Violators File of the NCIC which is really pathetically small. We ought to have them all of the absconder immigration violator files entered in there. This amendment would provide $1 million to make sure those names are entered into the system.

Tomorrow we will proceed, hopefully, to call that amendment up and I will seek to have it made a part of the appropriations bill that is moving forward.

Mr. President, I thank the Chair for your time tonight.

ORDER OF BUSINESS

Mr. SESSIONS. Mr. President, I believe we have, on behalf of the majority leader, Senator Frist, some closing remarks and matters.

MEASURE PLACED ON THE CALENDAR—S. 1382

Mr. SESSIONS. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The Senate may proceed.

The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1382) to require the Secretary of the Interior to accept conveyance of certain trust land, to be held in trust for the benefit of the Puyallup Indian tribe.

Mr. SESSIONS. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 1394

Mr. SESSIONS. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1394) to reform the United Nations, and for other purposes.

Mr. SESSIONS. Mr. President, I ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV. I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

Mr. SMITH. Mr. President, I rise today to discuss the issue of United Nations reform. This year marks the 60th anniversary of the founding of the United Nations. As you know, the U.N. emerged from the ashes of the Second World War with a mandate to save succeeding generations from the scourge of war and to reaffirm faith in fundamental human rights and in the dignity and worth of human beings. Those values embodied in the U.N. charter are still significant in today's changed strategic environment.

Yet, the scandals and mismanagement that has engulfed the organization threaten both its reputation and its relevance.

These scandals have resulted in a consensus that the U.N. must be reformed. Three major reports have been released in the past 7 months, including one by Secretary-General Kofi Annan that outline the need for specific reforms to make the U.N. more efficient, more accountable, more transparent, and more effective in responding to the challenges we face today. I am pleased to see that there is agreement on this need. Yet, I remind my colleagues that when the current Secretary-General took office in January 1997, he vowed to make the hard decisions necessary to reform the institution.

But 8 1/2 years have gone by, and he has been unwilling or unable to do so. In fact, reprehensible dealings and scandalous behavior at the U.N. has continued unabated.

Furthermore, the U.N. budget has grown by leaps and bounds. Over the past 4 years, the U.N. regular budget has increased by more than $1.1 billion over a 2-year period—from $2.5 billion to $3.6 billion.

The U.S. is handed a bill from the U.N. for 22 percent of the cost, and whether or not you agree with the way the U.N. spends its money, we are expected to pay. And this does not take into account the costs of peacekeeping operations, which are expected to be over $5 billion this year alone.

The Constitution gives a Congress the power of the purse and as such, it is our duty to monitor how the American taxpayers’ money is spent. In the case of the massive waste, fraud, and abuse at the U.N., we must take action to rectify the situation.

As the recent report issued by the USIP Task Force on the United Nations said, “Americans are vested in a United Nations that embodies values of honesty, decency, and fair play.”

Yet, the U.N. is hardly a model for these basic values. The appalling kickbacks, bribes, and financial mismanagement of the Oil-for-Food program is a vivid illustration of an insufficient oversight system within the U.N. The design of the program and the failure of the U.N. to properly monitor it allowed Saddam Hussein to pocket billions of dollars in money that was meant for the Iraqi people suffering under his brutal regime.

Sexual exploitation and abuse by U.N. peacekeepers serving in missions around the world is an intolerable abuse of trust by those who are supposed to be contributing to a peaceful resolution to conflict situations.

Embezzlement and extravagant personal spending have been documented at U.N. programs such as UNICEF, the United Nations Development Programme, and the United Nations Conference on Trade and Development.

Countries such as Zimbabwe, Cuba, and Sudan—known violators of the basic human rights of their citizens—have been included as members of the commission on human rights on which the U.S. and have used their position to manipulate its agenda to prevent resolutions that condemn their human rights records.

If the U.N. does not act boldly, and act now, it will have little credibility to promote the values in its Charter. As a European diplomat told me recently, however, the U.N. is incapable of reforming itself. It is quite good at issuing reports, having meetings, appearing contrite, and then resolutely promising to change when news reports publicize the details of the problems within the organization. But history has shown that U.S. leadership is critical to ensuring that meaningful reform is implemented.

Last month, the House of Representatives passed comprehensive legislation that provides a framework for implementing U.N. reform. This effort was led by the Chairman of the House International Relations Committee, Mr. Hyde, who worked diligently to produce a responsible bill that addresses the need for serious, meaningful, and practical reform.

Today I am introducing this legislation to serve as an organization that promotes the values in its Charter.
and effective organization. It shifts funding mechanisms for 18 programs of the U.N. from the regular assessed budget to voluntarily funded programs in an effort to make these programs more accountable to those who fund them. It calls for budgetary practices that are designed to increase the effectiveness and relevance of programs. And it creates an Independent Oversight Board, an Office of Ethics, and a Chief Operating Officer to increase the accountability of the U.N.

Title II addresses the shameful anti-Semitism inherent in U.N. structures by calling for Israel to have a permanent seat in one of the regional groups, with all the accompanying rights and privileges. And it requires the State Department to review U.N. agencies that focus exclusively on the Palestinian agenda.

Title II deals with the human rights mandate of the U.N. It establishes basic criteria that member states must meet to be eligible to serve on U.N. human rights bodies and requires the U.N. entity that selects members on these bodies to abide by these criteria.

Title III mandates reforms of the International Atomic Energy Agency so that it can focus on the key issues of nuclear safety and security, and nuclear verification activities.

Title IV calls for a review of U.N. peacekeeping operations and requires that the U.S. deny support for new or expanded missions until procedures are in place to prevent further sexual exploitation by U.N. peacekeepers.

These measures, including adopting a Code of Conduct for all personnel participating in these operations, and establishing a data base so that past abusers are not able to participate in future operations, have been specifically endorsed by the Secretary General’s special advisor on sexual exploitation and abuse and should be in place by this summer. Yet it is incumbent on the U.N. to take the initiative and to complete its job. If the U.N. adopts measures that achieve the same purpose as those outlined in this bill, it will allow the full U.S. contribution to be expended. And if the U.N. chooses not to implement these needed reforms, the legislation authorizes the contributions that are withheld from expenditure to remain available until the U.N. acts.

In 1949, Dean Acheson said that the United States must work actively to make the United Nations an effective instrument of international cooperation. There is, and always will be, a role for America in ensuring that the U.N. lives up to the ideals of its charter. By pushing for these critical reforms, I believe that we can forge the U.N. into the effective instrument of international cooperation that we all hope it can be.

It is my belief that this legislation is the instrument to get the job done—to make the U.N. the organization that its founders envisioned 60 years ago. I yield the floor.

CONTROLLED SUBSTANCES EXPORT REFORM ACT of 2005

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1395 introduced earlier today.

THE PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1395) to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
Mr. KENNEDY. Mr. President, I urge my colleagues to support S. Res. 173, which Senators COLLINS, DODD, MCCAIN, BIDEN, LEAHY and I introduced to express support for the 1998 Good Friday Agreement as the blueprint for lasting peace in Northern Ireland. All of us believe that a constructive way forward will be found, and the best way to do so is by continuing to implement the Good Friday Agreement.

The 1998 Agreement was endorsed in a referendum by the overwhelming majority of people in Northern Ireland and the Republic of Ireland. The parties to the Agreement made a clear commitment to “partnership, equality, and mutual respect” as the basis for moving forward to end the long-standing conflict and achieve lasting peace for all the people of Northern Ireland. The parties affirmed their “total and absolute commitment to exclusively democratic and peaceful means” to achieve the goal of peace.

Our resolution reiterates our support for the Good Friday Agreement as the way forward in Northern Ireland. It reiterates the stated purpose of the Agreement, as endorsed in the referendum, to support lasting peace in Northern Ireland; and it deserves our strong support. I urge my colleagues to approve this resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the resolution be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 173) was agreed to. The preamble was agreed to.

The resolution, with its preamble, reads as follows:

> S. Res. 173

Whereas in 1998, the Good Friday Agreement, signed on April 10, 1998, in Belfast, was endorsed in a referendum by the overwhelming majority of people in Northern Ireland; whereas the parties to the Good Friday Agreement made a clear commitment to “partnership, equality, and mutual respect” as the basis for moving forward in pursuit of lasting peace in Northern Ireland; whereas the parties to the Good Friday Agreement also affirmed their “total and absolute commitment to exclusively democratic and peaceful means” in pursuit of lasting peace in Northern Ireland; whereas inclusive power-sharing based on these defining qualities is essential to the viability and success of the peace process.

The resolution calls on the Irish Republic to immediately complete the process of decommissioning, cease to exist as a paramilitary organization, and end its involvement in any way in paramilitary and criminal activity. We know that discussion of the issue is underway within the IRA, and we all await a final, positive, and decisive action.

In addition, the resolution calls on the Democratic Unionist Party in Northern Ireland to share power with all the other political parties according to the democratic mandate of the Good Friday Agreement, and commit to work in good faith with all the institutions established under the Agreement, including the Executive and the North-South Ministerial Council, for the benefit of all the people of Northern Ireland.

It calls on Sinn Fein to work in good faith with the police service of Northern Ireland.

It also calls for justice in the case of Robert McCartney, the Belfast citizen and police officer, who was brutally murdered there in January.

Finally, the resolution calls on the British Government to permanently restore the democratic institutions of Northern Ireland, complete the process of demilitarization in Northern Ireland, and advance equality and human rights in Northern Ireland.

The United States Government continues to strongly support the peace process in Northern Ireland; and whereas the Government of the United Kingdom and the Government of Ireland continue to strongly support the Good Friday Agreement, signed on April 10, 1998, in Belfast, as the blueprint for a lasting peace in Northern Ireland; and whereas the United States Government continues to strongly support the peace process in Northern Ireland; and whereas the Government of the United Kingdom and the Government of Ireland continue to strongly support the Good Friday Agreement as the way forward in Northern Ireland; and whereas the United States Government continues to strongly support the peace process in Northern Ireland; and whereas the Government of the United Kingdom and the Government of Ireland continue to strongly support the Good Friday Agreement as the way forward in Northern Ireland.

The Good Friday Agreement is the only way forward in Northern Ireland, and it deserves our strong support. I urge my colleagues to approve this resolution.

The resolution (S. Res. 173) was agreed to. The preamble was agreed to. The resolution, with its preamble, reads as follows:

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The resolution calls on the Irish Republican Army to immediately complete the process of decommissioning, cease to exist as a paramilitary organization, and end its involvement in any way in paramilitary and criminal activity. It calls on Sinn Fein to work in good faith with all the other political parties according to the democratic mandate of the Good Friday Agreement, and commit to work in good faith with all the institutions established under the Agreement, including the Executive and the North-South Ministerial Council, for the benefit of all the people of Northern Ireland.

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Mr. SESSIONS. Mr. President, tomorrow, the Senate will resume consideration of the Homeland Security bill. Under a previous order, at 10 a.m., the Senate will proceed to a series of votes on five pending amendments to the bill.

Following those votes, we will continue working through the remaining amendments. There are currently a dozen pending amendments, and more are expected to be offered tomorrow.

We will complete action on the bill this week. Therefore, Senators should expect a very busy day with votes throughout.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. 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 8:44 p.m., adjourned until Thursday, July 14, 2005, at 9:30 a.m.
EXTENSIONS OF REMARKS

HONORING THE LIFE OF TESS MANALO-VENTRESCA

TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. LANTOS. Mr. Speaker, I rise today in sadness to honor the extraordinary life and service of Tess Manalo-Ventresca. Ms. Manalo-Ventresca died on Tuesday, July 12th, 2005, of complications from heart surgery. I wish to offer my sincere condolences to her husband Joel Ventresca, her family and friends.

Tess Manalo-Ventresca’s passing is a loss for the people of the 12th Congressional district. Tess was an extraordinary human being. One we all can look up to in hopes of serving our community as selflessly as she did. For the past 30 years Tess played a vital role in the Bay Area community, volunteering in the Haight Ashbury, the Tenderloin and the Sunset districts of San Francisco. She donated her time to numerous causes, from helping local youths to assisting underserved communities, to promoting small, local businesses and neighborhood safety. Most recently she was a volunteer with Experience Corps at the Sunset Beacon Center. For the past five years she participated in this program, which places older adult volunteers in public schools to provide tutoring for children in need.

Ms. Manalo-Ventresca never looked for accolades, no matter how richly deserved; nevertheless they were showered upon her. Earlier this year, she was named California Woman of the Year by the California State Assembly and was chosen to be an Asian Pacific Assembly and was chosen to be an Asian Pacific Woman of the Year by the California State Assembly and was chosen to be an Asian Pacific Woman of the Year by the California State Assembly. In April she was selected for a MelLife Foundation Older Volunteers Enrich America Award. Just last April my wife Annette and I met with Tess. I could not then, and can not now, express adequately the appreciation I have for the incredible work she did throughout her lifetime. The Sunset, the Bay Area and the country need more people like Tess. To the very end Tess was working on projects to help children live up to their potential and to improve the neighborhoods in which we live.

Tess helped give children a brighter future, a gift that will live on with us forever. The joy she brought to life will never be forgotten.

TO HONOR THE RECEIPT OF THE ARMY ACHIEVEMENT MEDAL OF PRIVATE FIRST CLASS JON BRUMBAUGH

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the exemplary service and achievement of Private First Class Jon Brumbaugh, a former resident of the Chautauqua County City of Jamestown, upon receiving the Army Achievement Medal.

Brumbaugh, a graduate of Jamestown High School was awarded this honor for meritorious achievement while serving as a Heavy Armor Specialist during JRTC Rotation 05-05. His leadership and ability to accomplish missions made PFC Brumbaugh a vital part of his infantry division.

PFC Brumbaugh began his time in the Army in October of 2003. Due to several outstanding characteristics, he became known as a team leader and gained multiple comments from officers, thus allowing him to move up the chain of command. In February of 2004 Jon went to Airborne School, where he received his Wings upon graduation.

Currently, Jon is assigned to the 4th Infantry Division, known as the 4th ID, B Company 2-8 INS. Part of Jon’s duties involve being assigned to a Bradley Fighting Vehicle where he is second in command of his section. Jon is stationed at Fort Hood where he resides with his wife and their two sons.

Flight for Life is the biggest and busiest critical care air ambulance program in the Nation. During its 30-year history, Flight for Life has logged more than 75,000 missions and has become the model for the nearly 200 air ambulance programs across the country. To date, the membership has grown to more than 1,900 members and 1,058 families.

A decorated World War II Veteran of the U.S. Army, Dr. Roberson is presently Commander of VFW Eugene Warren Post No. 471. He is also the President of the Baptist Ministers Association of Houston and Vicinity, 1st Vice Moderator of VFW Eugene Warren Post No. 471. He is the President of the Baptist Ministers Association of Houston and Vicinity, 1st Vice Moderator of the Independent Missionary Baptist General Convention of Texas, Secretary-Treasurer of the Missionary Baptist General Convention of Texas BTU Board, and

TRIBUTE TO REV. J.J. ROBERSON

HON. AL GREEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. AL GREEN of Texas. Mr. Speaker, on Sunday, July 10, 2005, in the great city of Houston, TX, my friend and distinguished religious leader Dr. J.J. Roberson will commemorate more than four decades in the ministry with the observance of Mt. Hebron Missionary Baptist Church’s Annual Father, Son’s and Grandson’s Day.

Born in New Gulf, TX, in 1918, Dr. Roberson graduated from Wharton County Training School and attended Tyler Barber College where he was certified as a Master Barber. He also attended Southern Business College, Southwestern Seminary, Texas Southern University and Mount Hope Bible College where he earned his Doctor of Divinity degree.

Dr. Roberson has been married to his darling wife Eloise Jackson Roberson for 63 years and is privileged to count among those who will be honoring him on this special occasion his sons in the ministry and his extended family.

Founded on January 8, 1958, Mt. Hebron, under Dr. Roberson’s leadership, has been the mecca of community activism. His church is known throughout the city of Houston as a spiritual soldier who leads by example. Over the years, he has presided over the establishment of a number of sanctuaries, an apartment complex and a state-of-the-art Pipe Organ installed in 1998 with the expansion of the pulpit and the purchase of 75 acres of land in Brazoria County. To date, the membership has grown to more than 1,900 members and 1,058 families.

Mr. Speaker, the people of Flight for Life in Colorado are not only talented professionals, but they are indeed public servants who deserve our admiration. I join the large number of Coloradans and others across the country who have been positively affected by these people in saying a well-deserved “thank you” for all that they do to serve and protect our citizens.

This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
1st Vice President of the South Texas Regional Convention.

Mr. Speaker, in 2001, Dr. Roberson was inducted into the Religious Hall of Fame in Dallas, TX. That same year, he received the L.A. Simpson Pastor of the Year Award. Over the years, he has received an NAACP Membership Citation, War Against Drugs Commendation and honors from the Sam Houston Area Council and the Boy Scouts of America. In 1986, he received an "Official Memorandum from the State of Texas" in honor of Martin Luther King Day. In 1982, the Mayor of Houston issued a proclamation declaring the month of June, 1982 as Building Project Days for Mt. Hebron Baptist Church, Inc.

Finally, Mr. Speaker, I am honored to have the opportunity to pay tribute to such a strong and dedicated leader who has, over the years, been a great friend and mentor. Dr. Roberson has, through his ministry, touched the lives of so many people and we are all the better for having him in our lives.

CELEBRATING THE LIFE OF GARY CLARK

HON. JUANITA MILLER-McDONALD
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Ms. MILLER-McDONALD. Mr. Speaker, Congresswoman LUCILLE ROYBAL-ALLARD and so many people and we are all the better for having him in our lives.

Mr. Speaker, I rise today to recognize Ms. Sherry Mullins, an outstanding teacher and community leader from Garland, TX. Ms. Mullins has been named one of eight national finalists for the Richard T. Farrell Teacher of Merit Award in the field of history. This annual award is presented to a teacher who develops and uses creative teaching methods to enhance students' interest in history. In her tenure as a teacher at North Garland High School, Ms. Mullins has consistently helped her students achieve at the highest levels in the National History Day Program. Ms. Mullins has been an outstanding teacher and community leader from Garland, TX. Ms. Mullins has been an outstanding teacher and community leader from Garland, TX.

Mr. Speaker, I find it encouraging that there are extraordinary educators in this country like Ms. Mullins who work faithfully shaping the minds of our students. I hope you and our colleagues will join me in recognizing Ms. Mullins for her commitment to educating the potential leaders of tomorrow.

HON. SAM JOHNSON
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to recognize Ms. Sherry Mullins, an outstanding teacher and community leader from Garland, TX. Ms. Mullins has been named one of eight national finalists for the Richard T. Farrell Teacher of Merit Award in the field of history. This annual award is presented to a teacher who develops and uses creative teaching methods to enhance students' interest in history. In her tenure as a teacher at North Garland High School, Ms. Mullins has consistently helped her students achieve at the highest levels in the National History Day Program.

Mr. Speaker, I find it encouraging that there are extraordinary educators in this country like Ms. Mullins who work faithfully shaping the minds of our students. I hope you and our colleagues will join me in recognizing Ms. Mullins for her commitment to educating the potential leaders of tomorrow.

HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. WOLF. Mr. Speaker, gambling is exploding throughout our country. Tribal casinos have been propagating at an alarming rate.

I am deeply concerned about the impact this is having on our society. Gambling destroys families and preys on the poor. The number of tribes now actively "reservation shopping" is extremely troubling. The cover story of the May 9, 2005, issue of CQ Weekly reports on the explosive growth of tribal casinos and cites eight states—Oregon, Kansas, Minnesota, Florida, California, Illinois, New York and Ohio—where off-reservation gambling is being proposed.

Mr. Speaker, I would like to enter into the Record a copy of the letter I recently sent to President Bush urging his action on this matter, a May 9 memorandum prepared by the Congressional Research Service (CRS) of the Library of Congress at my request detailing options the Bush Administration could take to address this issue, and the CQ Weekly sidebar article detailing the explosive growth of tribal casinos. If the administration believes it does not have authority to issue a moratorium to halt the explosive growth of tribal casinos, it should send Congress legislation so that we can take action.

HON. GEORGE W. BUSH,
The President, The White House,
Washington DC.

DEAR MR. PRESIDENT: Many in America, me included, are deeply concerned by the explosive growth of tribal casinos. There are now more than 400 tribal casinos in 30 states. Tribes also are now aggressively seeking off-reservation land—commonly referred to as "reservation shopping"—to build even more facilities. This rapid expansion of casino gambling is spiraling out of control, with devastating consequences for our country.

This is not a Republican or a Democrat issue; nor is it a conservative or a liberal issue. It is a matter that calls for action in the best interest of our citizens. The exploding growth of tribal casinos, once limited to places like Las Vegas and Atlantic City, is now coming to cities—and even small towns—across America, bringing with it all its social ills, like higher crime and suicide rates, increased personal bankruptcies and the breakdown of families.

I write today asking that you issue an executive order placing an immediate two-year moratorium on the opening of any more tribal casinos until Congress can thoroughly review the Indian Gaming Regulatory Act (IGRA) of 1988. Congress, with the help of your administration, must examine the unintended consequences of this legislation and address the gaping loopholes in the law.

The moratorium also should apply to the federal recognition process of tribes, which is completely broken. As you know, I have long been calling for reforms of the tribal recognition process. I repeatedly asked former President Clinton and his administration to take action and have written your administration on several occasions asking for a top-to-bottom review of the process. To date, no steps have been taken to address the issue. There is also a need to be addressed the issue of senior level staff leaving the Bureau of Indian Affairs and then immediately going out and representing tribes seeking federal recognition. Tougher restrictions must be put in place.

Native Americans have become mere pawns in what is now a billion dollar battle-ground as outside interests—and investors, some from outside the country—have worked behind the scenes to spur the growth of tribal casinos. In September 2001, the then General Accounting Office issued a scathing report saying the process was fraught with problems and needed improvement. The report concluded by saying because of weaknesses in the process, "the end result could be that the resolution of tribal recognition cases will have less to do with the attributes and qualities of a group as an independent political entity deserving of a government-to-government relationship with the United States and more to do with the resources that petitioners and third parties can marshal to develop a successful and political strategy."

The number of tribes now actively "reservation shopping" is extremely troubling. The cover story of the May 9, 2005, issue of CQ Weekly reports on the explosive growth of tribal casinos and cites eight states—Oregon—
KANSAS, Minnesota, Florida, California, Illinois, New York and Ohio—where off-reservation gambling is being proposed. The sidebar article detailing the battles being waged in these states over gambling is based on various statutes delegating authority to the DOI. It, thus, might be possible for the President to issue a directive withdrawing from federal acknowledgment groups as Indian tribes. Were that to occur, however, groups seeking to establish themselves as Indian tribes and eligible for benefits and services under the act would likely turn to the federal courts or Congress to obtain federal recognition.

Limiting Trust Acquisition of Land for Gaming. Under an administrative acknowledgment process, the trust land acquisition process rests on authority specifically delegated to DOI by statute. There are general Indian land acquisition regulations. There is, however, no specific DOI regulation detailing a procedure that must be satisfied before land may be taken into trust for gaming purposes. Although DOI issued a proposal to this effect on September 14, 2000, and reopened the comment period on December 27, 2001, no final regulations have been issued. Should DOI decide to issue the issue of amending its Indian land acquisition regulations and issue proposed regulations for land acquisition for gaming, it is possible that provisions could be included regulations that would have the effect of modifying the land acquisition process to such an extent that the overall effect would be to limit acquisition for gaming purposes, including off-reservation acquisitions. Although it would seem that even if the President has no direct authority to modify or promulgate such regulations, he could be able to provide DOI with policy guidance to move in that direction.

Curtailing the Extension of Casino Gambling. Although DOI, rather than the President, has been delegated authority under the Indian Gaming Regulatory Act (IGRA), that authority is limited. For class III gaming to occur, there must be a tribal-state compact and DOI has authority to approve such compact. Approval may be withheld only for three specified reasons, and the compact is deemed approved if DOI does not act within 45 days.

One way that might be available to DOI to curtail implementation is to rescind regulations that the DOI has issued authorizing the promulgation of procedures for class III gaming when a State raises an Eleventh Amendment sovereign immunity defense to a suit brought by a tribe to compel negotiation of a tribal-state compact. These regulations, 25 C.F.R. Part 261, have not yet been used. Without the regulations, there would be no possibility of class III gaming in the absence of a tribal-state compact.

Other options that might be available to the President in connection with the Department of Justice to review all casino gambling on Indian lands and, to the extent permitted under applicable statutes, bring on federal prosecutions or seek judicial injunctions against any gaming being operated in violation of IGRA or state law.

We hope this information is helpful to you and that you will call upon our office should you need further assistance.

M. MAUREEN MURPHY, 
Legislative Attorney, 
[From the CQ Weekly, May 9, 2005]

RESERVATIONS NOT REQUIRED

The best casino sites on Indian reservations have been taken, and some tribes are fighting it. American Indians across the country are debating proposals for off-reservation gambling, in addition to the expansion of existing casinos. Here are some of the proposals:

OREGON

Gov. Theodore R. Kulongoski has signed a deal with the Confederated Tribes of the Umatilla and Nez Perce Reserves to build a casino in the Columbia River Gorge, with the state getting a share of the revenue. The tribe would operate a smaller casino in central Oregon.

The federal government must approve the project.

The local congressmen, Greg Walden, supports the plan. Meanwhile, neighbors in Washington, just north of Portland, the Cowlitz Tribe wants to build a casino with the backing of the Mohelans of Connecticut.

KANSAS

Gov. Kathleen Sebelius has an agreement with two tribes—the Kickapoo and the Sac and Fox—to build a casino in the Kansas City area. Legislators also have been looking at tribal casinos to get into Las Vegas-style gambling in the state, and there are reports of other plans for Indian casinos in the works.

A court ruling on the state’s education fund paid to gambling operators in Minnesota might be the issue. Gambling is already a big business in Minnesota. But Pawlenty is having trouble selling his new casino idea to the legislature, competing with a proposal from the White Earth Band of the Chippewa Indians, which would be located near existing facilities in Minnesota and Wisconsin—so that it could be closer to the border.

MINNESOTA

Gov. Tim Pawlenty has proposed a casino in Minneapolis-St. Paul and is talking with the White Earth Band of the Chippewa Indians and a non-tribal operator about running a grand casino near Detroit.

Meanwhile, the state legislature has been fighting over how to regulate and tax machines in Broward County

ILLINOIS

The Ho-Chunk Nation of Wisconsin wants to expand current gaming in the Bay Area and has been fighting it. But Gov. Arnold Schwarzenegger has struck revenue-sharing agreements with 10 tribes since he took office, allowing them to start or expand casinos. He is in talks now with a number of others.

CALIFORNIA

A deal for one tribe to build a huge casino in the Bay Area might fall flat, but Gov. Arnold Schwarzenegger has struck revenue-sharing agreements with 10 tribes since he took office, allowing them to start or expand casinos. He is in talks now with a number of others.

NEW YORK

In 2001, to boost revenue and tourism, the legislature approved six new casinos. One tribe has already opened the Village of Lyndhurst, on Chicago’s south side. The tribe has the backing of the town board as well as officials from some neighboring communities. Local Rep. Jesse L. Jackson Jr. is lobbying for it and says local and state governments could expect a share of the revenue. A congressman from an adjoining district, Jerry Weller, is fighting it.
local taxes and regulations, knowing the tribe has to go through the Bureau of Indian Affairs.

**OHIO**

A number of mayors state lawmakers and others have been discussing ways to bring gambling to Ohio. Some have been negotiating with the Eastern Shawnee of Oklahoma, which claims historic ties to the state. The mayors of Port Washington and their counterparts in Port Clinton before Congress recently, saying that a tribal casino complex would bring new jobs and money to an area hard hit with the loss of manufacturing jobs. However, Gov. Bob Taft has said he opposes gambling.

**THE INTRODUCTION OF THE NASA AUTHORIZATION ACT OF 2005**

HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. GORDON. Mr. Speaker, I am today introducing the "National Aeronautics and Space Administration Authorization Act of 2005". I am joined as cosponsors by all of my Democratic colleagues on the Science Committee, and I hope that other Members on both sides of the aisle will join us once they have had a chance to review the legislation.

Mr. Speaker, the legislation being introduced today provides an authorization for NASA that is credible, practical, and conferenceable. It recognizes that NASA has been, is, and should continue to be a multi-mission agency with significant R&D activities in science, aeronautics, and human space flight. This bill makes it clear that we support the President's goal of making exploration beyond low Earth orbit the long-term objective of NASA's human space flight program, and that we believe it is important to move forward aggressively to develop the Crew Exploration Vehicle and its associated launch vehicle. At the same time, it should be clear that we also believe that NASA's aeronautics R&D program needs to be revitalized because of its benefits to the nation's economy, national security, and quality of life. Similarly, NASA's science programs should also be supported because they offer the potential of dramatically increasing our knowledge of the Earth, the solar system, and the rest of the universe, as well as providing the opportunity for applications that can benefit life back here on Earth.

As a result, the legislation recognizes the need to ensure that the productive balance that has existed between NASA's major programs is protected. To enforce that balance, the bill provides clear funding guidance, a restructuring of NASA's accounts into human-space-flight and nonhuman-space-flight accounts, flexible "firewalls" between NASA's major accounts, and consultation requirements in the event changes to the existing balance are contemplated.

Let me mention a few of the other main features of the bill. It provides a three-year authorization and funding guidance for NASA's major programs. Funding guidance contained in the bill includes:

- Funding for a Hubble Space Telescope servicing mission.
- Additional funding for the James Webb Space Telescope to compensate for the impact of the delay in selecting a launch vehicle for the mission, as well as for other programmatic challenges, so that this high priority mission can remain on track.
- Funding for university research restored to FY 2005 levels.
- Funding for the Earth Science program's Glory mission restored.
- Additional funding for the high priority Earth Science program's Global Precipitation Mission (GPM).
- Additional funding to allow ongoing, scientifically productive spacecraft missions such as Voyager and Ulysses to continue.

Mr. Speaker, as you can see, the bill that we are introducing today is intended to provide clear Congressional direction to NASA with respect to priorities and balance. At the same time, it is intended to be flexible enough to accommodate changing circumstances and emergencies. Not everyone will agree with every provision in this bill—but that's been the case with every significant piece of legislation that I can remember being considered by this Body. That is what the legislative process is all about. At the same time, I believe that the NASA Authorization Act of 2005 does provide a credible, practical, and conferenceable vehicle for providing needed guidance to NASA for the next three years.

NASA is an agency that has been committed to excellence in all of its areas of endeavor. It truly is a workforce of "rocket scientists". The legislation I am introducing today provides the policy and funding guidance that will position NASA for a productive and exciting future, and I hope that we can move it to the President's desk quickly.

Finally, Mr. Speaker, I would like to close by stating a sentiment that I know is shared by all Members. Namely, our thoughts and prayers are with all of the members of the NASA family as they prepare to return the Space Shuttle to flight, and in particular we wish the crew of the Space Shuttle Discovery well on their upcoming journey.

**PERSONAL EXPLANATION**

HON. TERRY EVERETT
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. EVERETT. Mr. Speaker, on June 30th, I met with Governor Bob Riley and attended the Base Realignment and Closure Commission Regional hearing in Atlanta, Georgia in connection with Alabama's military installations. As a result, I was unable to vote on rollcall votes 345 - 362. Had I been present, I would have voted as follows:

- Rollcall Vote 345: "no." An amendment by Jim Davis to prohibit use of funds in the bill to enforce regulations preventing family travel to Cuba. Amendment failed.
- Rollcall Vote 346: "no." An amendment by Barbara Lee to prohibit use of funds in the bill...
to enforce regulations preventing travel to Cuba by academic institutions. Amendment failed.

Rollecall Vote 347: "no." An amendment by Bernie Sanders to prohibit use of funds in the bill to provide for the competitive sourcing of flight service stations. Amendment passed.

Rollecall Vote 348: "no." An amendment by Charlie Rangel to prohibit the use of funds from being made available to implement, administer, or enforce the economic embargo of Cuba, except that the foregoing limitation does not apply to the administration of a tax or tariff. Amendment passed.

Rollecall Vote 349: "yes." An amendment by Mark Souder to prohibit the use of funds to enforce the DC gun ban. Amendment passed.

Rollecall Vote 350: "yes." An amendment by Scott Garrett to prohibit the use of funds to enforce the Supreme Court ruling about eminent domain. Amendment passed.

Rollecall Vote 351: "no." An amendment by Rosa DeLauro to prohibit use of funds in the bill to enter into any contract with an incorporated entity where such entity’s sealed bid or contract proposal shows that such entity is incorporated or chartered in Bermuda, Barbados, the Cayman Islands, Antigua, or Panama. Amendment failed.

Rollecall Vote 352: "yes." An amendment by Joel Heffey to reduce the overall level of spending by one percent. Amendment failed.

Rollecall Vote 353: "yes." An amendment by Carolyn Kilpatrick to prohibit the use of funds from being made available to recommend approval of the sale of Unocal Corporation to CNOOC Ltd. of China. Amendment passed.

Rollecall Vote 354: "no." An amendment by David Obey requiring testimony before Congressional committees and communication with Members of Congress, witnesses will give frank and complete answers to all questions. Amendment failed.

Rollecall Vote 355: "no." An amendment by Sherrod Brown to prohibit the use of funds from being used by the Council of Economic Advisers to produce an Economic Report of the President regarding the average cost of developing and introducing a new prescription drug to the market at $200 million or more. Amendment failed.

Rollecall Vote 356: "no." An amendment by Nydia Velasquez to prohibit funds made available in the Act from being used by the General Services Administration to carry out the eTravel Service program. Amendment passed.

Rollecall Vote 357: "no." An amendment by Chris Van Hollen to prohibit funds made available in the Act from being used to implement the revision of Office of Management and Budget Circular A–76 made on May 29, 2003. Amendment passed.

Rollecall Vote 358: "yes." Final passage of the Transportation-Treasury Appropriations bill.

Procedural and Suspension Votes
Rollecall Vote 359: "yes." Previous question vote

Rollecall Vote 360: "yes." Suspension vote expressing the sense of the House that a Chinese state-owned energy company exercising control of critical United States energy infrastructure and energy production capacity could take actions that would threaten to impair the national security of the United States.

Rollecall Vote 361: "yes." Suspension vote expressing the grave disapproval of the House of Representatives regarding the majority opinion of the Supreme Court in the case of Kelo et al. v. City of New London et al. that nullifies the protections afforded private property owners in the Takings Clause of the Fifth Amendment.

Rollecall Vote 362: "yes." Suspension vote providing supplemental funding for VA health care.

TO HONOR JEFFREY C. KROON ON HIS 20 YEARS OF OUTSTANDING SERVICE

HON. BRIAN HIGGINS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the dedicated public service of Jeffrey Kroon, resident of Chautauqua County city of Jamestown, upon receiving the Boys and Girls Clubs of America National Service to Youth Award.

Kroon was presented with the award at the Boys and Girls Clubs award night, for his 20 years of devoted service to the organization. He began working with the Jamestown club in 1986 as an employment coordinator for teens. Within 5 years he became the Boys and Girls Club of Jamestown assistant director, a position that he still holds.

In addition to the work he does with the Boys and Girls Club, Kroon has also been a volunteer with the Jamestown Area Youth Soccer League for the past 22 years. For 15 of the past 22 years Kroon has served as president.

Along with receiving the National Service to Youth Award, Kroon was also given the National Professional Service Award for extreme devoted service to boys and girls.

Kroon is a very dedicated man whose commitment and service is highly appreciated at the Jamestown Boys and Girls Club. I am proud, Mr. Speaker, to have the opportunity to honor him here today.

HONORING AND THANKING ALAN LEMONS AND CHADO JACOBS

HON. BOB BEAUPREZ
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. BEAUPREZ. Mr. Speaker, I rise today to honor and thank two men from Hudson, Colorado, Alan Lemons and Chado Jacobs, for their selflessness and heroic acts that helped save the lives of two other fellow Coloradans, Shalyn and Zach Roach on Saturday, June 18, 2005.

Mr. Speaker, on that same day I was witness to an event of true heroism and of God’s great intervention. That Saturday, I had the honor of joining some of the tremendously dedicated and talented group of professionals who make up the St. Anthony Hospital’s Flight for Life team of Colorado.

It just so happened that on this Saturday morning, the Flight for Life air ambulance was called to the accident site in Hudson, Colorado, where Shalyn and Zach Roach had been in a car accident that led to their car being trapped upside down, underwater, in an irrigation canal.

As the car lay upside down, partially submerged in water, the situation was obviously very dire for the Roaches. However, thanks to Alan Lemons and Chado Jacobs, Shalyn and Zach Roach are still with us today.

After witnessing the accident, Mr. Lemons and Jacobs immediately rushed into the canal and, putting their own personal safety aside, went underwater in order to pull the Roaches from their submerged vehicle and perform CPR on Shalyn.

Mr. Speaker, the term “hero” means different things to different people. To some, people who have fought in wars for our country are heroes, and I think that’s a very appropriate description. For others, a hero may be a former teacher or coach, or maybe even a professional athlete. I submit, Mr. Speaker, that the actions of these two men from Hudson, Colorado are nothing short of heroic.

Before the Flight for Life crew arrived on the scene of the accident, these men acted without concern for themselves and helped save two lives of people they had never met before.

And so, Mr. Speaker, it’s with great appreciation and honor that I speak from the floor of this great chamber to honor Alan Lemons and Chado Jacobs for their selflessness and heroism. We’re proud to call them Coloradans, and the State is a better place because of them.

TRIBUTE TO JUDGE ARMANDO V. RODRIGUEZ

HON. AL GREEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. AL GREEN of Texas. Mr. Speaker, I would like to pay a special tribute to my friend Judge Armando V. Rodriguez, who recently celebrated more than thirty-two years as a Judge in the Harris County Justice Court.

Judge Armando V. Rodriguez is a native Houstonian who received his Bachelors of Business Administration, Bachelor of Law, and Doctor of Jurisprudence degrees from the University of Houston. He has been an active community leader in Harris County for over 40 years and has been an active member of a number of civic clubs and boards. He is truly one of the most dedicated public servants in our great city of Houston.

In 1972, Judge Rodriguez received the distinction of being appointed as one of the first Hispanics to preside over the City of Houston’s Municipal Court system.

In 1973, he was the first Hispanic to be appointed Justice of the Peace by the Commissioners Court of Harris County, and by election has continuously held that office and is currently serving as the Presiding Judge. From 1992 to 1993, he was Vice Chairman of the Justice of the Peace Section of the State Bar of Texas.

Mr. Speaker, at the invitation of then President Jimmy Carter, Judge Rodriguez addressed the Conference on Hispanic Heritage in Washington, DC on the future of the Hispanic Community.

In Mr. Early 1980’s Judge Rodriguez and I Co-Founded Houston’s Black-Brown Coalition. This organization was designed to bring African-Americans and Hispanics together to work on issues of common interests. In addition,
Mr. Speaker, in 1969, Judge Rodriguez founded Fiestas Patrias, a non-profit organization dedicated to promote an awareness of their culture and heritage among young Hispanics.

Judge Rodriguez has been the recipient of the Alex Award from the Houston NAACP Legal Defense and Education Fund, and the Benito Juarez Medalion from then President Luis of Mexico, the highest honor given a non-resident of Mexico for creating better goodwill and understanding between Mexico and the United States.

Finally, Mr. Speaker, I congratulate my friend, Judge Armando V. Rodriguez for thirty-two years of outstanding service to our community.

IN HONOR OF RETIRING MAJOR GENERAL JANET E. A. HICKS

HON. CHARLIE NORWOOD
OF GEORGIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. NORWOOD. Mr. Speaker, today I rise to recognize the lifelong dedication to our Nation’s service of one of my constituents, Major General Janet E. A. Hicks of Augusta, Georgia. This week, Major General Hicks retires after 30 years of service in the U.S. Army Signal Corps. She ends her Army career as Commander of the Army Signal Center and Fort Gordon, in which position she has served since 2002.

General Hicks graduated from Simpson College in Indiana, and received her Masters Degree from Georgia Southern University in Statesboro. She was granted a direct commission in the Army in March 1975, and attended the Women Officers’ Orientation Course at Fort McClellan, Alabama.

Her first assignment was to the 41st Signal Battalion in Korea. She was subsequently assigned to the 25th Infantry Division at Schofield Barracks, Hawaii, where she taught the Signal Officer Basic and Advanced Courses. She next served at Fort Richardson, Alaska as logistics officer, followed by an assignment with Central Command MacDill Air Force Base, Florida.

She was promoted to command the 125th Signal Battalion, 25th Infantry Division in 1992. After attending the Army War College, she assumed command of the 516th Signal Brigade with concurrent duties as deputy chief of staff for information management of the U.S. Army, Pacific at Fort Shafter, Hawaii.

She assumed command of Fort Gordon in 2002.

Major General Hicks has been awarded the Legion of Merit, Defense Meritorious Service Medal, Joint Service Commendation Medal, Meritorious Service Medal with three oak leaf clusters, Army Commendation Medal with two oak leaf clusters, and the Humanitarian Service award.

Mr. Speaker, after 30 years of distinguished service to her Nation, Janet Hicks would be perfectly justified in taking some time off to serve herself for a change.

But I am pleased to note that her service to others will instead continue uninterrupted, as she assumes new duties as Headmaster of Augusta Preparatory School.

Mr. Speaker, as representative of the people of Georgia’s 9th Congressional District, I thank Major General Janet Hicks for her decades of service to her Nation in uniform, and for her future service to our community and its young people.

CORPORAL LYLE J. CAMBRIDGE
HON. TOM UDALL
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to honor the life of Corporal Lyle Cambrige.

Lyle lived a life rich in the traditions of his family and Native Culture. Unfortunately his life was cut short last Tuesday, July 5th, when he was killed while on patrol in Baghdad at the age of 25. This was his second tour of duty in Iraq.

Lyle, a graduate of Aztec High School, joined the United States Army in May 2002. He followed on the same military path as his brother Vernon, who has been in the Army for 12 years, and his father Joe, a veteran of Desert Storm.

Surviving Lyle are his parents, Virginia and Joe Cambrige Sr., his wife Evonne, his two sons, 3-year-old Wyatt and 1-year-old Nick, and many siblings.

After learning of Lyle’s fate, they and other members of the Navajo community gathered to remember him and pray. Through their heartache, they recalled Lyle’s generous spirit and fun-loving personality.

Today and always, we also recognize the spirit, strength and sacrifice of Corporal Lyle Cambrige.

Our heartfelt condolences and prayers are with Lyle’s family and friends during this time of great loss. We salute him for his courage and bravery.

TRIBUTE TO LIEUTENANT COLONEL RICHARD “MOOSE” HAAS

HON. DENNIS. R. REHBerg
OF MONTANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. REHBerg. Mr. Speaker, I rise today to salute one of the many brave men and women who serve all of us in our great military. I would especially like to pay tribute today and offer my personal thanks to Lieutenant Colonel Richard “Moose” Haas, of the United States Air Force, for a job well done.

As a fellow Montanan, I’d like to take this time to highlight Colonel Haas’ service to our country. Today, he serves in the Pentagon, working at the leading edge of future National Defense writing concepts outlining how the Department of Defense will maintain the peace and security of this great Nation for years to come.

Moose is a highly decorated combat veteran winning two Distinguished Flying Crosses with Valor during missions in Operation Desert Storm. He has also served in Operations Desert Shield, Deny Flight, Provide Comfort, and more recently in Enduring Freedom where he helped plan the Air Campaign against Taliban and Al Qaeda forces. He has logged over 2500 hours in the F-111 and F-15E fighter aircraft, with over 300 of those in combat.

I know many of my colleagues will join me in thanking Colonel Haas for the many years of service he has given our country and in congratulating him on retirement. I wish him all the best in his future endeavors.

HONORING GAYLORD NELSON

HON. TAMMY BALDWIN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to the life and legacy of Gaylord Nelson of Wisconsin. Since his death a little more than a week ago, at age 89, much has been written about this extraordinary statesman, environmentalist, husband, father, and friend.

Gaylord Nelson was a giant in Wisconsin history. In a life dedicated to public service, Gaylord Nelson embodied the ethics of his state: hard work, perseverance, honesty, integrity, compassion, and good humor.

Gaylord Nelson was a patriot who, as a young soldier, courageously served 46 months in a just war, and then, as a U.S. Senator, courageously took a stand against a war he believed was unjust.

As a State Senator and Governor of Wisconsin, Gaylord Nelson was an effective leader and natural-born politician who practiced the fine art of governing by always striving for the common good, seeking common ground, and practicing common decency. His political battles were never personal, and his personal friendships knew no political boundaries.

As a U.S. Senator, Gaylord Nelson brought his energy and activism to the national stage. His concern for the environment was visionary and relentless. Gaylord Nelson’s efforts led to the Environmental Protection Act, the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act. In 1995, President Bill Clinton honored him with the Nation’s highest civilian award: the Presidential Medal of Freedom.

Gaylord Nelson was an advocate for consumers, small business owners, farmers, and all who shared his belief in the promise of America.

Above all, he was, as one report noted, “A voice crying out for the wilderness.” As the father of Earth Day, he leaves a legacy of environmental awareness and action that has changed lives and livelihoods for the better in communities throughout the world.

Gaylord Nelson of Wisconsin was a citizen of the world, a leader of the highest ethical standards, and a model public servant whose life’s work will continue to inspire Americans for many generations. I join with all of Wisconsin in saluting him today.

SIKH FLAG RAISED IN CALIFORNIA

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. TOWNS. Mr. Speaker, on July 3 in Turlock, California, the Sikh flag was raised at an event there. There were speeches from...
many distinguished Sikhs, including Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, and many others. The event was organized by Dal Khalsa America, the American branch of a Sikh political party that is strongly in support of independence for Khalistan, the Sikh homeland. Leaders of Dal Khalsa America have been arrested in India, along with other leaders, for raising the Khalistani flag there.

In all, dozens were charged last month on the 21st anniversary of India’s military attack on the Golden Temple for daring to raise the flag of Khalistan. These leaders are being tried for making speeches, even though these are not crimes in India. They are not crimes in any democratic country. Yet these charges follow the arrests of 35 Sikhs in January for hoisting the Sikh flag and making speeches on India’s Republic Day. These are just the latest acts in a pattern of repression that includes the killings of over 250,000 Sikhs since 1984, over 300,000 Christians in Nagaland, over 89,000 Muslims in Kashmir, tens of thousands more Christians and Muslims around the country, and tens of thousands of Buddhists, Bodos, Manipuris, Tamils, and other minorities. It seems that the more support for the freedom movement rises, the more brutal India’s repression of it gets.

Self-determination is the essence of democracy. But instead of settling the issue of freedom democratically in a free and fair vote, India chooses to suppress the freedom movements with excessive and brutal force.

I am glad that we do not live in that kind of democracy. Mr. Speaker. Instead, we live in a country where you can say what you want, be arrested for it, and then get a fair trial. That is democracy.

If someone speaks out for freedom, they are arrested. They are charged by the Indian government. Warrants have been issued for their arrest. Those charged include Dal Khalsa leaders such as Kanwarpal Singh Dhindsa, and others. The event was shown throughout India on an Indian television channel on the anniversary of India’s brutal military attack on the Golden Temple.

Mr. Speaker, the time has come to stop our aid and trade with India and to put the Congress on record in support of self-determination for the people of Punjab, Khalistan, of Kashmir (as India promised in 1948), of predominantly-Christian Nagaland, and of the other Indian states that are seeking independence.

It should start with the dropping of all charges against those arrested or charged for raising a flag and with the release of all political prisoners, and I urge President Bush to bring up these two issues when Prime Minister Singh is here. Only when these goals are achieved can India be welcomed into the family of democratic nations. Only then can these goals be achieved can India be welcomed into the family of democratic nations. Only then can these goals be achieved. Only when these goals are achieved can India be welcomed into the family of democratic nations. Only then can these goals be achieved.

COUNCIL OF KHALISTAN,
Washington, DC, July 12, 2005.

DEAR KHALISA Ji: Last month on the anniversary of the Indian government’s brutal attack on the Golden Temple and 125 other Gurdwaras throughout Punjab, dozens of Sikhs were charged and arrested by the Indian government. Warrants have been issued for their arrest. Their crime was raising the flag of Khalistan in the presence of 30,000 Sikhs. We salute them for this action and for their courage. Apparently, the Indian government is trying to demonstrate that self-determination and freedom can get you arrested in India. Unfortunately, this is part of a pattern.

The flame of freedom continues to burn brightly in the heart of the Sikh Nation. No force can suppress it. On Republic Day, Sikh leaders raised the Sikh flag in Amritsar and made speeches in support of Khalistan. 35 Sikhs were arrested for raising the Sikh flag. Eleven of them continue to be held and they have been denied bail. I was invited to raise the flag on July 3 in Turlock, California, at an event organized by Dal Khalsa America. I would like to thank Sardar Paramjit Singh Sekhon and Sardar Gagandeep Singh of Dal Khalsa America for their arrest. Those charged include Dr. Awatar Singh Sekhon from Canada, Dr. Aulakh, Sardar Sekhon, Sardar Ajit Singh Pannu, Dr. Ranbir Singh Sandhu from Tracy, California, Sardar Karj Singh Sandhu from Philadelphia, Sardar Dharam Singh Bains of Philadelphia, and others.

On the Anniversary of the Indian government’s military attack on the Golden Temple, the center and seat of Sikhism, last month, Dal Khalsa, the Khalsa Panchayat, the Shiromani Akali Dal (Amritsar), Damandi Taksa, the Sikh Student Federation (Bittu Singh), and the Akal Federation marched through the streets of Amritsar demanding freedom for Khalistan. They carried posters of the demolished Golden Temple and did not cease demanding Khalistan. Sant Jarnail Singh Bhindranwale, a Sikh leader who was murdered in the Golden Temple attack, attacked along with General Shabeg Singh. Bhai Gurdial Singh Mann. Bhai Gurdial Singh Mann, a strong advocate of Sikh freedom. Dal Khalsa also raised the flag of Khalistan on Republic Day, January 26. 35 Sikhs were arrested at that time. Some of them have been denied bail. Cases were registered against dozens of Sikhs for raising the Sikh flag at the Golden Temple attack. Warrants have been issued for their arrest. Those charged include Dal Khalsa leaders such as Kanwarpal Singh Dhindsa, and others, as well as former Member of Parliament Simranjit Singh Mann.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary and Yugoslavia, Czecho-lovakia, and others prove this point. India is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. Steve Forbes, writing in Forbes magazine, said that India is a multinational, multiethnic, multireligious, multicultural, multilingual state that is doomed to disintegrate like the Austro-Hungarian Empire.

"We must continue to pray for and work for the freedom of those who have lost their freedom," Dr. Aulakh said. "Without political power, religions cannot flourish and nations perish."

COUNCIL OF KHALISTAN,
like every other Sikh, pray ‘the Khalsa shall rule’ every morning and evening? Has he forgotten our heritage of freedom? How can the spiritual leader of the Sikh religion deny the Sikh Nation the ultimate aspiration for freedom and sovereignty? Is he not stung by the words of one of his predecessors, former Akal Takht Jathedar Professor Darshan Singh, when he said, ‘A Sikh is not a Khalistani, he is not a Sikh’? Is Akal Takht occupied by a person who does not believe in Sikh values and Sikh aspirations?

Punjab’s Chief Minister, Captain Amarinder Singh was declared a hero of the Sikh Nation for asserting Punjab’s sovereignty and preserving Punjab’s natural source, its river water, for the use of Punjab farmers instead of the Punjab’s water projects. In so doing, Amrinder Singh and the Legislative Assembly explicitly declared the sovereignty of the state of Punjab. In December former Member of Parliament Simranjit Singh Mann again reverted to public support of Khalistan. He pleaded that his party will lead a peaceful movement to liberate Khalistan. Obviously, Mr. Mann is aware of the rising support of our cause. Mann joins Sardar Atinder Pal Singh, Sardar D.S. Gill of the International Human Rights Organization, and other Sikh leaders in Punjab in the fight for Khalistan openly. Jagjit Singh, President of Dal Khalsa, was quoted in the Deccan Herald as saying that ‘the Indian government can never give it up.’ Any aspiration can only be met when they have a separate state. ‘There is no other choice for the Sikh nation but a sovereign, independent Khalistan. Every Sikh leader must come out openly for Khalistan. We salute those Sikh leaders in Punjab who have done so.

Any organization that sincerely supports Khalistan deserves the support of the Sikh Nation. However, the Sikh Nation needs leadership that is honest, sincere, consistent, and dedicated to the cause of Sikh freedom. Leaders like Dr. Jagjit Singh Chohan, Harchand Singh Longowal, Didar Reins, Ganga Singh Dhillon, the Akali Dal leadership, and others who were complicit in the attack on the Golden Temple cannot be trusted by the Sikh Nation. The evidence against them in Chakravyuh, the flag of Indian Secularism, the Sikh Nation cannot believe that these leaders will not betray the cause of Khalistan, just as they betrayed the Sikh Khalsa if they must be carried away. We are to continue to move the cause of freedom for Khalistan forward in 2005 as we did in 2004.

The Akali Dal conspired with the Indian government in 1984 to invade the Golden Temple to murder Sant Bhindranwale and 20,000 other Sikhs during June 1984 in Punjab. Even they shave not cut down against this invasion and desecration of our most sacred shrine. How can these so-called Sikh leaders convince with the people who carried it out? If Sikhs will not even protect the sanctity of the Golden Temple, how can the Sikh Nation survive as a nation? The Akali Dal has lost all its credibility. The Badal government was so corrupt openly and no Akali leaders would come forward and tell Badal and his wife to stop this unparalleled corruption. If Jathedar Vedanti opposes freedom and sovereignty for the Sikh Nation, he is not fit to sit in Akal Takht, in the seat of the Khalsa Panth. The Sikh Nation should have a Jathedar who is committed to restoring sovereignty that is our birthright and that Guru Gobind Singh granted.

Is this the freedom that Guru Gobind Singh bestowed upon us? Is this the “glow of freedom” that Nehru promised us when Master Tara Singh and the Sikh leaders of the time chose to take our share with India?

The Council of Khalistan has stood strongly and consistently for liberating our homeland, Khalistan, from Indian occupation. For over 19 years we have led this fight while others in the name of Sikhism, resources and the attention of the Sikh Nation away from the issue of freedom in a sovereign, independent Khalistan. Khalistan is the only way that Sikhs will be able to live in freedom, peace, prosperity, and dignity. It is time to start a Shantmaim Morcha to liberate Khalistan from Indian occupation.

The Akal Takht Sahib and Darbar Sahib are under the control of the Indian government, the same Indian government that has murdered more than a quarter of a million Sikhs in the past twenty years. The Jathedar of the Akal Takht and the head granthi of Darbar Sahib too the line that the Indian government tells them. They are not appointed by the Khalsa Panth. Otherwise they would behave like a real Jathedar. Jathedar Gurdev Singh Kaunke, rather than like Indian government puppet Jathedar Aroor Singh, who gave a Siropa to General Dyer for the massacre of Sikhs and others at Jallianwala Bagh. These institutions will remain under the control of the Indian regime until we free the Sikh homeland, Punjab, Khalistan, from Indian occupation and oppression and sever our relations with the New Delhi government.

The Sikhs in Punjab have suffered enormous repression at the hands of the Indian regime in the last 25 years. Over 50,000 Sikh youths were picked up from their houses, tortured, murdered in police custody, then secretly cremated as "unidentified bodies." Their remains were never even given to their families! Another 52,268 are being held as political prisoners. Some have been in illegal custody since 1984! Over 250,000 have been murdered at the hands of the Indian regime. Even now, the capital of Punjab, Chandigarh, has not been handed over to Punjab, but remains a Union Territory. How can Sikhs have any freedom living under a government that would do these things?

Sikhs will never get any justice from Delhi. Indian leaders in Delhi are only interested in imposing Hindu sovereignty over all the minorities to advance their own careers and their own power. Ever since independence, India has mistreated the Sikh Nation, starting with Patel’s memo labelling Sikhs “a criminal tribe.” What a shame for Home Minister Patel and the Indian government to issue this memorandum when the Sikh Nation gave over 80 percent of the sacrifices to free India.

How can Sikhs continue to live in such a country? There is no place for Sikhs in supposedly secular, supposedly democratic India. Let us dedicate ourselves to living up to the blessing of Guru Gobind Singh. It is time to launch a Shantmaim Marcha to liberate Khalistan and self-determination in a fair and free vote, the democratic way. It is time to shake ourselves loose from the yoke of Indian oppression and liberate our homeland, Khalistan, so that all Sikhs may live lives of prosperity, freedom, and dignity.

Sincerely,
GURMIT SINGH AULAKH,
President.

RECOGNIZING THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE VETERANS ADMINISTRATION ON JULY 21, 1930

HON. STEVE BUYER
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. BUYER. Mr. Speaker, as Chairman of the Committee on Veterans’ Affairs, today I am introducing H. Res. 361 recognizing the 75th anniversary of the establishment of the Veterans Administration on July 21, 1930. I am joined by the Committee’s Ranking Member, Mr. Evans, in introducing this resolution.

More than 48 million men and women have served America well and faithfully in military uniform. More than 1 million made the ultimate sacrifice for our freedom. Twenty-five million veterans are living among us today. These men and women selflessly set aside their civilian lives to put on the uniform and serve us. Many return from that service bearing wounds to body and spirit. Many return hungry to take advantage of the fruits of the democracy they defended, and seek education and employment opportunity.

The nation’s obligation to her defenders is as old as that defense itself. In his second inaugural address in 1865, President Abraham Lincoln clearly expressed the obligation: “. . . to care for him who shall have borne the battle, and for his widow, and his orphan.”

On July 21, 1930, pursuant to a Congressional authorization, President Hoover issued an executive order to “coordinate and coordinate Government activities affecting war veterans,” creating the Veterans Administration. The new VA was charged with ensuring that America’s veterans received the benefits and services they had earned through their military service.

Today the 230,000 public servants of the Department of Veterans Affairs, formed from the VA in 1989, continue the noble tradition of their predecessors in service to veterans and their families.

The men and women of today’s VA are dedicated to caring for today’s veterans and stand ready to provide for our servicemembers who now defend our freedoms and our way of life.
Once taken aboard the American ship the gia, Casimir Pulaski was mortally wounded. A sall against British forces in Savannah, Georgia in October 1779 took his life. On an as- 

General Washington was so impressed with bravely in the battle at Brandywine, helping to 

Upon meeting Washington Pulaski wrote in a letter that: "I came here, where freedom is 

Polish political affairs. After being outlawed by Russia for his actions in favor of liberty, Pul- 

In 1777, Casimir Pulaski came to Philadelphia to meet General George Washington. Upon meeting Washington Pulaski wrote in a letter that: "I came here, where freedom is being defended, to serve it, and to live or die for it."

On September 11, 1777, Pulaski fought bravely in the battle at Brandywine, helping to avert a disastrous American defeat and courageously saving the life of George Washington. General Washington was so impressed with Pulaski’s valor and abilities at Brandywine Creek that he recommended that Continental Congress appoint Pulaski as general of the American cavalry.

General Pulaski continued serving the Continental Army for two years until a major offensive in October 1779 took his life. On an as- 

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Under her direction, the Boulder campus has consistently ranked among the top tier of public universities in federal research funding and first among public universities in NASA funding, which has bolstered and created new partnerships with private industry in the community.

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Mr. BEAUPREZ. Mr. Speaker, I rise today to pay tribute to Elizabeth “Betsy” Hoffman for her devoted services as President of the University of Colorado System. President Hoffman has provided unwavering leadership to the University of Colorado bringing about several major achievements to each campus in the CU system. President Hoffman created and implemented CU Vision 2010, a bold system-wide effort to enhance the University of Colorado in teaching, research, and service, by establishing a commitment to a culture of excellence.

I would like to recognize President Hoffman for her tireless efforts in working with Congress, federal agencies, local governments, and businesses that have furthered the development of a world-class health sciences center located at the Fitzsimons campus. Most recently, President Hoffman guided the University of Colorado through a consolidation of the Denver Health and Sciences Center campuses creating the number one research institute in the Rocky Mountain West at $330 million a year.

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As an appointed member of the National Science Board and serving as Chair to the Board’s Committee on Education and Human Resources, President Hoffman has champed policies for the University of Colorado and its peers to advance their basic research and applied science programs. 

Mr. Speaker, it is a pleasure to offer my thanks to President Hoffman for her commit- 

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We in Western New York have the great privilege of having a strong and vibrant Polish American community. The Polish influence in Western New York can be traced back to Pieter Stadntitski, one of the partners of the Holland Land Office Company; the Dutch company which purchased and brought settlers to the area in the early 19th century. Since that time the community in Cheektowaga has thrived both culturally and politically. It is therefore fitting that the Pulaski Parade honoring General Pulaski is to take place in Cheektowaga, NY on July 17, 2005. This parade will honor Polish artists, politicians, digni- 

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Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today in support of Title II of H.R. 458, the Military Personnel Financial Services Protection Act. This bill helps protect our troops and other military personnel from predatory lending. We must make sure that our fighting men and women have access to credit while ensuring that reasonable protections are put in place to combat abusive lending practices.

Over the last few years, there has been an alarming increase in predatory financial scams located outside or near many of our nation’s military bases. These unscrupulous businesses target members of our military and their families through the sale of sub-standard insurance and investment products. Many even resort to misleading representations that attempt to convince customers that the military endorses these businesses, which is simply not true.

Mr. Speaker, Congress must take action to prevent such unfair lending practices, without punishing legitimate business in similar industries. H.R. 458 accomplishes this goal by identifying predatory businesses that abuse consumers and safeguarding the financial futures of our soldiers and their families who rely on their legitimate counterparts. I applaud my friend from Kentucky, Mr. Davis, for sponsoring this legislation and urge my colleagues, on both sides of the Capitol, to support it.

A TRIBUTE TO SENATOR GAYLORD NELSON

HON. GWEN MOORE OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to pay tribute to a leader whose lifetime of public service reflected the very best of Wisconsin values. Senator Gaylord Nelson, the man credited with sparking the modern environmental movement, died July 3, at the age of 90.

Growing up in the small town of Clear Lake, Wisconsin, Senator Nelson developed a passion for the natural world, the protection of which became his highest political priority. He learned the true value of public service from the examples set by his parents, a small-town doctor and nurse who were known for treating neighbors in need regardless of their ability to pay. Though his political career would take him to Madison, WI, and then on to our Nation’s Capital, Washington, DC., he never lost the friendly, unpretentious character that marked his early years in Clear Lake.

Among elected officials, Senator Nelson’s leadership is undeniable. He served three terms in Wisconsin’s State Senate before being elected Governor in 1959. Four years later, he ascended to the U.S. Senate, where he served for 18 years.

His accomplishments are too numerous to list. He is most widely known as the founder of Earth Day, an annual celebration that mobilized public support for environmental stewardship and brought new political attention to the importance of protecting and preserving the natural world.

Building on the grassroots organizing that made Earth Day a success, Senator Nelson authored landmark conservation legislation at both the State and Federal levels. His legacy includes a huge array of public lands and park spaces, including the St. Croix Wild and Scenic Riverway, the Apostle Islands National Lakeshore, and Governor Nelson State Park.

He sponsored legislation to protect rivers and waterways. He co-sponsored laws protecting the Appalachian Trail, and banning the use of toxic chemicals like DDT and Agent Orange.

Most widely known for his commitment to conservation, Senator Nelson also made his mark in other areas, including consumer protection, ethics and opposition to the Vietnam War.

As remarkable as his legislative accomplishments were the appealing and unpretentious style for which he was known. A friend to all, Senator Nelson once remarked that he could never dislike anyone whom he took the time to know. He avoided partisan rancor, and developed lifelong friendships with many whose views he opposed on the Senate floor. While he clearly understood that maintaining relationships enabled his political accomplishments, his sincere regard for his contemporaries was never in question.

When his career as an elected official ended in 1980, Senator Nelson continued his environmental advocacy as chairman of the Wilderness Society. As recently as April of this year, Senator Nelson wrote to students at MacDowell Montessori in Milwaukee—the same school my own granddaughters attended—to hail their Earth Day celebration and urge them to adopt a lifelong commitment to the environment.

Mr. Speaker, millions of Americans owe a debt of gratitude to Senator Nelson for his efforts to protect the natural world around us. He understood that access to clean air, water, and wilderness is crucial not only for our physical survival, but also for our spiritual nourishment. I am thankful to him for his passionate pursuit of these public goods, and for the example of public service that I take as inspiration in my own career.

HONORING RICHARD JOHNSON, SENIOR FARMER OF THE YEAR

HON. GEORGE RADANOVICH OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Richard Johnson for being selected as the 2005 Madera Chamber of Commerce Senior Farmer of the Year. Mr. Richard Johnson will be recognized at the Madera County Farm Bureau’s 84th Annual Meeting and Senior Farmer Presentation on July 14th in Madera, California.

Mr. Johnson is a model of excellence in his community. For over 51 years, Richard has been an active member of the community. As a child, Richard grew up working on a 300 acre farm, and upon entering Madera High School, he continued to strengthen his appreciation for Agriculture through his active membership in Future Farmers of America.

After graduating from Madera High School, Richard went on to attend Fresno State where he majored in Agriculture. Upon returning from military service with the United States Air Force (1951–1955), Mr. Johnson relocated to farming in Madera County, where today he continues to farm a diverse bounty of crops and livestock on 1,940 acres.

Mr. Johnson has been a member of the Madera County Farm Bureau for over 30 years, over 11 of which he has served as a member of the organization’s Board of Directors. In addition, Richard Johnson has tirelessly devoted his time to numerous community organizations and projects, including Coats for Kids, Chowlucha 20–30 Club, and the Madera County Republican Central Committee. During the Christmas season, Mr. Johnson can be seen visiting local elementary schools dressed as Santa Claus.

Richard Johnson, together with his wife Lila Nelson-Johnson, have 3 sons.

Mr. Speaker, I rise today to congratulate Richard Johnson upon being named Senior Farmer of the Year by the Madera Chamber of Commerce. His contributions to America’s agricultural communities and to his country have been invaluable. I invite my colleagues to join me in commending Mr. Johnson for this achievement.

IN HONOR OF JOSEPH H. EVANS

HON. MICHAEL N. CASTLE OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. CASTLE. Mr. Speaker, I rise to pay tribute to a heroic Delaware firefighter, Joseph Evans, who tragically died in the line of duty at the age of 61. While responding to a house fire in the early hours of July 10th, 2005, Joe, an engineer with the Bridgeville Volunteer Fire Company, suffered a heart attack. Despite the best efforts of medical personnel, Joseph Evans passed away shortly after his arrival at the Nanticoke Hospital.

41 years, Joseph Evans was a member of the Bridgeville Volunteer Fire Company. During his dedicated career with Station #72, Joe served in many capacities, including Director of Supplies, Assistant Chief Engineer, and Chief Engineer. In 1968, his work earned him recognition as Bridgeville’s “Fireman of the Year.” Joe’s efforts were not confined to Bridgeville; he also served with the Sussex County Firemen’s Association, the Sussex County Fire Chiefs Association, the Delaware State Fire Chiefs Association and the Del-Mar-Va Volunteer Firemen’s Association.

In addition to his work with the fire department, Joe was successful in other pursuits. As a young man, he distinguished himself athletically as a member of the 1962 Blue-Gold All Star Football team. A lifetime farmer, Joe also played a key role in promoting fire safety. During his dedicated career with Station #72, Joe served in many capacities, including Director of Supplies, Assistant Chief Engineer, and Chief Engineer. In 1968, his work earned him recognition as Bridgeville’s “Fireman of the Year.” Joe’s efforts were not confined to Bridgeville; he also served with the Sussex County Firemen’s Association, the Sussex County Fire Chiefs Association, the Delaware State Fire Chiefs Association and the Del-Mar-Va Volunteer Firemen’s Association.

Joe’s legacy is a testament to his courage and selflessness. I join my colleagues in remembering Joe’s contributions.
and offer my sincerest sympathy to both his family and his colleagues at the Bridgeville Volunteer Fire Company.

IN HONOR OF PAUL WINCHELL

HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. NADLER. Mr. Speaker, I rise today to recognize the life and accomplishments of Paul Winchell, who passed away on Friday, June 24th.

Paul was born in Manhattan’s Lower East Side on December 21, 1922. He studied ventriloquism from an early age, overcoming speech impediments and a difficult family life. He would go on to become one of the great pioneers of early television, bringing a smile to every household with his ventriloquist act on the Paul Winchell-Jerry Mahoney show in the 1950’s.

To younger generations, Paul was best known as the voice of Tigger, the loveable tiger from Walt Disney’s adaptation of “Winnie the Pooh.” He also played numerous roles on children’s programs such as the Jetsons, the Smurfs, the Brady Bunch, and the Beverly Hillsbillies. But Paul was much more than an entertainer—he was also an innovative thinker and inventor with thirty patents.

At the age of 35, Paul decided to return to school at Columbia University, where he studied premed and went on to work on projects for the American Red Cross and the Leukemia Society. In 1963 he joined forces with Doctor Henry Heimlich, and together they developed and patented the first artificial heart. Rather than sit on his accomplishment, however, he donated the heart to the University of Utah, where it served as the prototype for Dr. Robert Jarvik’s first successful heart implant in 1982.

Paul Winchell lived a life of unparalleled diversity. Whether making children smile or improving lives through innovation, he dedicated his talents to the betterment of his surroundings, and I request that we honor him for his talents to the betterment of his universe. Whether making children smile or improving lives through innovation, he dedicated his talents to the betterment of his surroundings, and I request that we honor him for his talents to the betterment of his universe.

SECURE TRAINS ACT

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Ms. NORTON. Mr. Speaker, today, I am re-introducing the Secure TRAINS, Secure Transit and Railroads Across America and Investment in National Security, Act of 2005 for the second time in 2 years, and pleading the urgency of passage before Congress goes on its August break, I am pleased to have as co-sponsors, Democratic Leader NANCY PELOSI, Minority Whip STENY HOYER, Committee on Transportation and Infrastructure Ranking Member JIM OBERSTAR, Homeland Security Committee Ranking Member BENNIE THOMPSON, and Senior Transportation Committee Member and Chair of the Democratic Caucus BOB MENENDEZ. London should be too close for congressional comfort while the country’s subways, buses, rail, light rail and ferries go unprotected. London’s tally thus far of 52 dead and 700 injured and the Madrid totals of more than 190 killed and 1,800 injured could be far worse here, considering the abysmal state of passenger and freight preparedness across the United States today.

Instead of direct passage, I tried to get the Homeland Security Committee, on which I serve, to include Secure TRAINS in the Department of Homeland Security, DHS, authorization bill, passed by the House in May, but my bill was defeated on a party line vote. I managed to get amendments requiring DHS to develop passenger security best practices for mass transportation operators, and to develop a national plan for public outreach and awareness for employees and I passengers. However, the key provisions of the bill and of another I cosponsored for freight hazmat security protection were defeated because the President’s budget did not fund them.

President Bush’s 2006 budget eliminated dedicated funding for mass transportation altogether, instead forcing mass transit into the Targeted Infrastructure Protection Program, TIPP, to compete with other transportation sectors, such as ports, which already receive at least some dedicated funding. Last year, Congress provided only $150 million for mass transportation security grants, but this year the Senate Appropriations Committee has already reduced these grants by $100 million.

I can only ask, rhetorically, whether the administration and Congress know that the people ride each day nearly 16 times as many passengers use public transportation as use airlines—9 billion passenger trips annually on public transportation—but 90 percent of transportation security funding has gone to air travel, after the fact, after the catastrophe. We are breaking our post-9/11 promise not to be caught flat footed again because we have let the record stand at $21 billion for air travel security and $550 million for public transportation security all told. Secure TRAINS at a little over $3.8 billion modestly increases investment in public transportation and freight security.

Unlike much of the wasteful, open-ended funding for homeland security in the period following 9/11, most of the funding in Secure TRAINS would be available through grants. Thus, the Homeland Security Committee’s formula based on threat, vulnerability and consequences would be applied with far greater financial efficiency and efficacy. The bill provides for first-line commonsense security, including cameras, communication systems, explosive detection, and security upgrades on tracks and in tunnels. The bill also includes whistleblower provisions I have been unable to get in prior bills. If stockbrokers and accountants can be protected by Sarbanes-Oxley, it’s time we gave the same whistleblower protection to employees charged with keeping trains and buses secure.

We must not go on August vacation leaving subways, buses and rail as they were last week when London was attacked for the first time since World War II. This is the third time I have tried to get this bill passed. We must let it become three strikes and you’re out.

H.R. 458—THE MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

HON. PATRICk T. McHENRY
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. McHENRY. Mr. Speaker, I rise today to strongly support H.R. 458, the Military Personnel Financial Services Protection Act, and specifically to highlight the importance of this very important legislation. Title II is designed to protect our brave soldiers as they fight to defend our freedoms, by regulating all lenders that qualify as military lenders—including payday advance businesses, small loan companies, finance companies, or other types of creditors. I would like to thank Congressman WESTMORELAND, the sponsor of this bill, as well as Chairman Oxley and Chairman BACHUS. We would not be able to eliminate unscrupulous lenders from offering these products without the leadership demonstrated by the House Financial Services Committee.

As a representative from North Carolina, I am particularly concerned with protecting our military. North Carolina is the most military friendly State in the Nation. With bases such as Fort Bragg and Camp Lejeune, I am familiar with military lenders that prey on our servicemen and women. These companies hurt our military by charging unjustifiable rates, using products with hidden fees, and refinancing loans to the detriment of military consumers. It often takes honest soldiers years to escape the financial hardships caused by these dishonest practices.

Our soldiers, like all American citizens, have a variety of financial services needs and value having a wide array of choices and alternatives to fulfill those needs. I applaud many of these alternative financial services outlets, including payday lenders, for striving to protect military personnel by conforming to the best practices recommended by the Community Financial Services Association, a panel of distinguished retired military members.

Rather than unreasonably prohibiting lenders and limiting the options for our military, H.R. 458 cracks down on abusive practices while preserving access to credit. Title II mandates these necessary protections, such as disclosures and marketing and collection reforms, on a broad range of military lenders. Under Title II, all military lenders will be required to provide detailed disclosures on a variety of subjects. These mandatory disclosures include:

Not requiring service members to complete agreements merely because they signed an application or received a notice;

Advising military personnel, who are seeking short-term credit due to a family or other emergency, to consider applying through one of the Armed Forces’ Relief Societies, the United Service Organizations or another base or community organization.

Acknowledging that any credit extension is not sponsored or endorsed by the Armed Forces, the Department of Defense, or any Federal entity;

That the lender may not contact the borrower’s commanding officer or chain of command to collect the debt; and

That the service member and his/her dependents may have additional protections...
which cannot be waived, even if suggested or required by the lender.

Again, my sincere thanks to the financial institutions that pushed for these reforms and to Congressman Westmoreland for his leadership. I look forward to working with my colleagues and our partners in the private sector to eliminate practices and protect the financial health and access of our military.

PUTTING ALLEGATIONS IN THE PROPER CONTEXT

HON. MARK E. SOUDER
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. SOUDER. Mr. Speaker, in the press for the past few days, I have reportedly heard all sorts of allegations and innuendoes against Karl Rove. Most of these seem to be political, rather than factual. I believe this Wall Street Journal article puts the debate about what was said by whom into a proper context. Former Ambassador Wilson has been largely discredited. Karl Rove, though it has been implied that he broke the law, does not appear to in fact have.

It is Wilson whose politically motivated comments who should be under scrutiny, not Rove.

[From the Wall Street Journal, July, 2005]

KARL ROVE, WHISTLEBLOWER

Democrats and most of the Beltway press corps are baying for Karl Rove’s head over his role in exposing a case of CIA espionage involving Joe Wilson and his wife, Valerie Plame. On the contrary, we’ll say the White House political guru deserves a prize—perhaps the next iteration of the “Truth-Telling” award that The Nation magazine bestowed upon Mr. Wilson before the Senate Intelligence Committee exposed him as a fraud.

For Mr. Rove is turning out to be the real “whistleblower” in this whole sorry pseudoscandal. Mr. Wilson, for one who warned Time’s Matthew Cooper and other reporters in contempt for not disclosing his sources and then promptly abandoned him, though the former ambassador lived. The bipartisan Senate Intelligence Committee report last July cited the note that Ms. Plame had sent recommending her husband for the Niger mission. “Interviews and documents provided to the Committee indicate this,” the report said.

The same bipartisan report also pointed out that the forged documents Mr. Wilson claimed to have discredited hadn’t even entered intelligence channels until eight months after his trip. And it said the CIA interpreted the information he provided in his debrief as mildly supportive of the suspicion that Iraq had been seeking uranium in Niger.

About the same time, another inquiry headed by Britain’s Lord Butler delivered its own verdict on the 16 words: “We conclude also that the statement in President Bush’s State of the Union Address of 28 January 2003 that ‘The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa’ was well-founded.”

In short, Joe Wilson hadn’t told the truth about what he’d discovered in Africa, how he’d discovered it, what he’d told the CIA about it, or even why he was sent on the mission. The media and the Kerry campaign promptly abandoned him, though the former never did give as much prominence to his debunking as they did to his original accusations. But if anyone can remember another public figure publicly and thoroughly discredited, let us know.

If there’s any scandal at all here, it is that this entire episode has been allowed to waste so much government time and media attention, not to mention support, a “special counsel” probe. The Bush Administration is also guilty on this count, since it went along with the appointment of prosecutor Patrick Fitzgerald in an election year in order to punt the issue down the road. But now Mr. Fitzgerald has become an unguided missile, holding reporters in contempt for not disclosing their sources even as it becomes clearer all the time that no underlying crime was at issue.

As for the press corps, rather than calling for Mr. Rove to be fired, they ought to be grateful to him for telling the truth.

TOLERANCE AND ACCEPTANCE FOR PEOPLE OF OTHER CULTURES

HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. HOLT. Mr. Speaker, I rise today to condemn in the strongest terms possible an ugly and xenophobic comment that recently came to my attention. Yesterday, a staff member who works for another Member of Congress responded to an e-mail inquiry regarding the upcoming visit of Indian Prime Minister Manmohan Singh with what can only be described as an insulting and bigoted attack at him. His comments were deeply offensive to Indians, Indian Americans, and countless others like me who do not tolerate such bigotry.

On one of my visits to India a few years ago I was able to meet with government officials, including Prime Minister Singh, then a member of the Rajya Sabha, India’s Upper House of Parliament. I was deeply impressed by his intellect, thoughtfulness, and the success of his economic program, and I am proud to welcome him as he addresses a Joint Session of Congress. This week we hope that all Americans will listen to his words. We have much to learn from him regarding tolerance and acceptance of people of other cultures.

THE TUSKEEGE AIRMEN—A HERO’S WELCOME

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 13, 2005

Mr. RANGEL. Mr. Speaker, I would like to welcome to Capitol Hill today a contingent of veterans representing one of the most distinguished military units in American history. The individuals whom I speak of are known as the Tuskegee Airmen, and they are visiting the Capitol today as part of a ‘Tuskegee Airmen Legislative Day’. Many people may see these distinguished military units in American history...
predicted that the Tuskegee program would fail. However, failure was not an option for these men, and they delivered in amazing fashion.

The Airmen completed 15,500 missions, destroyed 260 enemy aircraft, sank one enemy destroyer, and demolished numerous enemy installations. They would also have the WWII distinction of never losing an American bomber under their escort, despite flying in some of the enemies’ most heavily defended areas. During their World War II service, the Airmen would earn 150 Distinguished Flying Crosses, 744 Air Medals, 8 Purple Hearts, and 14 Bronze Stars.

There is currently an effort underway to bestow the Congressional Gold Medal on the Tuskegee Airmen. I have introduced H.R. 1259 here in the House, and Senator Levin has introduced similar legislation in the Senate. The Gold Medal was created and first awarded 200 years ago to Americans whose courage and determination in battle exemplified the spirit of our nation. In keeping with that tradition, I can think of no better recipients than the Tuskegee Airmen.

They not only displayed courage and bravery, they changed our military forever. Today, many minority groups, especially African Americans, are overrepresented in the military compared to their numbers in the general population. They are the central core of the volunteer military and serve our nation with heroic distinction in Iraq and throughout the world. With the significant role that minorities continue to play in the Armed Forces, our country is indebted to the Tuskegee Airmen for helping to lay that foundation.

Today, the young men who roamed the skies of Tuskegee, Alabama, and World War II Europe, are seasoned veterans of war and life. Many of them are no longer with us, but the hope and pride that they inspired in all of us are reborn in the hearts and minds of every subsequent generation of Americans. I can attest to the hope they gave to a young kid from Harlem, as he set out to fight in Korea. Their example served me well in that war, and in life.

At a time in our country when we hear a lot of rhetoric about patriotism, we can learn from the example of the Tuskegee Airmen. They fought for their country at a time when the rights they risked their lives to protect did not extend to them. They fought not just for America, but the promise of America—the promise of liberty, equality, and freedom for all people. As long as we aspire to fulfill this promise, so too will the spirit of the Tuskegee Airmen live. Again, I thank the Tuskegee Airmen for all they have done for our country, and I extend this welcome—a hero’s welcome—to them.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 14, 2005 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

**JULY 15**

9:30 a.m.  Homeland Security and Governmental Affairs
To hold an oversight hearing to examine the United States’ relationship with the World Trade Organization, focusing on the role of the World Trade Organization and its impact on national sovereignty and economic security.

10:30 a.m.  Judiciary
To hold hearings to examine reauthorization of the Violence Against Women Act.

2:30 p.m.  Foreign Relations
To hold hearings to examine Iraq political development.

**JULY 16**

9:30 a.m.  Homeland Security and Governmental Affairs
National Preparedness, Border and Housing Security, and Related Agencies Subcommittee
To hold an oversight hearing to examine the current state of climate change scientific research and the economics of strategies to manage climate change, focusing on the relationship between energy consumption and climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

Foreign Relations
To hold hearings to examine United Nations reform.

Veterans’ Affairs
Business meeting to consider pending VA legislation.

**JULY 17**

9:30 a.m.  Agriculture, Nutrition, and Forestry
To hold hearings to examine the current state of climate change scientific research and the economics of strategies to manage climate change, focusing on the relationship between energy consumption and climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

**JULY 18**

9:30 a.m.  Foreign Relations
To hold hearings to examine improving security in Iraq.

2 p.m.  Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Brian David Miller, of Virginia, to be Inspector General, Department of Homeland Security; to be immediately followed by a hearing to examine the nomination of Edmund S. Hawley, of California, to be an Assistant Secretary of Homeland Security.

**JULY 19**

10 a.m.  Energy and Natural Resources
To hold an oversight hearing to examine the effects of the U.S. nuclear testing program on the Marshall Islands.

Appropriations
Transportation, Treasury, the Judiciary, and Housing and Urban Development, and Related Agencies Subcommittee
Business meeting to consider H.R. 3058, making appropriations for the Department of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006.

10:30 a.m.  Judiciary
To hold hearings to examine reauthorization of the Violence Against Women Act.

2:30 p.m.  Foreign Relations
To hold hearings to examine Iraq political development.

**JULY 20**

9:30 a.m.  Health, Education, Labor, and Pensions
Business meeting to consider proposed Better Healthcare through Information Technology Act, proposed Medical Device User Fee Stabilization Act of 2006, and pending nominations.

10 a.m.  Agriculture, Nutrition, and Forestry
To hold hearings to examine biosecurity preparedness and efforts to address agroterrorism threats.

2:30 p.m.  Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 703, to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, S. 997, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge Forest, Montana, to Jefferson County, Montana, for use as a cemetery, S. 1131, to authorize the exchange of certain Federal land within the State of Idaho, S. 1170, to establish the Fort Stanton-Snowy River National Cemetery Area Conservation Area, S. 1238, to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and H.R. 1101, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

**JULY 21**

9:30 a.m.  Indian Affairs
To hold hearings to examine S. 1003, to amend the Act of December 22, 1974, relating to Navajo-Hopi land settlement.

10 a.m.  Energy and Natural Resources
To hold hearings to examine the current state of climate change scientific research and the economics of strategies to manage climate change, focusing on the relationship between energy consumption and climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

Foreign Relations
To hold hearings to examine United Nations reform.

Veterans’ Affairs
Business meeting to consider pending VA legislation.

**JULY 22**

9:30 a.m.  Indian Affairs
To hold hearings to examine the implementation of the Native American Graves Protection and Repatriation Act (P.L. 101–601).

10 a.m.  Energy and Natural Resources
To hold hearings to examine the current state of climate change scientific research and the economics of strategies to manage climate change, focusing on the relationship between energy consumption and climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

Foreign Relations
To hold hearings to examine United Nations reform.

Veterans’ Affairs
Business meeting to consider pending VA legislation.

**JULY 23**

9:30 a.m.  Indian Affairs
To hold hearings to examine the implementation of the Native American Graves Protection and Repatriation Act (P.L. 101–601).

10 a.m.  Energy and Natural Resources
To hold hearings to examine the current state of climate change scientific research and the economics of strategies to manage climate change, focusing on the relationship between energy consumption and climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

Foreign Relations
To hold hearings to examine United Nations reform.

Veterans’ Affairs
Business meeting to consider pending VA legislation.

**JULY 24**

9:30 a.m.  Indian Affairs
To hold hearings to examine the implementation of the Native American Graves Protection and Repatriation Act (P.L. 101–601).

10 a.m.  Energy and Natural Resources
To hold hearings to examine the current state of climate change scientific research and the economics of strategies to manage climate change, focusing on the relationship between energy consumption and climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

Foreign Relations
To hold hearings to examine United Nations reform.

Veterans’ Affairs
Business meeting to consider pending VA legislation.

**JULY 25**

9:30 a.m.  Indian Affairs
To hold oversight hearings to examine Indian Gaming Regulatory Act exceptions and off-reservation gaming.

10 a.m.  Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold hearings to examine how farm bill programs can better support species conservation.

**JULY 26**

9:30 a.m.  Indian Affairs
To hold oversight hearings to examine the legislative presentation of the American Legion.

10 a.m.  Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold oversight hearings to examine the Violence Against Women Act.

**JULY 27**

9:30 a.m.  Indian Affairs
To hold oversight hearings to examine how farm bill programs can better support species conservation.

10 a.m.  Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold oversight hearings to examine the Violence Against Women Act.

**JULY 28**

9:30 a.m.  Indian Affairs
To hold oversight hearings to examine how farm bill programs can better support species conservation.

10 a.m.  Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold oversight hearings to examine the Violence Against Women Act.

**JULY 29**

9:30 a.m.  Indian Affairs
To hold oversight hearings to examine how farm bill programs can better support species conservation.

10 a.m.  Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold oversight hearings to examine the Violence Against Women Act.

**JULY 30**

9:30 a.m.  Indian Affairs
To hold oversight hearings to examine how farm bill programs can better support species conservation.

10 a.m.  Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold oversight hearings to examine the Violence Against Women Act.
Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S8153–S8246

Measures Introduced: Ten bills and one resolution were introduced, as follows: S. 1386–1395, and S. Res. 197.

Measures Reported:

S. 364, to establish a program within the National Oceanic Atmospheric Administration to integrate Federal coastal and ocean mapping activities, with amendments. (S. Rept. No. 109–102)

Page S8217

Measures Passed:

Controlled Substances Import and Export Act: Senate passed S. 1395, to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

Page S8244

Good Friday Agreement: Committee on Foreign Relations was discharged from further consideration of S. Res. 173, expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland, and the resolution was then agreed to.

Office of Compliance Term Extensions: Senate passed H.R. 3071, to permit the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term, clearing the measure for the President.

Page S8245

Department of Homeland Security Appropriations: Senate continued consideration of H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, taking action on the following amendments proposed thereto:

Adopted:

Salazar Amendment No. 1207, to provide for a report on the effectiveness of programs concerning State and local government emergency officials.

Pages S8155, S8159

Salazar Modified Amendment No. 1209, to require a quadrennial review by the Department of Homeland Security.

Pages S8155, S8159

Salazar Modified Amendment No. 1210, to express the sense of the Senate regarding rail tunnel security research.

Pages S8156–57, S8159

Prayor Amendment No. 1125, to encourage the acquisition by the Secretary of Homeland Security of an integrated mobile medical system.

Page S8174

Schumer/Boxer Modified Amendment No. 1184, to encourage the Secretary of Homeland Security to designate an agency within the Department of Homeland Security as having responsibility for countermeasures for man portable air defense systems (MANPADS).

Page S8174–83

Clinton Modified Amendment No. 1105, to require a detailed description of certain costs incurred by, and payments made to, New York City, the State of New York, and certain related entities, as a result of the terrorist attacks of September 11, 2001.

Page S8182

Clinton Amendment No. 1106, to require the Secretary of Homeland Security to report to Congress regarding the vulnerability of certain facilities and measures to provide greater security.

Ensign Modified Amendment No. 1104, to require the Transportation Security Administration to potentially implement the use of multi-compartment bins to screen passenger belongings at security checkpoints.

Page S8183–84

Byrd (for Feingold) Amendment No. 1120, to require reports to Congress on Department of Homeland Security use of data-mining.

Page S8186

Byrd (for Boxer) Modified Amendment No. 1155, to provide oversight of homeland security spending.

Byrd Amendment No. 1201, to require State and local governments to expend or return grant funds.
Durbin Amendment No. 1166, to provide that MidAmerica St. Louis Airport in Mascoutah, Illinois, shall be designated as a port of entry. Pages S8188–89

Gregg (for Thomas) Amendment No. 1172, to authorize and direct the Secretary of Homeland Security to designate Natrona County International Airport, Wyoming, as an airport at which certain private aircraft arriving in the United States from a foreign area may land for processing by the United States Customs and Border Protection. Page S8202

Gregg (for Hutchison) Modified Amendment No. 1173, to express the sense of the Senate regarding coordination with the American Red Cross.

Gregg (for Hatch) Amendment No. 1221 (to Amendment No. 1171, as modified), to clarify the source of allocated funds.

Reid Amendment No. 1161, to express the sense of the Senate on the submittal to Congress of a report on performance indicators on Iraq.

Voinovich Amendment No. 1075, to increase funds for emergency management performance grants, with an offset.

McCain Modified Amendment No. 1151, to specify how certain vehicles are to be deployed to enhance border security.

Withdrawn:

Schumer Amendment No. 1183, to provide additional funding to counter man portable air defense systems.

Pending:

Byrd Amendment No. 1200, to provide funds for certain programs authorized by the Federal Fire Prevention and Control Act of 1974.

Akaka Amendment No. 1113, to increase funding for State and local grant programs and firefighter assistance grants.

Dorgan Amendment No. 1111, to prohibit the use of funds appropriated under this Act to promulgate the regulations to implement the plan developed pursuant to section 7209(b) of the Intelligence Reform Act of 2004.

Durbin (for Boxer) Amendment No. 1216, to provide for the strengthening of security at nuclear power plants.

Durbin (for Stabenow) Amendment No. 1217, to provide funding for interoperable communications equipment grants.

Subsequently, a point of order was raised with respect to the emergency designation provision in the amendment and a motion to waive was entered.

Gregg (for Ensign) Modified Amendment No. 1124, to transfer appropriated funds from the Office of State and Local Government Coordination and Preparedness to U.S. Customs and Border Protection for the purpose of hiring 1,000 additional border agents and related expenditures. Pages S8155, S8184–85

McCain Modified Amendment No. 1150, to increase the number of border patrol agents consistent with the number authorized in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

Pages S8171–72

McCain Modified Amendment No. 1171, to increase the number of detention beds and positions or FTEs in the United States consistent with the number authorized in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

Pages S8172–74, S8176

Schumer Amendment No. 1189, to provide that certain air cargo security programs are implemented.

Pages S8174–75, S8176

Subsequently, a point of order was raised that the amendment would provide spending in excess of the subcommittee’s 302(b) allocation and a motion to waive was entered.

Schumer Amendment No. 1190, to appropriate $70,000,000 to identify and track hazardous materials shipments.

Pages S8175–78

Subsequently, a point of order was raised that the amendment would provide spending in excess of the subcommittee’s 302(b) allocation and a motion to waive was entered.

Pages S8176

Reid (for Byrd) Amendment No. 1218, to provide additional funding for intercity passenger rail transportation, freight rail, and mass transit.

Pages S8179, S8185–86

Ensign Amendment No. 1219 (to Amendment No. 1124), of a perfecting nature.

Pages S8184, S8187–88

Shelby Modified Amendment No. 1205, to appropriate funds for transit security grants for fiscal year 2006 authorized in the Public Transportation Terrorism Prevention Act of 2004.

Pages S8189–91

Gregg Amendment No. 1220 (to Amendment No. 1205, as modified), of a perfecting nature.

Page S8190

During consideration of this measure today, the Senate also took the following actions:

By 36 yeas to 60 nays (Vote No. 177), 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 Dodd/Stabenow Modified Amendment No. 1202, to fund urgent priorities for our Nation's firefighters, law enforcement personnel, emergency medical personnel, and all Americans by reducing the tax breaks for individuals with annual incomes in excess of $1 million. 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.

By 42 yeas to 55 nays (Vote No. 178), 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 Akaka Modified Amendment No. 1112, to increase funding for State and local grant programs. 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.

A unanimous-consent agreement was reached providing that at 10 a.m. on Thursday, July 14, 2005, Senate proceed to a series of votes on or in relation to certain pending amendments; further, that no second-degree amendments be in order to any of the amendments prior to the votes.

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m. on Thursday, July 14, 2005; further, that the time until 10 a.m. be equally divided.

Messages From the House:

Measures Referred:

Measures Placed on Calendar:

Measures Read First Time:

Executive Communications:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Notices for Hearings/Meetings:

Authority for Committees to Meet:

Record Votes: Two record votes were taken today. (Total—178)

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:44 p.m. until 9:30 a.m., on Thursday, July 14, 2005. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S8246.)

Committee Meetings

(Committees not listed did not meet)

GUANTANAMO BAY
Committee on Armed Services: Committee concluded open and closed hearings to examine the investigation into Federal Bureau of Investigations allegations of detainee abuse at the Guantanamo Bay, Cuba Detention Facility, after receiving testimony from General Bantz J. Craddock, USA, Commander, U.S. Southern Command; Lieutenant General Randall M. Schmidt, USAF, Senior Investigating Officer; and Brigadier General John T. Furlow, USA, Investigating Officer.

NOMINATIONS
Committee on Armed Services: Committee ordered favorably reported 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, and 8 nominations in the Army, Navy, and Air Force.

TERRORIST FINANCING
Committee on Banking, Housing, and Urban Affairs: Committee held a hearing to examine money laundering and terror financing issues in the Middle East, focusing on the Financial Action Task Force, the use of charities to fund terrorism, and the Presidential Executive Order (13224) which allows the United States to freeze the assets of certain organizations, after receiving testimony from Stuart Levey, Under Secretary of the Treasury, Office of Terrorism and Financial Intelligence; E. Anthony Wayne, Assistant Secretary for Economic and Business Affairs, and Nancy Powell, Acting Assistant Secretary for International Narcotics and Law Enforcement, both of the Department of State; Dennis M. Lormel, Corporate Risk International, Fairfax, Virginia; Steven Emerson, The Investigative Project on Terrorism, Washington, D.C.; and Mahmoud A. El-Gamal, Rice University, Houston, Texas.

Hearing recessed subject to the call.

AIRLINE FINANCIAL STABILITY
Committee on Commerce, Science, and Transportation: Subcommittee on Aviation concluded a hearing to examine the financial stability of airlines, focusing on the continued financial difficulties faced by legacy airlines, the effect of bankruptcy on the industry and competitors, and the effect of airline pension underfunding on employees, airlines and the Pension Benefit Guaranty Corporation, after receiving testimony

ENDANGERED SPECIES ACT: PRIVATE LANDOWNER INCENTIVES

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Water concluded a hearing to examine the Endangered Species Act and incentives for private landowners, focusing on existing Federal incentives for private landowners to protect threatened and endangered species, as well as new and innovative ways for incentivizing species protection on private lands, after receiving testimony from Marshall P. Jones, Deputy Director, Fish and Wildlife Service, Department of the Interior; Sara Braasch, Regional Assistant Chief, Natural Resources Conservation Service, Department of Agriculture; Michael J. Bean, Environmental Defense, and Lawrence D. Wiseman, on behalf of the American Forest Foundation and the American Tree Farm System, both of Washington, D.C.; Paul Campos, Home Builders Association of Northern California, Contra Costa County, on behalf of the National Association of Home Builders; Alan Foutz, Colorado Farm Bureau, Akron, on behalf of the American Farm Bureau Federation; and Robert J. Olszewski, Plum Creek Timber Company, Inc., Atlanta, Georgia.

CHEMICAL FACILITY SECURITY

Committee on Homeland Security and Governmental Affairs: Committee resumed hearings to examine the Federal role regarding chemical facility security, receiving testimony from Martin J. Durbin, American Chemistry Council, Arlington, Virginia; Matthew Barmasse, ISOCHEN, Inc., Lockport, New York, on behalf of Synthetic Organic Chemical Manufacturers Association; Bob Slaughter, National Petrochemical and Refiners Association, and Gerald V. Poje, National Academy of Science, both of Washington, D.C.; Glenn Erwin, United Steel Workers International Union, Washburn, Missouri; and Carol L. Andress, Environmental Defense Fund, New York, New York.

Hearings will continue on Wednesday, July 27, 2005.

STREAMLINED PROCEDURES ACT

Committee on the Judiciary: Committee concluded a hearing to examine current habeas corpus proceedings and issues of actual innocence, focusing on S. 1088, to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, after receiving testimony from Seth P. Waxman, Wilmer, Cutler, Pickering, Hale and Dorr, Washington, D.C., former Solicitor General of the United States; Thomas Dolgenos, Office of Philadelphia District Attorney, Philadelphia, Pennsylvania; John Pressley Todd and Kent E. Cattani, both of the Office of Arizona Attorney General, Phoenix; and Barry C. Scheck, Yeshiva University Cardozo School of Law, and Bryan A. Stevenson, New York University School of Law, both of New York, New York.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 14 public bills, H.R. 3262–3275; and 3 resolutions, H.J. Res. 58; H. Con. Res. 208; and H. Res. 3611 were introduced.

Additional Cosponsors: Page H5801

Reports Filed: Reports were filed today as follows:

H.R. 624, to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants (H. Rept. 109–166); and

H.R. 1359, to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects, amended (H. Rept. 109–167); and


Speaker: Read a letter from the Speaker wherein he appointed Representative Simpson to act as speaker pro tempore for today.

Chaplain: The prayer was offered today by Rev. Dr. Arnold B. Lovell, Senior Pastor, Second Baptist Church in Knoxville, Tennessee.

Suspensions: The House agreed to suspend the rules and pass the following measures:
Veterans' Compensation Cost-of-Living Adjustment Act of 2005: H.R. 1220, amended, to increase, effective as of December 1, 2005, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans; Pages H5749–54

Making permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program: H.R. 2385, amended, to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program; Pages H5754–56

Agreed to amend the title so as to read: to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.


Vincent Palladino Post Office Building Designation Act: H.R. 2183, to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the “Vincent Palladino Post Office”; and


East Asia Security Act of 2005: H.R. 3100, to authorize measures to deter arms transfers by foreign countries to the People’s Republic of China;

Commemorating the 60th anniversary of the conclusion of the war in the Pacific and honoring the veterans of WWII: H. Con. Res. 191, amended, commemorating the 60th anniversary of the conclusion of the war in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War; and


Water Resources Development Act of 2005—Rule for Consideration: The House agreed to H. Res. 346, the rule providing for consideration of H.R. 2864, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, by voice vote.

Recess: The House recessed at 1:27 p.m. and reconvened at 1:54 p.m.

Energy Policy Act of 2005—Motion to go to Conference: The House disagreed to the Senate amendment and agreed to a conference on H.R. 6, to ensure jobs for our future with secure, affordable, and reliable energy.

The House began consideration of the Capps motion to instruct conferees on the bill. Further consideration will continue tomorrow, July 14.

Quorum Calls—Votes: There were no votes or quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:10 p.m.

Committee Meetings

NATIONAL SECURITY IMPLICATIONS—CHINA NATIONAL OFFSHORE OIL MERGER—UNOCAL CORPORATION

Committee on Armed Services: Held a hearing on national security implications of the possible merger of the China National Offshore Oil Corporation with Unocal Corporation. Testimony was heard from C. Richard D’Amato, Chairman, U.S.-China Economic and Security Review Commission; R. James Woolsey, former Director, CIA; and public witnesses.

COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005


Will continue tomorrow.

TREASURY’S REPORT—TERRORISM RISK INSURANCE ACT

Committee on Financial Services: Held a hearing entitled “Treasury’s Report to Congress on the Terrorism Risk Insurance Act (TRIA),” Testimony was heard from John W. Snow, Secretary of the Treasury.

ENTREPRENEURIALISM AND FEDERAL GOVERNMENT

Committee on Government Reform: Subcommittee on Federal Workforce and Agency Organization held a hearing entitled “From Bureaucrats to Plutocrats: Can Entrepreneurialism Work in the Federal Government?” Testimony was heard from David M. Walker, Comptroller General of the United States, GAO; former Speaker of the House of Representatives Newt L. Gingrich of Georgia; and a public witness.

IMPROVE AVIATION SECURITY

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and
Cybersecurity held a hearing entitled “Leveraging Technology to Improve Aviation Security.” Testimony was heard from Cathleen A. Berrick, Director, Homeland Security and Justice, GAO; and public witnesses.

U.S. AND RUSSIA BIOLOGICAL WEAPONS PROGRAMS


USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

Committee on the Judiciary: Ordered reported, as amended, H.R. 3199, USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

FEDERAL LANDS—MOTORIZED RECREATIONAL USE

Committee on Resources: Subcommittee on National Parks and the Subcommittee on Forests and Forest Health held a joint hearing entitled “Motorized Recreational Use on Federal Lands.” Testimony was heard from Dale Bosworth, Chief, Forest Service, USDA; Ed Shepard, Assistant Director, Renewable Resources and Planning, Bureau of Land Management, Department of the Interior; and public witnesses.

SMALL BUSINESS DEVELOPMENT CENTERS

Committee on Small Business: Held a hearing entitled “Small Business Development Centers: New Offerings for a New Economy,” Testimony was heard from public witnesses.

SERVICEMEMBERS’ GROUP LIFE INSURANCE ENHANCEMENT ACT OF 2005

Committee on Veterans’ Affairs: Subcommittee on Disability Assistance and Memorial Affairs approved for full Committee action H.R. 3200, Servicemembers Group Life Insurance Enhancement Act of 2005.

USA PATRIOT AND TERRORISM PREVENTION REAUTHORIZATION ACT OF 2005

Permanent Select Committee on Intelligence: Ordered reported, as amended, H.R. 3199, the USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005.

Joint Meetings

YUKOS AFFAIR

Commission on Security and Cooperation in Europe (Helsinki Commission): Commission met to receive a briefing regarding the political and business implications of the prosecution and imprisonment of Russian Yukos Oil Chairman and Chief Executive Officer (CEO) Mikhail Khodorkovsky from Peter Roudik, Senior Foreign Law Expert, Congressional Research Service, Library of Congress; and Leonid Nevzlin, Tel Aviv, Israel.

COMMITTEE MEETINGS FOR THURSDAY, JULY 14, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Legislative Branch, to resume hearings to examine the progress of the Capitol Visitors Center construction, 10:30 a.m., SD–138.

Full Committee, business meeting to consider 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, 2 p.m., SD–106.

Committee on Armed Services: Subcommittee on Personnel, to hold hearings to examine military justice and detention policy in the global war on terrorism, 9:30 a.m., SR–325.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the Department of Treasury’s report to Congress entitled: “Assessment: The Terrorism Risk Insurance Act of 2002”, 10 a.m., SD–538.

Committee on Energy and Natural Resources: to hold hearings to examine the nominations of R. Thomas Weimer, of Colorado, and Mark A. Limbaugh, of Idaho, each to be an Assistant Secretary of the Interior, 10 a.m., SD–366.

Subcommittee on National Parks, to hold hearings to examine the National Park Service’s business strategy for operation and management of the national park system, including development and implementation of business plans, use of business consultants, and incorporating business practices into day-to-day operations, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the nominations of Marcus C. Peacock, of Minnesota, to be Deputy Administrator, Susan P. Bodine, of Maryland, to be Assistant Administrator, Office of Solid Waste, and Granta Y. Nakayama, of Virginia, to be Assistant Administrator, Office of Enforcement and Compliance Assurance, all of the Environmental Protection Agency, 9:30 a.m., SD–406.

Committee on Foreign Relations: to hold hearings to examine the nomination of Henry Crumpton, of Virginia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large, Department of State, 3 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Biotechnology and Public Health Preparedness, to discuss preparing an effective and immediate public health response in the aftermath of a terrorist attack, 10 a.m., SD–430.

Full Committee, with the Committee on Indian Affairs, to hold joint hearings to examine S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act, 2:30 p.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to
hold hearings to examine how prepared the National Capitol Region is for terrorism, focusing on how the National Capitol Region (NCR) is spending its homeland security grant funding, the organizational structures established to provide coordinated security, and if the NCR can be used as a model for security in other regions of the country, 9:30 a.m., SD–562.

Full Committee, to hold hearings to examine the Department of Homeland Security, 1:30 p.m., SD–562.

Committee on Indian Affairs: with the Committee on Health, Education, Labor, and Pensions, to hold joint hearings to examine S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act, 2:30 p.m., SD–430.

Committee on the Judiciary: business meeting to consider S. 1088, to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, proposed Personal Data Privacy and Security Act of 2005, S. 751, to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing personal information, to disclose any unauthorized acquisition of such information, S. 1326, 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, S. 153, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violence criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, S. 103, to respond to the illegal production, distribution, and use of methamphetamine in the United States, S. 1086, to improve the national program to register and monitor individuals who commit crimes against children or sex offenses, S. 956, to amend title 18, United States Code, to provide assured punishment for violent crimes against children, and committee rules for the 109th Congress, 9:30 a.m., SD–226.

Committee on Veterans’ Affairs: to hold hearings to examine the nominations of James Philip Terry, of Virginia, to be Chairman of the Board of Veterans’ Appeals, Department of Veterans Affairs, and Charles S. Ciccolella, of Virginia, to be Assistant Secretary of Labor for Veterans’ Employment and Training, 10:30 a.m., SR–418.

Select Committee on Intelligence: to receive a closed briefing regarding intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies, oversight hearing on Bureau of Land Management/Forest Service National Fire Plan, 10 a.m., B–308 Rayburn.

Committee on the Budget, hearing on Mid-Session Review Budget of the United States Government Fiscal Year 2006, 10 a.m., 210 Cannon.

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, to continue mark up of H.R. 609, College Access and Opportunity Act of 2005, 11:15 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, to mark up the following measures: H.R. 3204, State High Risk Pool Funding Extension Act of 2005; H.R. 3205, To amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety; and H. Res. 220, Recognizing America’s Blood Centers and its member organizations for their commitment to providing over half the Nation with a safe and adequate volunteer donor blood supply, 9:30 a.m., 2123 Rayburn.

Committee on Government Reform, hearing entitled “One Year Later: Evaluating the Effectiveness of Project BioShield,” 10 a.m., 2154 Rayburn.


Committee on Resources, hearing entitled “Status of Setting Recognized Tribes’ Land Claims in the State of New York,” 10 a.m., 1324 Longworth.


Committee on Science, to mark up H.R. 3070, National Aeronautics and Space Administration Authorization Act of 2005, 11 a.m., 2318 Rayburn.

Committee on Small Business, to mark up the following bills: H.R. 230, National Small Business Regulatory Assistance Act of 2005; H.R. 527, Vocational and Technical Entrepreneurship Development Act of 2005; H.R. 2981, To amend the Small Business Act to expand and improve the assistance provided by Small Business Development Centers to Indian tribe members, Native Alaskans, and Native Hawaiians; and H.R. 3207, Second-Stage Small Business Development Act of 2005, 9:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, oversight hearing on Cell Phones on Aircraft: Nuisance or Necessity?, 10 a.m., 2167 Rayburn.

Subcommittee on Economic Development, Public Buildings and Emergency Management, to mark up the following bills: H.R. 3208, Disaster Relief Equity Act of 2005; and H.R. 2538, Rural Disaster Assistance Fairness Act of 2005, 2 p.m., 2167 Rayburn.

Committee on Veterans’ Affairs, to mark up the following: H.R. 3200, Servicemembers’ Group Life Insurance Enhancement Act of 2005; and a resolution recognizing the 75th anniversary of the establishment of the Veterans Administration on July 21, 1930, 1 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, hearing on Welfare and Work Data, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, executive, Briefing on Global Updates, 9 a.m., H–405 Capitol.
Next Meeting of the SENATE
9:30 a.m., Thursday, July 14

Program for Thursday: Senate will continue consideration of H.R. 2560, Homeland Security Appropriations, and vote on, or in relation to, certain pending amendments to the bill beginning at 10 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, July 14


Extensions of Remarks, as inserted in this issue

HOUR
Abercrombie, Neil, Hawaii, E1480
Baldwin, Tammy, Wisc., E1478
Beauprez, Rob, Colo., E1473, E1477, E1481
Boucher, Steve, Ind., E1480
Castle, Michael N., Del., E1482
Conyers, John Jr., Mich., E1481
Everett, Terry, Ala., E1476
Gordon, Bart, Tenn., E1476
Green, Al, Tex., E1473, E1477
Higgins, Brian, N.Y., E1473, E1477, E1481
Holt, Russ D., N.J., E1484
Johnson, Sam, Tex., E1474
Kennedy, Mark R., Minn., E1482
McHenry, Patrick T., N.C., E1483
Millender-McDonald, Juanita, Calif., E1474
Moore, Green, Wisc., E1482
Nader, Jerrold, N.Y., E1483
Norton, Eleanor Holmes, D.C., E1483
Norwood, Charlie, Ga., E1478
Radanovich, George, Calif., E1482
Rangel, Charles B., N.Y., E1484
Rehberg, Dennis R., Mont., E1478
Souders, Mark E., Ind., E1484
Towns, Edolphus, N.Y., E1478
Udall, Tom, N.M., E1478
Wolf, Frank R., Va., E1474