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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 28, 2005.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Thomas Johns, Pastor, St. John Vianney Parish, Mentor, OH, offered the following prayer:

Gracious God, we are mindful of the blessings You bestow upon our Nation. Thank You for the farmers who provide food for our tables. Help us to be grateful for all we receive, and may we share our gifts with the poor.

Bless the men and women of Congress and grant them wisdom and fortitude so that they know what is right and good and pursue it diligently. Guide them to make good decisions, and may our actions as a Nation be pleasing in Your sight. Touch the hearts of our citizens, especially our young people, and inspire them to live lives of service.

Be with our brothers and sisters in the Gulf States as they rebuild their lives and communities. Please also bless the men and women in the military and keep them out of harm's way. May Your peace reign in our hearts, homes, neighborhoods, Nation, and world. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. LINDA T. SÁNCHEZ of California 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.

WELCOMING FATHER THOMAS JOHNS

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

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to welcome this morning Father Tom Johns of St. John Vianney Catholic Church in Mentor, OH, as the guest chaplain today. I am honored to have Father Johns here today.

I want to welcome him, his sister and brother-in-law, Trish and Denny, and their two children, Kyle and Kayla, to the House of Representatives.

Father Johns has been with St. John Vianney since 1993 and became pastor in January of 1998. He is a treasured member of our community, and he also has a special Washington connection. Several years ago, Father Johns presided over the wedding of Kirsti Talikka Garlock, counsel for the House Committee on International Relations, and her husband, Vince. I know it is a thrill for them to have Father Johns here this morning as the guest chaplain.

I first met Father Johns at the home of Jim and Ruthie Jackson a number of years ago, and they referred to him as Father Tom. Even though I am a Methodist and he is a Roman Catholic, I have to tell you that it is probably a good duty when you are marrying somebody like Kirsti and Vince. I have also had the sad occasion of being with him when he was the presiding official at the funeral of not only Jim Jackson but also Mike Brown. And Father Johns's ability to help friends and family get through those occasions really makes him a special person in my mind. It is a pleasure to have Father Thomas Johns with us today, and I thank him for being here.

IMPRISONED IN THEIR OWN HOMES

(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, every day in this land of the free there are some women who live lives of quiet desperation. These women are not free, but are imprisoned in their own homes. Their crime? Being with the wrong person. Their warden is their spouse or their boyfriend. Their sentence? A lifetime of abuse, sexual assault, intimidation, mental turmoil, and even death.

As a judge in Texas, I saw these victims appear in court to tell their compelling, sad stories of their incarceration in their own homes.

This is a family issue. This is a national health issue. This is a public safety issue. And this is a criminal issue. This is an issue that must not go unnoticed by this House. We need to stand beside these victims that are battered, beaten, and bruised. The criminals will be held accountable for their actions. The protections in the Violence Against Women Act need to be reauthorized so women can truly enjoy living in the land of the free.

Mr. Speaker, love should not hurt.

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DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today the House will vote on H.R. 3402, the Department of Justice Appropriations Authorization Act.

I rise today to thank the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) for their leadership on this bill and to urge my colleagues to support it.

H.R. 3402 contains language from my bill, H.R. 283, the Bullying and Gang Prevention For School Safety and Crime Reduction Act of 2005. By adding this important provision, schools will be able to use Federal dollars to establish gang and bullying prevention programs in their schools and to teach kids not to use e-mail, instant messaging, or cell phones to make threats and insults, a disturbing new behavior known as ''cyberbullying.''

Studies show that 31 percent of junior high and high school students in urban areas and 21 percent of all students reported that street gangs were present at their schools and more than 3.2 million children are the victims of repeated bullying every year. That is one in every six students.

Bullying and gangs can be eliminated from our schools and H.R. 3402 is a tremendous step in the right direction. I urge all of my colleagues to vote for the bill.

COMMENDING THE BARRETT FAMILY

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

Mr. HEFLEY. Mr. Speaker, I rise today to recognize a very special family in my district. Billy Jack and Anne Barrett and their six children recently experienced a life-changing event. They were chosen to receive a brand new home from the television show ''Extreme Makeover: Home Edition.''

I was amazed at the amount of work that went into replacing the Barretts' small family 101-year-old farmhouse with a 4,000-square foot two-story home, complete with red school house that Anne Barrett will use to continue home schooling the children.

The Barretts were selected for opening not only their hearts but their home to troubled children. In addition to their own two biological daughters, they adopted four high-risk teens who had been deemed unadoptable. They had seen the potential in these children and decided they would not give up on them as so many had.

The Barretts may not have the financial means or space to undertake their new responsibility; but with Christian values, love and horses, they have produced a wonderful family. I would like to thank Keller Homes, Extreme Makeover, and the more than 6,000 people who volunteered to make this daunting challenge a reality. I would like to commend the Barrett family for the example that they set for all of us.

ENDANGERED SPECIES ACT REWRITE

(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, much of the gulf coast lies in ruins. Iraq is on the verge of a civil war. Government spending has spiraled out of control, leaving structural deficits as far as the eye can see; and we are in the midst of an energy crisis. With these and other challenges mounting, how does the Republican Congress respond? Of course, by gutting the Endangered Species Act.

They are using this time of mounting crises as a way to smuggle their long-held ideological goods through customs, the policies they can never enact because of the public's opposition to them.

This Congress sees an opportunity to reward their special interests by eliminating the backbone of our environmental laws. The Endangered Species Act needs reform and needs to be updated, but we should not throw the baby out with the bath water.

To add insult to injury, while it guts the very successful environmental policies, the bill will actually cost more than the current Endangered Species Act. CBO estimates that the administration costs will more than double. So much for smaller government.

Mr. Speaker, the American people want leadership, they want solutions to challenges confronting this Nation, not wholesale auction of everything we hold dear to the special interests.

When the Speaker's gavel comes down, it is intended to open the people's House, not the auction house.

SIMPLE SCIENCE

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

Mr. DUNCAN. Mr. Speaker, the simple, easy answer to any problem or solution is almost always wrong.

Today the simplistic, politically correct explanation for hurricanes Katrina and Rita is global warming. Yet simple, easy science is almost always wrong.

CNN reported a couple of days ago that the biggest, worst decade for hurricanes was the 1940s, long before there was any thought or theory or even mention of global warming. In addition, Max Mayfield, director of the National Hurricane Center, said in news stories and television reports that hurricanes are cyclical in nature. He said it was wrong to invoke our alleged global warming without valid science or any hard science to back it up. Mr. Mayfield also noted the terrible hurricanes of the 1940s and the hurricane cycles.

The overly simple political science of global warming is just not accurate here, and people should not use the tragedy of these hurricanes to advance or promote political theories.

AMERICANS DESERVE REAL ANSWERS

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

Mr. CARNAHAN. Mr. Speaker, Americans were shocked by our government's response to Hurricane Katrina. They watched as days passed before the people of New Orleans were rescued from rooftops and attics or before those at the Superdome actually received food and water.

Americans rightly asked, if this is the way our government responds to a natural disaster it knew about days in advance, how would it respond to a surprise terrorist attack? How would it respond to an earthquake?

Americans now deserve and demand answers from an independent commission, not a partisan committee with a political agenda.

Creating this commission is not about a blame game. The purpose of this commission is not really about the past; it is about the future. It is about learning from our mistakes so that we assure that these mistakes are never repeated in this country.

The American people respected the 9/11 Commission because of its independence, and that is exactly what we need now.

A BRAVE VICTORY

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

Mr. PRICE of Georgia. Mr. Speaker, sometimes you just have to celebrate. Our Nation has seen remarkable challenges placed before it over the last few weeks; but our spirit is strong, our enthusiasm undaunted, and our optimism unwavering, and America's team has done it again.

From their beginnings in Boston in 1876 to their brief tenure in Milwaukee from 1953 to 1965 and now in their rightful home in Atlanta, they are the personification of the American spirit, demonstrating the glory of diligence, persistence, loyalty and unity.

Last evening the Atlanta Braves extended a record unparalleled in all of sports, capturing their 14th straight division championship. Think of the greatest accomplishments of any sports team in history and none of them compare to the length of success by these heroes of America's pastime.

Congratulations to general manager John Schuerholz and to manager Bobby Cox for their remarkable leadership through thick and thin. Congratulations to the players, from seasoned veterans to rookie contributors. All of them have given Atlanta, Georgia, and America, the thrill and privilege of witnessing their wondrous exploits.

You have blessed us all with your skill and passion. Congratulations to the Atlanta Braves.

EXIT STRATEGY

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

Mr. KUCINICH. Mr. Speaker, whether or not Iraq soon votes for a constitution, whether or not the Sunnis and the Shiites soon achieve peace, we in this Congress must soon take action for our Nation, for our troops, for our national interests to plan an exit strategy from Iraq and to commence it by October of 2006.

That is the purpose of House Joint Resolution 55, a bipartisan resolution which requires the administration to create an exit strategy so we are not going to be in Iraq forever, so we do not put our sons' and daughters' lives on the line forever, so we have a defined strategy to get out.

□ 1015

It is time for us to take whatever bipartisan energy there is in this Chamber and direct it towards a new direction in Iraq, to bring our troops home, to involve the world community, to put an end to this sorry chapter of U.S. occupation.

ACROSS-THE-BOARD SPENDING REDUCTIONS

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

Mrs. BLACKBURN. Mr. Speaker, last week I received a call from a constituent, and she said, As you are looking at Hurricane Katrina, I want you to remember something. My grandmother used to say, Mind your pennies and your dollars will take care of themselves.

How very true, and in that regard, I filed three bills yesterday, one I think every Member of the House can decide they can support, H.R. 3903, H.R. 3904 and H.R. 3906. Each calls for across-the-board spending reductions in non-defense, non-homeland security discretionary spending.

H.R. 3903 is a 1 percent reduction which would be a $4 billion savings for the year. Two percent is the H.R. 3904 bill. That is an $8 billion savings. $21.5 billion could be saved with H.R. 3906, which is a 5 percent reduction.

One of the things we know, Mr. Speaker, is that across-the-board reductions work. The bureaucrats in buildings are called upon to be responsive to the taxpayers to account for how they are spending every single penny that they are being appropriated.

So I encourage all the Members of the body to join me in cosponsoring H.R. 3903, H.R. 3904 and H.R. 3906 and reduce our Federal outlays.

VAWA REAUTHORIZATION

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

Ms. SOLIS. Mr. Speaker, as we celebrate Domestic Violence Awareness Month in October, I rise today to highlight the issue as it affects minority communities.

Although domestic violence is blind to race and ethnicity, racial and ethnic minority women, immigrant women, face unique challenges to reporting and getting help for domestic violence.

Just this morning, I learned that the manager's amendment to today's VAWA reauthorization bill strikes the language ''racial and ethnic minorities'' from the definition of underserved communities.

After all the bipartisan work that we have been conducting for the past year on this particular reauthorization, I am outraged that at the last minute, Republican leadership is shortchanging women of color who are victims of domestic violence.

We must acknowledge the devastating effect that domestic violence has on all communities, community of colors. That means African Americans, Latinos and Asians and all other ethnic groups.

Our efforts to educate the public about domestic violence must directly address factors like cultural differences, linguistic differences and immigration status. By removing this language, we are exacerbating the problem of domestic violence in communities of color.

My hope is that the reauthorization of the Violence Against Women Act is comprehensive and meets all the needs of all women in our country.

BUSINESS ACTIVITY TAX SIMPLIFICATION ACT

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, Mr. Bo Horne lives with his wife in Seneca, South Carolina, where they operate a small business from their home. It is their piece of the American dream.

In 1997, they sold a computer software license to a customer in New Jersey for $695, and even though Mr. Horne has no employees or no real property in New Jersey, this one-time sale triggers a New Jersey State law requiring Mr. Horne to pay $600 in taxes and fees every year on the software as long as it remains in use. This tax is stifling to small business investments and entrepreneurs across the country.

Mr. Horne stated yesterday in his testimony before the House Committee on the Judiciary that he is speaking up because of thousands of small businesses that are totally unaware of the risks. Mr. Horne also highlighted a commonsense bill that I am a proud cosponsor of, H.R. 1956, the Business Activity Tax Simplification Act, as introduced by the gentleman from Virginia (Mr. GOODLATTE). It protects small businesses by requiring them to be physically present in the State before they are subject to taxes by the State.

I urge my colleagues to stand up for small businesses by supporting this important legislation, and I thank Mr. Horne for his hard work.

POLITICAL HACKS

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

Mr. DEFAZIO. The Bush-Rove administration has delivered cronyism, incompetence and corruption in spades. Mike ''you're-doing-a-heck-of-a-job-Brownie'' Brown is the poster child for the hundreds of unqualified, often incompetent, political hacks chosen to head, to demean, demoralize and dismantle critical Federal agencies like FEMA.

Then there is the corruption side. Mr. Brown, as he was resigning, at the same time one of his buddies, David Safarian, the head of Federal procurement for the entire government of the United States, $300 billion a year, is being led out of the White House in handcuffs for perjury, influence peddling and bribery, but he did his job till the end as a Bush political appointee. Before they drug him out in handcuffs, he let billions of dollars in no-bid contracts, awarded to Halliburton and other favorites of this administration.

Good job, Mr. Safarian. I hope prison is a good reward for you.

U.S. TROOPS DELIVER VICTORY AGAINST AL QAEDA

(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, Iraqi security forces and coalition soldiers this week delivered a striking blow to al Qaeda terrorists in Iraq. By killing Abu Azzam, a top aide to Abu al-Zarqawi, our troops have achieved yet another critical victory in the war on terrorism.

Azzam led the largest group of al Qaeda in Iraq fighters in Fallujah during autumn 2004 and directed current terrorist activity and operations in Baghdad. As a leader of the Iraq terrorist network, he served as the brains behind numerous attacks on our troops and Iraqi citizens. Not anymore.

The recent victory demonstrates that American soldiers are skilled, focused

and dedicated to finding the cowards who continue to attack democracy and take the lives of innocent civilians. As co-chair of the Victory in Iraq Caucus, I am extremely proud of their success. By capturing and killing terrorists in Iraq, our troops are protecting American families from terrorists who threaten our freedoms and our way of life.

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

VIOLENCE AGAINST WOMEN ACT

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

Ms. WOOLSEY. Mr. Speaker, the Violence Against Women Act has made a great difference for countless women and their families when confronting violence, and VAWA has made a significant difference in the health and happiness of hundreds of thousands of women, children and families.

With one in four women in this country experiencing domestic violence, clearly much more remains to be done. So we cannot abandon our commitment to them and to the women around the world.

Women have every right to feel safe in their own homes. They also deserve to know that law enforcement and health officials are equipped to deal with their special needs in these tragic situations, and we must include teaching young people that bullying and violence must be avoided. We must teach them how to handle situations of conflict and anger in other ways besides bullying and violence.

Mr. Speaker, I urge my colleagues to support the reauthorization of VAWA to ensure these protections and make sure that resources are available.

HONORING DR. DAVID BUSHMAN

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

Ms. FOXX. Mr. Speaker, September 30, 2005, is a significant day in American higher education. This day marks Dr. David W. Bushman's inauguration as the 13th president of Lees-McRae College in Banner Elk, North Carolina.

Lees-McRae College is an institution of which the entire Nation can be proud. For 105 years, it has prepared young men and women to take their places as productive citizens. Committed to leadership and service, Lees-McRae is an integral part of the larger community, putting into practice its historic motto, ''In the mountains, of the mountains, for the mountains.''

David W. Bushman is an outstanding scholar, educator and administrator. Under his leadership, Lees-McRae College reaffirms its commitment to academic excellence in the liberal arts tradition and to the moral and civic education of its students.

As David Bushman assumes the presidency of Lees-McRae College, I extend sincere congratulations to him and to the college. As President Bushman and Lees-McRae College begin this new chapter in their history, they do so with my best wishes for continued success.

REPUBLICANS FAKING THEIR WAY THROUGH INQUIRY

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

Ms. WATSON. Mr. Speaker, yesterday House Republicans convened their partisan investigation into what went wrong in the aftermath of Hurricane Katrina. It is clear Republicans want to fix all blame on the back of former FEMA director Michael Brown.

Republicans were willing to ask tough questions yesterday, but that is simply not enough. For 5 years now, House Republicans have ignored their oversight responsibilities of the Bush administration. Are we now supposed to believe that House Republicans will conduct an investigation that will not only determine what exactly went wrong but also how we can prevent such a slow response from ever happening again?

The New York Times said that Washington is faking a Katrina inquiry. The paper determined that a government dominated by one party should be disqualified from investigating itself. Democrats here in the House strongly agree.

We simply will not be a part of a sham investigation. The American people want real answers, not a cover-up. An overwhelming 87 percent of Americans are demanding an independent commission similar to the 9/11 Commission.

MEDICARE D

(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 in praise of a new Medicare part D prescription drug benefit that is available to all seniors beginning January 1, 2006.

This week, the Centers for Medicare and Medicaid released information on organizations offering prescription drug plans in each of our 50 States, and the opportunity for sign-up begins November 15.

This announcement holds great news for seniors across America. In every State, seniors will have a choice among plan providers. In my home State of Georgia, for example, seniors will be able to choose from 18 different plans, ensuring they can find one that best suits their individual needs.

Mr. Speaker, there is more good news for our seniors. Not only will they be eligible for prescription drug coverage from a range of organizations, but they will receive this benefit for less money than previously expected, in some cases, for a premium as low as $20 a month. This is the power of competition, and our seniors will benefit from it. We do not need government price controls. The free market works.

Mr. Speaker, for years, our seniors have struggled with the rising cost of prescription drugs, in some cases going without medicine they need to stay healthy. With Medicare part D, seniors will be able to reap the benefits of preventive care and live longer, healthier lives.

RECOVERY FROM HURRICANES

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask my colleagues this morning to begin to look at the recovery of Hurricane Katrina, and support thereof to include Hurricane Rita. Just spending 4 days in the region, a number of them at the Transtar Hurricane Emergency Center day and night, I can tell my colleagues that the frustration that is reflected in the Houston Chronicle, FEMA faulted yet again, and of course, that in The Washington Post, evacuees urged to stay away, is only a limited story of what we have faced in that region.

Going into the region directly hit just yesterday, I can tell my colleagues, as the local officials wanted me to say, there is no food, there is no water, there is no ice. They need help—they need leadership from the Federal Government. There are trucks parked on hotel parking lots that cannot be opened to share food because the military has not yet been directed to arrive to unload the trucks.

This is not a finger pointed in the direction of local officials. It is a finger pointed with a singular question: Who is in charge? When you are ordered to evacuate and there is no order, who is in charge?

An independent inquiry, a widespread understanding of how we can secure the homeland is absolutely imperative.

OPERATION OFFSET

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

Mr. PENCE. Mr. Speaker, Katrina breaks my heart. When I consider the tragic aftermath of this extraordinary storm, now 1 month hence, I cannot help but think of that person in the Bible who speaks of how the rains came down, the winds blew and beat against the house, the floodwaters rose, and the house fell with a great crash.

Congress is now involved in a critical debate about relief and rebuilding and how we will pay for what could be hundreds of billions of dollars in recovery and reconstruction of the gulf coast.

Last week, House conservatives offered their own plan, a series of budget

cuts simply known as Operation Offset. It contained many good ideas, and it seems to have engendered, Mr. Speaker, an important debate here in Washington, DC, and all around the country.

It seems that Members of Congress know and the American people know that raising taxes or raising the national debt is no way for this national government to respond to the extraordinary costs of Katrina. We must ensure that a catastrophe of nature does not become a catastrophe of debt for our children and grandchildren through introducing tough budget cuts like Operation Offset.

□ 1030

CALLING FOR EXTENSION OF MILC PROGRAM

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

Mr. OBEY. Mr. Speaker, last year in the conference on the disaster supplemental, Senate conferees passed a provision extending the MILC program for 2 years, and the gentleman from Pennsylvania (Mr. SHERWOOD) and I had lined up enough votes on the House side to accept that amendment. To prevent that from happening, the Republican chairman of the conference gaveled the meeting to a close, and we never met again on the subject. Despite the fact that the President had said in my hometown on that same day that he favored the extension of the MILC program, when my office called the White House asking him to intervene in order to get that conference reopened so that the MILC program could be extended, the White House declined.

That program is now scheduled to expire at the end of this week. If that happens, we will have lost an important safety net for Wisconsin's family dairy farmers. I urge the House agriculture authorizing committee to immediately report out to this floor an action extending the MILC program so that we do not lose that vital program, and I urge the Republican leadership of the House to see to it that the committee does just that.

CALLING FOR INDEPENDENT COMMISSION REGARDING HURRICANE KATRINA

(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, I watched the testimony of former FEMA Director Michael Brown yesterday. By any measure, it was a shameful and disgraceful performance. More disgraceful is the revelation that after being appointed to a position for which he was completely unqualified, after doing a horrific disservice to his fellow citizens in Louisiana and Mississippi, after embarrassing our country in the eyes of the world, he is still on the payroll of FEMA.

But after hearing Michael Brown's hearing yesterday, the need for an independent commission is even more glaringly obvious. The American people are demanding it. And why are they demanding it? Because we have seen that the Department of Homeland Security is fundamentally flawed. It is not working, and we need to know why and we need to know what to do to fix it. Just the scale of the disaster alone, it is important to never repeat that again in our country. The amount of money alone justifies that we do an independent investigation. $200 billion of our taxpayers' money is going down South, and we have no idea what it is being used for or how it is being spent. And the issue of cronyism needs to be explored. Eighty percent of the contracts for Katrina and Rita are nonbid contracts for no reason. Let us not be shamed as we were to the 9/11 Commission. Let us make this independent commission a reality now.

FINDING A WAY TO PAY FOR HURRICANE DAMAGE

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

Mr. BISHOP of New York. Mr. Speaker, yesterday the chairman of the Council of Economic Advisers, Ben Bernanke said: ''Every effort needs to be made to try and offset the cost of Katrina and Rita by reductions in other government programs.'' He suggested following through with eliminating or severely cutting 154 health care, education, and infrastructure priorities as proposed in the President's budget in order to meet his goal of cutting the deficit in half in 5 years.

What would these cuts entail? A $4.3 billion cut from the Education Department's budget and $2 billion from the Health and Human Services budget, just to name a few.

But what did Mr. Bernanke not suggest might help this President reach his deficit reduction goals? Any hint of rolling back tax cuts for the wealthiest Americans who earn over $400,000 or scaling back the estate tax cut which has no impact on 98 percent of American families?

Mr. Speaker, it is imperative that we find ways to pay for the hurricane damage, but we cannot afford to hold sacred the tax cuts for the wealthiest Americans at the expense of the values, priorities, or needs of middle-class Americans. They deserve better.

MOTION TO GO TO CONFERENCE ON H.R. 2360, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

Mr. ROGERS of Kentucky. Mr. Speaker, pursuant to clause 1 of rule XXII, and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Kentucky (Mr. ROGERS).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

MOTION TO INSTRUCT HOUSE CONFEREES H.R. 2360, FY2006 HOMELAND SECURITY APPROPRIATIONS BILL OFFERED BY MR. SABO

Mr. Sabo moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2360, be instructed to insist on the headings and appropriation accounts in Title III of the House-passed bill.

The SPEAKER pro tempore. Under rule XXII, the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

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

Mr. Speaker, Hurricane Katrina shined a bright spotlight on troubling gaps in our Nation's homeland security. We all saw what it means to be unprepared: people die and suffer needlessly.

Americans are patiently waiting for competence and accountability from the Congress and the President. Our capacity to deal with catastrophe may actually have gotten worse since the Department of Homeland Security was created in 2003. The people demand that we fix what is broken.

Last week, Secretary Chertoff told me about his vision for improving national preparedness and response. What he said scares the living daylights out of me. In the Department's sixth reorganization plan in 2½ years, the Secretary proposes to sever the last ties between Federal disaster preparedness and response. He unveiled this proposal in July, before Katrina; and he is still determined to implement it on October 1.

With all due respect, the Secretary is dead wrong about what is most needed at the Federal level to coordinate and lead local, State, and Federal agencies in preparing for and responding to a major disaster, whether it is natural or man-made. If we have learned one thing in the past month, it should be that disaster preparedness and response must go hand in hand. Not long ago, FEMA did that well. The agency was robust, proactive and proved how good planning and coordination are critical to effective response. Congress should demand a pause before Secretary Chertoff implements more organizational changes that will further

weaken FEMA. It is the first step toward fixing our broken emergency management system.

This motion to instruct would do just that. It directs conferees to insist that the preparedness title of the conference agreement be in the same form as the House bill. The effect is to put a hold on the Secretary's reorganization plan for preparedness. Let me add that it lets other parts of his reorganization proceed. If he wants to take the air marshals from ICE and put them back in TSA where they were originally, fine. But this puts a hold on his preparedness plans.

The House should take this stand. Otherwise, DHS will simply shuffle organizational boxes again instead of tackling head-on the problems that Hurricane Katrina laid bare. At the very least, we should take time to think through the Department's preparedness plans in light of Katrina. We need to analyze what went wrong so we know how to fix things before the next catastrophe. It should be clear to everyone that we have not yet learned those hard lessons.

I see two keys to addressing the problems that Hurricane Katrina exposed: first, we need a unified, Federal ''all-hazards'' emergency management agency. It must have the stature, the resources and the clout to lead, coordinate, and demand the very best of local and State governments and other Federal agencies in planning for and responding to major disasters. Equally important, the President needs to appoint and empower well-qualified and respected emergency management professionals to lead this agency. There is no substitute for competent and accountable leadership.

Mr. Speaker, before FEMA was merged with DHS, it was a robust and experienced FEMA. We can rebuild it. We still have the blueprints. If you want to take us another step in weakening FEMA, vote ''no'' on this motion to instruct. If you think we should maybe take some time to think, then vote ''yes,'' because it is the right thing to do.

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

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

Mr. Speaker, I think the real question here is, if you are happy with the way the planning went to prepare for Katrina, vote for this motion to instruct conferees. But if you think that we can plan better for disasters in this country, including hurricanes like Katrina, then reject this motion and allow the Department, the government to bring together all of the agencies that might be involved in planning for a disaster into the same room. Not just FEMA. Bring the Coast Guard, bring the military, bring the border patrol, bring the Secret Service.

Bring all of the agencies that deal with disasters or have a part of that into the same place, the same directorate, if you will, in the Department of Homeland Security so that we can properly plan and bring the resources to bear of the government in a timely way, at the outset, by properly preparing. FEMA is a FEMA-centric organization. It stays within its boundary and does a good job basically in responding, but not planning, not preparedness.

The gentleman from Minnesota says early on in his statement, Katrina shined a bright spotlight on troubling gaps in our ability to deal with catastrophes. I could not agree more. That is why I think we need to allow the government to create a directorate for preparedness that is the broadest in its scope it can be, encompassing all of the agencies of the government, not just FEMA.

The gentleman from Minnesota also said in his opening remarks, people demand that we fix what is broken. I agree with that as well. Ironically, however, his motion to instruct conferees would prevent our capability of being able to fix what is broken. To fix what is broken, which is preparedness, we need to be able to build a much broader-scoped organization, looking just at preparedness for these disasters. A single preparedness directorate will be able to work not just with the Federal agencies but State and local governments as well to build a comprehensive preparedness strategy, focused not just on terrorist activities but certainly an all-hazards strategy.

Consolidating all preparedness functions will assist the Department in successfully deploying this strategy throughout all levels of government where it is needed the most.

The responsibility for preparedness exists in various agencies and levels of the government outside of FEMA. For example, the Coast Guard is not a part of FEMA. Do you want to prevent the Coast Guard from being able to help plan for rescuing people in case of a flood or disaster like Katrina?

□ 1045

I do not want to exclude the Coast Guard from that process. Do Members want to exclude the military and the National Guard from that process? This motion would keep things just as it is. I am not happy with things just as they are. Hurricane Katrina proved that it is not getting the job done.

Do Members want to exclude the Corps of Engineers? They are not a part of the FEMA, they are part of the Army. Do Members want to prevent the Coast Guard, the National Guard, the military and all other agencies from helping plan to prepare for these disasters? I want them included, not excluded. Creating a directorate in the Department whose sole focus is preparedness will bring together all of these agencies and build a preparedness capability in DHS that does not currently exist.

Also, keep in mind that FEMA will continue to be responsible for their portion of preparedness planning within this much-larger construct. They will continue to administer the Emergency Management Institute, which serves as the national focal point for the development and delivery of emergency management training and enhances the capabilities of Federal, State and local governments in order to minimize the impact of disasters. They will still be involved, deeply, in preparedness planning. But I think we need to add these other agencies into the mix so we know from the outset, from the git-go who is going to do what, when, where and why. What is wrong with that?

The bottom line is that this reorganization will allow for better coordination among the various preparedness components within the much larger Department of Homeland Security and encourage learning and building off of each other. If FEMA were to be solely responsible for preparedness, the result will be a FEMA-centric approach, just within the small world of FEMA. DHS must develop a broader, all-hazards focus when it comes to preparedness, one that includes natural disasters and terrorist incidents.

We know that somewhere in response to Hurricane Katrina, the system broke. To vote for this motion will perpetuate the status quo. If Members like things just as they are, then vote for the Sabo motion. But if Members want a much broader context of preparing for these disasters with all of the agencies of the government that could be involved in disaster relief and planning, if Members want all of them involved, then reject this motion and let the Department reorganize the preparedness part of getting ready for these terrible storms using all of the assets of the government, not just a small part.

I urge Members to reject this motion and to allow the conferees to go about the business of conferring with the other body and bringing back a bill responsibly to this body.

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

Mr. SABO. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would hope that Congress would not repeat the mistakes that it has already made with respect to the Department of Homeland Security and FEMA. We all remember what happened after 9/11. The Congress, in knee-jerk fashion, passed the proposal to create a new Department of Homeland Security, a gargantuan agency. Up until that time there were 133 agencies that had something to do with homeland security.

So what happened is that the Congress and the White House, in its infinite wisdom, took 22 of those 133 agencies, lumped them together in a huge bureaucracy. They did not include the FBI, they did not include the CIA, the two agencies most connected with dealing with terrorism. They took 22 agencies, lumped them together in a huge

bureaucracy, set up many layers of bureaucracy within that organization, and dumped FEMA into that organization.

Up until that time, FEMA had been one of the stars of the previous administration under James Lee Witt when, for a change, that agency had been professionalized and depoliticized. But now what has happened is that since FEMA has been buried in homeland security, we have seen six separate reorganization plans for the Department of Homeland Security. We have had a number of directors, and now we have Mr. Chertoff sending us a letter raising two points that I find almost laughable.

In his letter opposing this motion, Mr. Chertoff says that his proposal was formed after intensive consultations with preparedness professionals. The problem is we do not know who those professionals were and what they recommended because it all happened behind closed doors. It was an inside job. People who thought they knew better than anybody else got together with a proposed plan. I think that plan needs to have some critiquing from the outside, from professional people, before it goes into effect.

Secondly, Mr. Chertoff says in his letter, ''No structural changes were made to FEMA prior to Hurricane Katrina.'' Does he not consider dumping FEMA into a huge bureaucracy where there are many layers that you have to go through before you can reach the President's phone, does he not think that is a major reorganization? Does he not think that taking away the grant program from FEMA is a major reorganization? He may not think so; I think they are.

What I would simply suggest is that instead of, in a knee-jerk fashion, approving the reorganization plans of the gang that has demonstrated they cannot shoot straight, instead what we ought to do is get Chertoff down here in hearings before the committee. We ought to have Chertoff testify about his view about what happened, why we had the failures, what happened within FEMA, what are the faults within the agency, and let us have a detailed discussion of the problem. I would submit while I am sure this subcommittee can do a reasonable job of that, I think the country would feel far better off if we had an independent commission looking at the entire problem.

The distinguished subcommittee chairman says if Members like the status quo, then vote for the Sabo motion. Quite the contrary. The purpose of the Sabo motion is to make certain that the people who are the status quo on this issue have somebody else looking over their shoulders before they make yet another unaccountable decision. This is too important to leave to the people who screwed it up the first time.

Before we buy any more reorganizations on this level, we ought to bring those people down here, talk to them nose to nose. Mr. Brown was the President's appointment to FEMA. Mr. Brown testified yesterday that he inherited a robust organization when he was appointed FEMA director and that the Department of Homeland Security had stripped the agency of authority, positions, and dollars.

We ought to bring them both down here, facing each other face to face, so they can have it out on the outside—not behind closed doors, but on the outside so we can get to the bottom of what the problem is. For Congress to just, in a knee-jerk fashion, pass whatever reorganization program the Homeland Security director sends down to us is patently irresponsible. It is once again neglecting our oversight duties. The problem is we do not pay the price when a mistake is made, the public does, and the best way to avoid that is to pass the Sabo motion.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. LATHAM), a very hard-working member of the subcommittee.

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

Mr. Speaker, let me just say, if Members like the response to Hurricane Katrina and Rita, they are going to love this motion to instruct.

The plan that is being proposed was thought of long before the hurricanes struck. It is a plan that recognizes exactly the problems that we have seen in our response to the hurricanes: The fact that there is not a coordinated plan, a preparation in place to respond to these types of disasters, whether they be man-made or natural disasters. This plan was thought out, and again, I want to emphasize before this disaster struck, and it recognizes the problems that we have in the bureaucracy.

I think we should also remember that this is a motion to instruct conferees on the Committee on Appropriations, and Members are totally avoiding the authorizing committee of jurisdiction. There will be hearings. The Secretary will be brought before the committee to discuss this plan, to finally air out the differences.

The gentleman is quite right in that sometimes we move in haste around here, such as to respond to 9/11. There is a big debate about FEMA being in Homeland Security. That was one of the recommendations of the 9/11 Commission, to basically dilute FEMA by putting it in an agency like that. That is why we have a committee of jurisdiction, the authorizers. This is not the way to do business around here. To just have a somewhat knee-jerk reaction to make a political point is not what we should be doing in this Congress.

We need to represent the people. We need to represent the idea that we have to be prepared. We have seen by these disasters that what the Secretary is proposing is exactly right, that we need to have coordination between different agencies in this government to prepare. FEMA is an agency to respond to disasters. To have an agency to prepare that can actually talk to everyone involved in the preparation or should be involved is right.

I also want to make a point that currently the Secretary has jurisdiction to make these changes, or has the authority under current law. So no matter what this motion to instruct says, the Secretary can go forward. But this idea of trying to make some kind of a political point and beating up on someone who is trying to put forth a plan to prepare this Nation for man-made or natural disasters is simply wrong.

Mr. Speaker, I would again simply say if Members liked the response we had to these natural disasters, they will love this motion to instruct.

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

Mr. Speaker, let me quickly respond to my friend from Iowa. FEMA, we have spent the last year dismantling FEMA. What was FEMA? FEMA was not an operational agency, it was a coordinating agency. I do not understand all of this talk I am hearing today.

It was working with State and local communities and making plans. It was to work with a wide variety of Federal agencies that go way beyond those that are included in the Department of Homeland Security. It existed with cabinet-level status. If the director of FEMA called a department head and they knew that the director of FEMA had the President's ear, they listened.

Today I do not know that. Somebody that is three levels down in a new department that is floundering, is not working, calls some other agency and there is a slow response, surprise.

Mr. Speaker, we had a system, we should have built on it. Instead, we destroyed it. We are saying okay, let us have Congress look at it a little bit. Mr. Chertoff is going to implement this on October 1.

□ 1100

There have been hearings in Congress, three. Four questions on FEMA; one on preparedness. And that was it. That is Congress' involvement in looking at the major restructuring of this program. Any outside witnesses? No.

It is about time we do our work. Before we let somebody who has not done anything in his new office except draw a plan for restructuring have unbridled authority to do it, let us have Congress do some work.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time and for a very impassioned statement. Rarely have I seen my colleague so intense on something as he has been here, which shows the depth of his conviction and the seriousness of this issue.

Mr. Speaker, 20 years ago there was another reorganization plan for FEMA proposed by the Reagan administration. It would have drastically altered

the way FEMA conducts its business. It would have dramatically reduced the Federal share of covering the cost of disaster assistance. It elicited an outpouring of anger and animosity from local preparedness agencies and from Members of Congress.

I chaired the investigations and Oversight Subcommittee of our Committee on Public Works and Transportation at the time. My colleague from Pennsylvania, Bill Clinger, the ranking Republican, and I launched a series of hearings on those proposals. Principal among the opponents of the plan was another Republican Member from Pennsylvania, Tom Ridge, who vigorously opposed the administration's plan. Together, we developed legislation to correct the administration's proposal, reshape FEMA, and insert in its mission preparedness.

That has been a constant. That has been a fundamental role of FEMA. And as the gentleman from Minnesota said, to coordinate, we envisioned that 20 years ago.

This is the national response plan developed in December of 2004. In its mission statement by then-Congressman Tom Ridge, the mission states: ''The approach is unique and far reaching. It eliminates critical seams, ties together a complete spectrum of incident management activities to include the prevention of, preparedness for, response to, and recovery from terrorism, natural disasters, and other major emergencies.'' This is the Secretary, who, as a Member of Congress, understood the important role of FEMA in coordinating, in preparing for, responding to disasters.

The motion of the gentleman from Minnesota would require FEMA and the Department to link disaster preparedness and response. The Chertoff plan would sever what is a vital link between disaster preparedness and response. It would move disaster preparedness out of FEMA. It would strip FEMA of that responsibility and leave it only with the ability to respond.

That is not what local agencies want. That is not what they need in the gulf States, out on the west coast when there is an earthquake, in the Midwest when there are tornadoes. I will not say blizzards because we do pretty well handling blizzards in the upper Midwest. But to cut this critical linkage between preparedness and response is madness, in my view, from having had a very long experience, well over 20 years, looking over this critical agency, which I said, when we created the Department of Homeland Security, do not put FEMA in it.

All they need is a link to Homeland Security to be a part of the team in response to whatever, weapons of mass destruction or other terrorist actions; but leave FEMA in its role to provide funding for predisaster mitigation, for preparedness, for coordination, and for response to disasters. That is its role, and that is the role that would be restored, protected, enhanced by the motion of the gentleman from Minnesota.

We saw that tragedy of failure to coordinate, failure to prepare. The lessons of September 11 simply were not learned and applied in advance of Hurricane Katrina. On September 11 we knew that there were failures of communication between fire and police, among police units, among fire departments; and it was a recommendation of the September 11 Commission that FEMA reorganize itself and fix those problems of communication so that we have an interoperability of communication systems among all the responders. We take this plan that Secretary Chertoff is going to go forward with and we will disintegrate that recommendation for interoperability, coordination, and preparedness and effective response.

When I opposed the inclusion of FEMA in the Department of Homeland Security, I said imagine the situation the Department of Homeland Security has created. The floodwaters are rising up to the eaves of our house, we are sitting on the rooftop with a cell phone and a white handkerchief calling for FEMA's help, and we get an answer that they are out looking for terrorists. How many people have the Members seen sitting on the rooftops of their homes in the tragedy of Katrina?

I said that in July, 2002. I said it on this floor on July 25, 2002. Do not put FEMA in this Department. Do not emasculate this agency. Five hundred people have been transferred out of this agency, $250 million cut from its budget; and the result was evident on our screens, television screens, all across America. Do not make that mistake again. Support the motion of the gentleman from Minnesota.

Mr. Speaker, I rise in support of the motion to instruct conferees to H.R. 2360, the Department of Homeland Security Appropriations bill, to stop DHS from implementing one element of its pending reorganization plan because it will further weaken Federal Emergency Management Agency preparedness programs.

The Administration's proposal is the sixth reorganization of DHS in two and a half years. This summer, as part of his new reorganization plan of the Department of Homeland Security (DHS), Secretary Chertoff proposed a new Preparedness Directorate—further stripping FEMA of duties and resources and severing the critical linkage between disaster preparedness and response.

This plan was proposed by Secretary Chertoff before Hurricane Katrina struck and yet, in light of all of the problems, questions, and concerns with FEMA's and DHS' preparation for and response to Hurricane Katrina, the Administration seems determined to go forward with the plan, disregarding any lesson that can be learned from the Katrina response.

In his request, Secretary Chertoff ignores FEMA's critical ''all-hazards'' approach to preparedness and response. He states: ''. . . Federal preparedness efforts need to be targeted toward addressing gaps in our terrorism and homeland security capabilities.''

I have long believed that Federal preparedness must also address the critical gaps in our natural disaster preparedness capabilities. Hurricane Katrina tragically illustrated those critical gaps.

Since the creation of the DHS, FEMA has been systematically weakened, programs and personnel transferred from one Directorate to another. This new plan would take away two more preparedness programs from FEMA—shifting them to the new Preparedness Directorate.

It is critical that disaster preparedness and response be linked. Secretary Chertoff's plan calls for severing the vital link between disaster preparedness and response—moving disaster preparedness out of FEMA and leaving FEMA with only disaster response.

This would be a mistake. The first responder community has told us that disaster preparedness and response go hand-in-hand. By joint planning and training, we best learn how to respond in a real crisis. Our response in a disaster is based on all of the preparedness that has been done in advance.

Finally, this is not the time to be further weakening FEMA—we must take the time to learn from the mistakes of the response to Katrina.

I urge my colleagues to support the motion to instruct conferees.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the proposal to create within the Department a directorate dealing just with preparedness and bringing into that agency all of the other agencies of the government, Federal, State, and local, to help plan so that we will not have another Katrina episode makes altogether good sense. This was not developed overnight, the idea. In fact, it has been studied by the Secretary and the Department for many months.

I want to quote briefly from a letter that I received just this morning from the Department, from Secretary Chertoff, which says as follows: ''Our proposal was formed after intensive consultations with preparedness professionals, first responders, law enforcement officials, the former leadership of'' the Department, ''and State and local stakeholders.'' All of these people were involved in the construction of this idea of creating a massive government-wide directorate for preparedness planning.

''Our objective is to create a stronger capability to do preparedness planning across the full spectrum of all hazards, both natural disasters and terrorist attacks.''

Continuing to read: ''Critically, no structural changes were made to FEMA prior to Hurricane Katrina.'' Katrina was under the old scheme. ''Going forward, our plan will significantly strengthen the planning and preparedness actions of FEMA and the entire Department by ensuring that a dedicated team will focus on these actions on a full-time, urgent basis. Our preparedness directorate,'' the Secretary says, ''will integrate and leverage the capabilities of FEMA with those of Coast Guard; TSA,'' Transportation Security Administration; the customs agents, both on the border and internal, ''and Secret Service,'' among others.

''FEMA is and should be a surge organization.'' We have forgotten that.

FEMA develops with the surges of the moment. ''When incidents occur, every asset of the organization and its entire leadership team surges into the incident. ''Our proposal,'' the Secretary says, ''for a preparedness organization supports FEMA's capacity to surge while maintaining a systematic planning and exercise regime in support of FEMA's mission and that of other DHS components. The directorate will aggressively support FEMA's training and exercising needs.''

Continuing to read from the Secretary's letter: ''It aligns our grant-making programs and our crucial training and exercising work in support of the Department's all-hazards mission. The directorate will include increased focus on issues broader than FEMA, including infrastructure protection, cybersecurity, and a new chief medical officer.'' Those are not considered today in the present FEMA. We have got to take a look at the broader picture. So those are the comments of the Secretary.

Now, who supports the Secretary in bringing a broader perspective to preparedness planning? Groups like the International Association of Fire Chiefs. If there is a first responder organization that typifies what they do, it is the fire departments and the fire chiefs, the people who know best about preparing for disasters. They say this is a critical change that is necessary, and I am quoting from their letter to that effect: ''This preparedness directorate must be a new function and must be separate and distinct from operational functions, although it must coordinate with those operational functions.''

Quoting further from the International Association of Fire Chiefs: ''Currently, the U.S. Fire Administration is located within the Emergency Preparedness and Response directorate. Unfortunately, the preparedness functions of the USFA are diminished because EP&R is frequently focused on the operational response to disasters.'' That makes sense.

They go on to say: ''It is critical that fire chiefs or other senior fire service leaders be included in this directorate, along with other State, local, and tribal first responders, so that they may provide essential perspective in the creation of policy for DHS and not only in the review or enactment of policy.'' This puts the fire chiefs in the middle of the planning process, not at the other end. They are not being told what to do. They are being asked what to do with this proposal.

If Members vote for the Sabo motion, they are saying to the fire chiefs, We do not care about you. We will tell you what to do. We do not want you to tell us how we should do it before we do it.

We want to bring them into the planning process, not tell them what to do at the end of the process.

In bringing about this directorate, the Department of the Secretary over months went out and talked to all sorts of people and organizations. I will give some examples, and I have got three pages here of the listing of some of the people they have talked to.

Lee Baca, the Sheriff of L.A. County; Matt Bettenhausen, director of the California Office of Homeland Security; Roger Vanderpool, director, Arizona Department of Public Safety; Art Faulkner, liaison for assistant director for Emergency Preparedness and Response, Alabama Department of Homeland Security; Jim Timmony, police chief, City of Miami; Mike Sherberger, director of the Office of Homeland Security, Georgia; Illinois, Jonathan Schachter, City of Chicago; Art Cleaves, director of Maine Emergency Management; John Cohen, Massachusetts Homeland Security;

□ 1115

Also Colonel Tom Robbins, Massachusetts State Police; Sid Casperson, the Director of the New Jersey Office of Counterterrorism; Jim McMahon, Director of New York State Office of Homeland Security; Brian Beatty, Secretary of Public Safety in North Carolina; Doug Friez in North Dakota; Ken Morckel, Director of Public Safety for Ohio; people from Pennsylvania, Texas and Virginia; the Federal Order of Police; the International Associations of Chiefs of Police; and I could go on.

So, here is a list, a brief list, of some of the people contacted by the Department as they came up with this idea to consolidate preparedness planning in a single place, encompassing all of the agencies of the Federal, State and local governments, people like the fire chiefs and chiefs of police.

From the Major Cities Chiefs Association, a letter saying ''law enforcement across the Nation supports the President's position that the best way to prepare for a terrorist attack is to stop it from happening. We feel that the Department should unify the components that share this common mission. At present, the Prevention and Protection Grants plans and intelligence are each in separate agencies. Long overdue, the Nation would be well served by DHS directorate committed solely to protecting the American people. For the first time, the chiefs of police say, ''local law enforcement could work with a single DHS directorate focused on our common goal to protect the American people from another terrorist attack.''

Chiefs of police, fire chiefs, first responders, State and local directors of homeland security all say the same thing: We have got to consolidate and bring in one place the preparedness planning practice within Homeland.

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

Mr. Speaker, it amazes me that Secretary Chertoff thinks there has been no structural change to FEMA. I think everyone in the world knows there has been a structural change to FEMA. It was an independent, free-standing agency; now it is a weak part of a weak department. Where are the records of all these people that the Secretary has talked to? Maybe Congress, before we approve some fundamental restructuring, should hear from one, two, three, maybe five outside witnesses, maybe from some who ran FEMA when it was a good functioning agency even.

There has been no outside testimony that I know of. There was not in our committee. There was not in the authorizing committee that I know of. Maybe there was someplace. But let us have some people come and testify to us so we can ask questions. That has not happened.

Mr. Speaker, I yield 4 minutes to my friend, the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, I rise today in favor of the motion to instruct conferees to reject Secretary Chertoff's plan to further weaken and gut FEMA.

I and many of my colleagues have been raising these concerns about the systematic deconstruction of FEMA and about reduced funding for our first responders for many years now. Current and former FEMA officials told me months ago that FEMA had become a hollowed-out agency and that it was one major disaster short of collapse. Unfortunately, Katrina was the disaster that substantiated that claim.

We should not be satisfied in laying the blame solely on the former FEMA director. Two years ago, FEMA put out a warning that two-thirds of our fire departments operate with staffing levels that do not meet the minimum safe levels required by OSHA and the National Fire Protection Association. What was the administration's response to that? It proposed zeroing out the SAFER hiring program for firefighters and proposed massive cuts to fire equipment grants. FEMA officials had publicly called these grants one of the ''best bangs for the buck the taxpayer gets.''

Overall, we are providing less funding for our first responders now through FEMA and the Department of Justice than we did prior to 9/11. When I asked Secretary Ridge 2 years ago why this administration was cutting funding for police and other first responders, his response was that supporting local law enforcement was not the Federal Government's responsibility, no matter that they were the linchpin in all of the Department of Homeland Security's planning.

Time and again, we have also warned of the dangers of moving away from an ''all-hazards'' approach to preparedness and response, to a terrorism-only approach.

FEMA used to be one of the leanest and most effective agencies in the Federal Government. But then its cabinet level position was taken away by the Bush administration. It was buried under tons of homeland security bureaucracy. Its top posts were stripped

of experts and filled with campaign workers and friends of people in power. Some of its best programs were taken away and stuffed into other offices in Homeland Security.

As former Director Mike Brown testified yesterday, FEMA was deprioritized in Homeland Security and lost its political power, access and funding. Its failure after Katrina was the result of a series of decisions to under-fund key agency functions, to cut key personnel, and to de-emphasize preparation for natural disasters. That failure had dire consequences.

I am not saying this to play the political blame game. I am saying it because we have to understand that this was the consequence of years of neglect of FEMA and of our first responders by this administration and this Congress. We need to understand this so we do not repeat these same mistakes.

Instead of learning from the mistakes of FEMA, the Department of Homeland Security appears intent on plowing ahead with plans to further bury FEMA in the departmental bureaucracy and now to strip it of its planning and preparedness responsibility. Republican leaders of this House seem inclined to go along with that. But our vote today will show whether politics and partisanship will trump sound policy.

Mr. Speaker, we exist as an institution to do more than just stay in power. We ought to do what is right for the American people. Further dismantling and burying FEMA is wrong. Further cutting funding and support for our first responders is wrong.

When we make decisions that are based on a refusal to admit a mistake, rather than a determination to learn from our mistakes, Americans suffer and we lose some of our greatness. So I ask my colleagues to support this motion to instruct.

Things are bad enough. Let us not make them worse.

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

Mr. SABO. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. HASTINGS), the ranking member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, the gentleman from Minnesota (Mr. SABO) began this discussion by saying we need smart, experienced and independent people to take a hard look at the problems Katrina exposed and identify solutions before we move organizational boxes again. I cannot agree more. This motion to instruct is timely, and I urge Members to support it.

The truth of the matter is, what Congress needs to do is what we were taught as children, and that is to count to 10 and take a deep breath when there is a problem.

Listen, we are not playing pin the tail on the elephant or the donkey. We are dealing with tragic consequences of our fellow Americans. Before shuffling boxes, we need a clear, unambiguous plan for disaster preparedness, not something prepared in a back room.

We are 4 years out from 9/11, and obviously are woefully unprepared for disaster. The majority is going forward with a 5-month, $500,000 investigation into what went wrong in Katrina, and that should complement an independent investigation into what went right and what went wrong.

How do we do what the gentleman from Kentucky (Mr. ROGERS) says? How do you integrate the military, how do you integrate the faith-based institutions, how do you integrate the volunteers? Where is the national registry for physicians?

We have not settled the issues from last year's storms and we continue to use the term ''Katrina,'' but there was an Ophelia and there is a Rita, and America's problems are continuing. Pass this motion to instruct.

Mr. SABO. I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am on the authorizing committee of the Committee on Homeland Security of this Congress, but I am also someone who has just recently returned from the area of Rita, and I hope that our vernacular will now be Hurricane Katrina and Hurricane Rita.

Mr. Speaker, I rise to support this motion to instruct. I respect my colleagues on the other side of the aisle and I would hope that we would break the firewall of partisanship and establish a bipartisan but a forward-thinking mode to deal with the haplessness and helplessness of Americans.

Many Americans will face tragedy in their life, either by fire, volcano, earthquake, inland flooding or what we experienced, the devastation of Hurricane Katrina and Hurricane Rita. So the question is not to accept what Secretary Chertoff has offered, a man who may be in many ways qualified, but himself having no experience in understanding how to address the devastation of an ongoing hurricane.

The reason I know this is because I was on the ground yesterday in the damaged areas, listening to local officials, hearing their pain, crying out for the simplest of items. ''Where are my generators? Where is my ice? Where is my water? Where are the airplanes to take my evacuees who are bedridden and nursing home patients out of this region?'' And the only answer they had was deadening silence, or the silence of generators sitting in buildings because there was no one to give a single order.

That is what is the problem, there is no one in charge, and moving boxes, Secretary Chertoff, is not the answer.

Support this motion to instruct, so that we can address the lives that are lost and those who are surviving in Hurricane Katrina and Hurricane Rita. We are sick and tired of being sick and tired of being ignored.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would admonish Members to address their remarks to the Chair, and not to others in the second person.

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

Mr. Speaker, on this motion, there is lots of rhetoric here, but we are simply saying, let us take the time to think. Shortly after the flood with Katrina, somebody asked me what I thought we should do. I said we should do something unusual in this place, take the time to think before we jump to a conclusion.

Here we have plans by an agency developed some time ago that we really have not looked at in Congress. Maybe everything that the Secretary says is true. Maybe I am wrong and he is right; we should not have an enhanced FEMA, we should have a weakened FEMA. But let us look at it before we rush to say to do it.

I do not think you can separate preparedness from people with the responsibility to carry it through. Henry Ford once said he did not want a ''planned society,'' but he wanted a ''planning society.'' The two are very fundamentally different. One is that you have a process of thinking what you are going to do, and I think ultimately it has to be tied in to those folks who were involved in implementing whatever plans you are developing, which are constantly evolving.

Here we come with somebody who, it may look good to a lawyer who likes a good, concise brief, but has not been involved in the day-to-day responding to emergencies.

□ 1130

The people I hear him talk to who respond to emergencies tell me that it is just a very fundamental mistake to separate preparedness from the people who implement those preparedness plans.

So, Mr. Speaker, if you want us to take a pause, think before we act, to think before we let the Department act, vote ''yes'' on the Sabo motion if we think there is a better chance we might do it right in the end.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, when Secretary Chertoff became the Secretary of the new Department, he declared sort of a moratorium; and he went off with his staff, and they began to discuss and think and plan about how to improve the Department's capability to respond and prevent attacks either by nature or by man; homeland security.

And one of the biggest things they found was that in the different Departments of the government, there were agencies that had something to do with responding to an emergency and being prepared for that, but separate and apart from each other.

For example, the Coast Guard had their own preparedness group that

plans what they should do in an emergency. Of course, States have their own plans, as they should. And local officials, mayors and the like, have their own plans for response and preparedness. The military has obviously planned for disasters. They have been prepared. And, of course, the National Guard, the same way. The Corps of Engineers have their own unit that deals with preparedness for disasters, and we could go on. All across this government there are agencies within all of these, or many of these Departments that are preparing for disasters.

The Secretary said we need an agency within Homeland Security where all of these groups can come together under one roof and participate and plan as one unit, not just the agencies of the Federal Government, but States and localities as well. He went out, his people went out and they talked to hundreds, literally hundreds of directors of State homeland security groups, of fire chiefs and police and the first responders all over the country, and there came back from all of those people the unanimous idea: we need a single place where we can all go, and know to go, both to plan and to inquire.

So that now, in this plan that the Secretary has, the police and the firemen and the State emergency directors, as well as the Federal agencies, all of them from the Coast Guard to the Secret Service, all can come together in one place and do nothing but planning. They are not concerned about doing the operational part of responding to an emergency, that is FEMA and the various agencies. But for the planning purposes, they want to be together.

So the Secretary says, okay, that is the way it shall be. And in his reorganization plan, he agreed with all of the police chiefs and the fire chiefs, the State planning directors, the emergency planners in each State, the homeland security people in the States, and mayors, he agreed with them and gave them what they wanted: a single place.

Let us not have another Katrina. Let us work together so that we each know what we are supposed to do in the event that a disaster occurs.

So I urge my colleagues to reject this motion to instruct conferees. Let these experts do their work. I am no expert on how to respond to a fire or a disaster. The gentleman from Minnesota (Mr. SABO) may know more than I, but I doubt he is an expert either. We have experts who do nothing but this. Let us put the experts in charge, and let them tell us what we need to do, and let us then follow along and do what has to be done to save lives.

The bottom line: if you are happy with the way FEMA planned for Katrina, vote Sabo. If you think we can improve and we can do better in planning for the next disaster, reject Sabo. Vote ''no.''

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

MESSAGE FROM THE SENATE

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

H.R. 2132. An act to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 37. An act to extend the special postage stamp for breast cancer research for 2 years.

PROVIDING FOR CONSIDERATION OF H.R. 3402, DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 462 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 462

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 462 is a structured rule. It provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. It waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary and now printed in the bill shall be considered as an original bill for the purpose of amendment.

This rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on the Judiciary. It makes in order only those amendments printed in the Committee on Rules report accompanying the resolution, and it provides that the amendments printed in the report may be considered only in the order printed in the report and may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

It waives all points of order against the amendments printed in the report, and provides for one motion to recommit, with or without instructions.

Mr. Speaker, I rise today to speak on behalf of House Resolution 462 and the underlying bill, H.R. 3402, the Department of Justice Appropriations Authorization Act for Fiscal Years 2006 to 2009.

First, I would like to take this opportunity to commend the distinguished chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking member, the gentleman from Michigan (Mr. CONYERS). Additionally, I want to commend the full committee for all their hard work and time involved in the completion of this important authorizing legislation.

Mr. Speaker, the American people expect, and they demand, that Congress uphold its obligation to ensure that their money is spent both wisely and effectively, and some of the most important expenditures made on behalf of the American people are included in this legislation we are considering today. Without question, the Department of Justice is charged with the responsibility to enforce and to uphold the Constitution and statutes of this great country. All Americans benefit from an effective and a fully funded law enforcement apparatus at the Federal level, at the State level, and especially at the local level.

Mr. Speaker, H.R. 3402 would authorize appropriations to fund the agencies under the Department of Justice, including the FBI; the DEA, Drug Enforcement Administration; the United States Attorneys; and the Bureau of Prisons. This bill authorizes $59 billion for these four agencies through 2010. Additionally, this legislation will reauthorize, strengthen, and implement new programs in the Violence Against Women Act, many of which are slated to expire September 30 of this year.

Mr. Speaker, H.R. 3402 also would build upon many of the reforms instituted by the administration to improve the Department of Justice's Office of Justice Programs, OJP, and Community-Oriented Policing Services, the COPS program. This bill would merge the current Byrne grant program with the local law enforcement block grant programs into one new Edward Byrne Memorial Justice Assistance Grant program. By merging these two programs, States and local law enforcement will be able to more easily apply for and access vital funding.

Mr. Speaker, this streamlined process will improve flexibility for our State and our local governments. A one-size-fits-all mentality is not an acceptable solution for funding individual communities and law enforcement entities that have specialized and diverse needs. A certain degree of deference must be given to State and local law enforcement as they work to combat individual threats to and problems in their own communities.

However, H.R. 3402 also ratifies our need for continuing oversight of Federal dollars by creating an Office of Audit, Assessment, and Management that will ensure that the Office of Justice program runs efficiently and applies the money responsibly and effectively. This oversight office will be focused on results, and it will follow the trail of these funds so they can reach their intended target and achieve their full potential.

Mr. Speaker, this authorization would also permanently authorize an Office of Weed and Seed Strategies. This office would replace the current Executive Office of Weed and Seed created by the first Bush administration in 1991 as a community-based, multiagency approach to blend law enforcement, crime prevention, and neighborhood restoration strategies to strengthen our communities.

□ 1145

With respect to the programs created by the Violence Against Women Act, H.R. 3402 will reauthorize and strengthen various court programs, including the STOP grant program which brings police and prosecutors into a collaborative process with victim services that aims to prevent and punish violence committed against women.

As the proud parent of three daughters and the proud grandparent of two granddaughters, I fully recognize the need to give law enforcement every tool available to prevent domestic violence and to protect America's wives, mothers, daughters and granddaughters.

Mr. Speaker, H.R. 3402 makes significant improvements to these programs. For instance, this legislation assures gender equality by requiring gender neutrality in any grant or activities that assist victims of domestic violence, dating violence, stalking, sexual assault or human trafficking. Additionally, H.R. 3402 includes provisions to strengthen the privacy rights of victims, to allow for a more vigorous prosecution of cyberstalking and to double, let me repeat, double the penalty for repeat Federal domestic violence offenders.

The bill not only strengthens the ability of law enforcement but it also provides victims with additional tools in the fight against domestic violence, including access to trained attorneys and to lay advocacy services.

H.R. 3402 would also create two new programs focused on children and youth who are victims of or witnesses to domestic violence. Clearly our children do not have to be physically abused to become victims of domestic violence. Exposure to these types of heinous acts can be enough to scar the life of a child forever, and this reality must be, and it is, addressed by this bill.

So, Mr. Speaker, today as this House considers the rule and the underlying legislation and a number of amendments, I would like to encourage my colleagues to keep this thoughtful debate focused on the topic at hand. Funding the Department of Justice and protecting victims of domestic violence are commonsense priorities on both sides of the aisle.

Again, Mr. Speaker, I look forward to the consideration of this rule. I ask my colleagues to support it and, of course, the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) for the time.

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

Mr. Speaker, rarely in the last decade has the Committee on the Judiciary's majority been interested in working in a bipartisan fashion. So I am pleasantly surprised that cooperation and consultation won out over partisanship and ideology during the drafting of the underlying legislation. At the same time, however, as the underlying legislation comes to the floor under the blanket of inclusiveness, it is disappointing that the rule providing for its consideration is again restrictive.

Under this rule, all but a few select amendments are blocked from being presented to the body. All but a select few are blocked from offering amendments that would strengthen and improve the Violence Against Women Act. All but a select few are blocked from offering amendments that would place more law enforcement on the street and help reduce crime. All but a select few are blocked from making a good bill even better.

Forty-six amendments were submitted to the Committee on Rules yesterday evening, Mr. Speaker: 15 by Republicans, 23 by Democrats, and eight bipartisan. Nevertheless, under this rule the House will have the opportunity to consider only 12 of them, that is, of the 46 amendments offered in the Committee on Rules yesterday, barely one out of every four is actually made in order under this rule. That is not democracy. It is autocracy. And it is just not right, no matter how noncontroversial a bill may be.

Mr. Speaker, the underlying legislation is supported on both sides of the aisle. It is largely similar to legislation which passed overwhelmingly in the 108th Congress, and I plan to support it. I am pleased that the bill increases funding for the Department of Justice Inspector General and the COPS program well beyond the President's short-sighted budget request. The bill merges the Byrne Grant program with the Local Law Enforcement Block Grant program authorizing $1.1 billion for the program in fiscal year 2006 and an unspecified amount through 2009. It also extends the Bullet Proof Vest Partnership Grant program to assist State and local law enforcement to upgrade and purchase new life-saving vests.

I am equally pleased that the Committee on the Judiciary included in the bill a provision authored by the gentleman from California (Mr. SCHIFF). This provision requires the Department of Justice to report to Congress annually on the number of detainees suspected of terrorism in the United States and those that the United States is holding and whether they will be treated as enemy combatants or criminal defendants.

Mr. Speaker, as a beacon of freedom, the United States has a responsibility to maintain a justice system that is transparent, fair, and respected throughout the world. The Schiff provision goes a long way towards restoring the respect that America once commanded regarding the treatment of prisoners of war. It is my hope and expectation that this provision will be included in the conference report that is ultimately sent to the President for his signature.

Finally, the underlying legislation reauthorizes the Violence Against Women Act, which is set to expire in a few days. First signed into law in 1994 by President Clinton, the Violence Against Women Act provides significant protections to women, children, and families who are victims of sexual assault, domestic violence and abuse, stalking, and sex trafficking.

Under the act, women and children who are victims of these heinous crimes are provided with access to legal aid, social services, counseling, and most importantly, protection under Federal law. The underlying legislation reauthorizes and expands critical programs already in existence under current law while also creating new programs that improve our efforts to protect women and children from the sick and twisted.

Mr. Speaker, as I briefly mentioned, the underlying legislation is a good bill, and I will support it. Nevertheless, it is disappointing that Members of this body are being blocked from making this good bill even better.

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

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

Mr. Speaker, regarding the amendments that were made in order, in fact, there are 12. Many of the amendments that were authored were non-germane; but in any regard, 12 amendments under this structured rule were made in order. And certainly in the interest of being fair and balanced, six Democratic amendments and six Republican amendments are those we will consider later on this morning.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I thank the gentleman for yielding me time. It is great to be speaking on a rule once again.

Mr. Speaker, the Violence Against Women Act is one of the great legislative success stories of the last 10 years, and today the House of Representatives has the opportunity and the duty to strengthen and improve current law to further protect women across the country from exploitation and abuse.

Since 1994, VAWA, as we affectionately refer to it, has been an invaluable tool in the law enforcement arsenal as well as a crucial resource for victims. I know, Mr. Speaker, because I was on the bench before its passage. So whether it is obtaining a protection order, talking to an advocate or prosecutor, or just making our streets safer for women, we have seen monumental changes in how we protect the vulnerable from violence.

Since 1995, States have passed more than 600 laws to combat domestic violence, sexual assault, and stalking. All States have passed laws making stalking a crime. And since 1996, the National Domestic Violence Hotline has answered over 1 million calls for help. But even though tremendous progress has been made in addressing the dark and devastating issues of sexual assault, incest, rape, and other forms of violence against women and children, crime continues.

Let us never forget, Mr. Speaker, that children in homes where domestic violence is present are more apt to grow up to be abusers themselves or more likely to remain in a relationship when they are abused. It is a cyclical problem, and it needs to be intercepted, and it needs to be stopped.

Today's reauthorization measure extends core programs and makes improvements to enhance our ability to combat domestic violence, dating violence, sexual assault, and stalking. It also seeks to combat the problem of violence against our youth on campuses by allowing funds to be used for innovative antiviolence programs on college campuses all across America. And for the first time we have a law that addresses cyberstalking and the horrid abuses of the Internet.

By persevering in this fight, we will see justice not only by stopping those who prey on the defenseless but also by assisting and empowering those in need.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this rule and the bipartisan legislation underlying it so that women and children across America can live in a safer and more secure world.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding me time and for his leadership.

I rise in strong support for the underlying bill. The Violence Against Women Act, enacted in 1994, was a milestone in this country. It moved violence, the unspoken crime against women, out of the closets, out of the back doors and into the national agenda of this country with protections, with grants, with information to the police, the prosecutors; and it has helped women, children, and families in this country.

Yet, I rise in strong opposition to this rule; and while I support the bill, this restrictive rule has blocked debate on a number of very important amendments that would have made the Violence Against Women Act an even stronger and better piece of legislation, including two that I offered to help rape victims merely get information that they could use to prevent the need for an abortion and to prevent an unwanted pregnancy.

The first of my amendments would have required the Department of Justice's first ever medical guidelines for treating sexual assault victims, those women that have been raped, the National Protocol For Sexual Assault Medical Examinations. It merely asked them to include a recommendation that those women that have been victimized be offered information about emergency contraception in order to prevent pregnancy. EC is not an abortion; it is pregnancy prevention. And where this woman has been victimized, depriving her of this information victimizes her twice.

□ 1200

The second would simply ask the Attorney General to explain in a report to Congress and to the American people why emergency contraception was not included in the protocol.

Last year, after the Justice Department issued the protocol, reports indicated that information on the option of EC, or emergency contraception, to prevent pregnancy had been included, was supported in early drafts, but it was removed, without explanation, from the final version. By removing references to EC from the national protocol, the administration makes it clear that they would rather make rape victims decide between having an abortion or carrying their rapist's baby to term than offering women important knowledge and information to decide if emergency contraception is right for them. I find it unconscionable that they will not allow this information to be included.

The Justice Department's inclusion of EC in a national protocol absolutely runs counter, not only to the consensus in this country, but the consensus of most of the Nation's and the world's top organizations and scientists. The American College of Emergency Physicians includes it. The American College of Gynecology explicitly recommends it, and I must say that at least 101 countries around the world make EC available, and 39 of those even offer it over the counter.

So let me say that 101 nations cannot be wrong. This country is counter to world opinion. This is information that would help women that have been victims of rape, and I regret to say that they denied even a discussion of it on this floor with the amendments.

I urge a ''no'' vote on the rule because of these two amendments that are common sense, would help women, were excluded and many others that the gentleman from Florida (Mr. HASTINGS) mentioned.

So, again, I urge my colleagues to defeat this rule.

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

In regard to the amendment the gentlewoman from New York is referencing, in the jurisdiction of the

Committee on the Judiciary, it was ruled nongermane to this bill. There are other committees certainly that would have jurisdiction over that and need an opportunity to look at that very closely.

Mrs. MALONEY. Madam Speaker, will the gentleman yield?

Mr. GINGREY. I yield to the gentlewoman from New York.

Mrs. MALONEY. Madam Speaker, I thank the gentleman for saying that this important issue should be looked at. I point out that this is information that 101 countries offer and is not part of our protocol.

My office and I talked to the appropriate people and to the parliamentarians, and it was germane. It was germane to the bill. It was germane to the bill.

Mr. GINGREY. Madam Speaker, reclaiming my time, I appreciate the gentlewoman's comments.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. WATSON), a leader in this field and for a number of years in the California legislature and ambassadorial ranks.

Ms. WATSON. Madam Speaker, I am dismayed that the amendment I wished to offer to this bill has been ruled out of order by the Committee on Rules. By refusing to permit this amendment to even be debated, the House Republican leadership is dismissing the concerns of Americans, not only in my hometown, but in hometowns across America who believe that we should put all options on the table to fight violent gangs.

Gang violence and gang activities are just not limited to inner city areas. Today, we will find some of the most violent and well-organized youth gangs in our Nation's richest suburbs and areas right around here in Arlington and Fairfax County, two of the most affluent counties in the U.S. Local law enforcement officials are dealing with a host of gangs, and according to the FBI, northern Virginia is one of the hottest regions in the Nation for gang activities.

Despite the growing threat of organized gang violence to our national welfare, I know of no Federal Government report that contains a comprehensive listing and description of gangs, as well as an assessment of the demographic characteristics of those gangs that is prepared on an annual basis.

Madam Speaker, I believe that the report my legislation would have mandated could have been widely used by local, State and Federal law enforcement officials. It would be the first Federal report prepared on an annual basis to provide a comprehensive overview of gang activity in the United States. The report will also make available important information on gang activities in schools. It would have been an annual benchmark used by policy-makers, as well as Members of Congress to assess the success or failure of anti-gang activities.

I urge my colleagues to oppose the rule.

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

Regarding the gentlewoman from California, I want to point out to her that this very issue was addressed in the gang bill that was passed earlier this year. In fact, H.R. 1279, the comprehensive gang violence prevention bill, authorized $20 million to provide assistance to State and local prosecutors to fund technology and other equipment to track gang members and maintain information about their crimes. In fact, if I recall correctly, it was the gentlewoman from California's amendment on the floor on that very bill that was accepted and included in H.R. 1279.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, as I said at the outset, this is a good bill and I plan to support it, but a good bill could have been made better had amendments of Members in this body on both sides been made in order.

We are not the workaholic Congress around here, and we have the time to undertake to do things that are critical for the American public. I am absolutely convinced that we could have allowed most, if not all, of the amendments that were included.

I have said on other occasions that my colleagues in the majority were championed by some of the best skilled legislators in 1992 and 1994. One of them, a deceased Member, former chairman of the Committee on Rules, a good friend of mine that I traveled actively with and dearly miss him, was Gerald Solomon. Others of course, former Speaker Gingrich and the distinguished Robert Walker. I saw them on this floor repeatedly saying that the big problem that existed with Democrats at that time was that they were operating on closed and restrictive rules.

I guess what changed here is the majority, and there are some who still have not got it, and that is, that people in this body represent all of the people in America. Until such time as we open all of the rules to Members who are desirous of offering germane amendments, we will be having restrictive and closed rules and shutting out, blocking out a part of the individuals who represent upwards of 600,000 to 800,000 people each.

I find that anathema, particularly in light of the instruction that came from those in the majority. I remember so vividly hearing on the radio people talking about closed rules and open rules, and people did not even know what a closed rule and an open rule was, but the mantra was that the rules were closed. Open them up, so that the American public can have a transparent Congress that allows for the flow of legislation to be debated on this floor and that the will of the House then should prevail.

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

Mr. GINGREY. Madam Speaker, I just wanted to say, I had an opportunity to speak with the gentlewoman from California (Ms. WATSON) regarding her concerns and her amendment, and what we have committed to her and the Committee on the Judiciary has made a commitment that they will work with her in regard to the language of her amendment as the gang bill goes to conference which really is a more appropriate vehicle to modify that language, and we do make that commitment to the gentlewoman from California.

Madam Speaker, I would like to close by expressing my gratitude to my colleagues for a productive discussion on this rule.

H. Res. 462 is a good rule. It balances very well the laborious work of the Committee on the Judiciary with the amendment process on the floor. Multiple Members will have an opportunity to discuss their amendments and receive a vote, and I look forward to the further consideration of this legislation.

From the FBI to the DEA, to the United States attorneys to the Bureau of Prisons, H.R. 3402 authorizes critical funding for the Department of Justice, allowing it to continue its fight to uphold the laws of our land and to keep our citizens safe.

Additionally, this bill will strengthen many of the programs already available under the office of justice programs that aid State and local law enforcement on the ground as they work to protect their individual communities.

This Act streamlines many of the request processes and, thereby, facilitates local officials and law enforcement in accessing the funds made available by these programs.

Mr. Speaker, through the reauthorization of the provisions of the Violence Against Women Act, H.R. 3402 creates stiffer penalty for abusers, and it gives more rights to the victims of domestic violence.

For the sake of law enforcement and victims across this great country, I urge my colleagues to support this rule and the underlying bill.

Ms. ROYBAL-ALLARD. Madam Speaker, thanks to the passage of the Violence Against Woman Act in 1994, domestic violence is recognized as a crime committed by the abuser, and not the fault of the victim.

However, neither our federal laws nor the laws of many of our states offer victims of domestic violence some of the protections they need to leave their abuser.

Congressman POE and I had three amendments to address these critical issues.

The Violence Against Women Act made it possible for victims of domestic violence to get protective orders and move to safe shelters.

Yet victims who take time off from work to attend to such matters are often fired or demoted.

One of our amendments would have allowed a victim of domestic violence to take time off from work, without pay, and without penalty, to make necessary court appearances, seek legal assistance, and get help with safety planning.

Our second amendment would have allowed states to provide unemployment benefits to victims who are fired due to circumstances stemming from domestic violence.

This would help victims who find themselves with the unconscionable choice of returning to an abusive home or becoming homeless.

Finally, victims of domestic violence report rampant insurance discrimination based on their status as a victim of domestic assault.

Insurance providers frequently use information about the abuse history of an applicant—including medical, police, and court records—to deny health coverage.

And our third amendment would prohibit insurance providers from basing coverage decisions on a victim's history of abuse.

Unfortunately, because the Republican leadership has decided on a restrictive approach to reauthorizing VAWA Congressman POE and I have been prevented from presenting these amendments.

For that reason, I oppose the rule, and will work with Congressman POE to include these amendments in the final version of the House bill in order to help victims of domestic abuse successfully and safely escape their abuser.

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

The previous question was ordered.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the resolution.

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

Mr. HASTINGS of Florida. Madam Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

motion to instruct on H.R. 2360, by the yeas and nays;

H. Res. 462, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second vote in this series.

MOTION TO GO TO CONFERENCE ON H.R. 2360, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

MOTION TO INSTRUCT OFFERED BY MR. SABO

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct on H.R. 2360 offered by the gentleman from Minnesota (Mr. SABO) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The vote was taken by electronic device, and there were—yeas 196, nays 227, not voting 10, as follows:

[Roll No. 497]

YEAS—196

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

NAYS—227

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

NOT VOTING—10

Blumenauer
Boswell
Culberson
Davis (FL)
Davis, Jo Ann
Gutierrez
Harman
Hunter
Melancon
Shays

□ 1238

Messrs. DEAL of Georgia, FOLEY, PETERSON of Pennsylvania, TAYLOR of Mississippi, LINDER, MORAN of Kansas, and KING of New York changed their vote from ''yea'' to ''nay.''

Messrs. BERMAN, COOPER, and RUSH changed their vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3402, DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

The SPEAKER pro tempore (Mrs. EMERSON). The pending business is the vote on adoption of House Resolution 462 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 330, nays 89, not voting 14, as follows:

[Roll No. 498]

YEAS—330

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

NAYS—89

Ackerman	Israel	Roybal-Allard
Baird	Jefferson	Rush
Baldwin	Johnson, E. B.	Sánchez, Linda T.
Barrow	Kaptur	Sanchez, Loretta
Bean	Kucinich	Schakowsky
Becerra	Langevin	Schiff
Berkley	Lantos	Schwartz (PA)
Bishop (NY)	Lee	Serrano
Capps	Lewis (GA)	Sherman
Carson	Lipinski	Slaughter
Clyburn	Lofgren, Zoe	Solis
Conyers	Lowey	Stark
Costello	Maloney	Strickland
Crowley	Markey	Stupak
Cummings	Matsui	Tauscher
DeFazio	McCarthy	Thompson (MS)
Doggett	McDermott	Tierney
Evans	McGovern	Towns
Farr	McIntyre	Udall (NM)
Fattah	McKinney	Van Hollen
Filner	Meehan	Velázquez
Frank (MA)	Meek (FL)	Wasserman Schultz
Gonzalez	Meeks (NY)	Waters
Grijalva	Menendez	Watson
Hastings (FL)	Miller, George	Watt
Higgins	Nadler	Waxman
Hinchey	Neal (MA)	Woolsey
Holt	Olver	
Honda	Pallone	
Hoyer	Pastor	
Inslee	Payne	

NOT VOTING—14

Blumenauer	Gutierrez	Melancon
Boswell	Harman	Pelosi
Culberson	Hunter	Renzi
Davis (FL)	Lucas	Shays
Davis, Jo Ann	McCollum (MN)	

□ 1248

Mr. MEEHAN changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2360, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, the Chair appoints the following conferees on H.R. 2360: Messrs. ROGERS of Kentucky, WAMP, LATHAM, Mrs. EMERSON, Messrs. SWEENEY, KOLBE, ISTOOK, LAHOOD, CRENSHAW, CARTER, LEWIS of California, SABO, PRICE of North Carolina, SERRANO, Ms. ROYBAL-ALLARD, Messrs. BISHOP of Georgia, BERRY, EDWARDS, and OBEY.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES AFFECTED BY HURRICANE KATRINA OR RITA ACT OF 2005

Mr. BOUSTANY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3864) to provide vocational rehabilitation services to individuals with disabilities affected by Hurricane Katrina or Hurricane Rita, as amended.

The Clerk read as follows:

H.R. 3864

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 ''Assistance for Individuals with Disabilities Affected by Hurricane Katrina or Rita Act of 2005''.

SEC. 2. ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES.

(a) DEFINITIONS.—In this section:

(1) AFFECTED STATE.—The term ''affected State'' means a State that contains an area, or that received a significant number of individuals who resided in an area, in which the President has declared that a major disaster exists.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Rehabilitation Services Administration.

(3) INDIVIDUAL WITH A DISABILITY.—The term ''individual with a disability'' has the meaning given the term in section 7(20)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)(A)).

(4) INDIVIDUAL WITH A DISABILITY AFFECTED BY HURRICANE KATRINA.—The term ''individual with a disability affected by Hurricane Katrina'' means an individual with a disability who resided on August 22, 2005, in an area in which the President has declared that a major disaster related to Hurricane Katrina exists.

(5) INDIVIDUAL WITH A DISABILITY AFFECTED BY HURRICANE RITA.—The term ''individual with a disability affected by Hurricane Rita'' means an individual with a disability who resided in an area on the date that was 7 days

before the date on which the President declared that a major disaster related to Hurricane Rita exists in such area.

(6) MAJOR DISASTER.—The term ''major disaster'' means a major disaster declared by the President in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), related to Hurricane Katrina or Rita.

(b) REALLOTMENTS OF AMOUNTS.—

(1) IN GENERAL.—In realloting amounts to States under section 110(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 730(b)(2)) for fiscal year 2005, the Commissioner shall give preference to affected States.

(2) WAIVERS.—If the Commissioner reallots amounts under section 110(b)(2) of the Rehabilitation Act of 1973 to an affected State for fiscal year 2005, or returns to the State of Louisiana for fiscal year 2005 the funds that Louisiana had previously relinquished pursuant to section 110(b)(1) of that Act (29 U.S.C. 730(b)(1)) due to an inability to meet the non-Federal share requirements requiring Louisiana to contribute $3,942,821 for fiscal year 2005, the Commissioner may grant a waiver of non-Federal share requirements for fiscal year 2005 for the affected State or Louisiana, respectively.

(3) DEFINITION.—In this subsection, the term ''non-Federal share requirements'' means non-Federal share requirements applicable to programs under title I of such Act (29 U.S.C. 720 et seq.).

(c) USE OF AMOUNTS REALLOTTED UNDER TITLE I OF THE REHABILITATION ACT OF 1973.—An affected State that receives amounts reallotted under section 110(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 730(b)(2)) for fiscal year 2005 (as described in subsection (b)) or returned under subsection (b) may use the amounts—

(1) to pay for vocational rehabilitation services described in section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723) (which may include training, mentoring, or job shadowing opportunities), for individuals with disabilities affected by Hurricane Katrina or individuals with disabilities affected by Hurricane Rita, that contribute to the economic growth and development of communities;

(2) to enable—

(A) individuals with disabilities affected by Hurricane Katrina to participate in reconstruction or other major disaster assistance activities in the areas in which the individuals resided on August 22, 2005; and

(B) individuals with disabilities affected by Hurricane Rita to participate in reconstruction or other major disaster assistance activities in the areas in which the individuals resided on the date that was 7 days before the date on which the President declared that a major disaster related to Hurricane Rita exists in such areas;

(3) to pay for vocational rehabilitation services described in section 103 of the Rehabilitation Act of 1973 for individuals with disabilities affected by Hurricane Katrina, or individuals with disabilities affected by Hurricane Rita, who do not meet the affected State's order of selection criteria for the affected State's order of selection under section 101(a)(5) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(5)); or

(4) to carry out other activities in accordance with title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY).

GENERAL LEAVE

Mr. BOUSTANY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3864.

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

There was no objection.

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

Madam Speaker, I rise in support of H.R. 3864. H.R. 3864, the Assistance for Individuals with Disabilities Affected by Hurricane Katrina or Rita Act of 2005, is a bill that I introduced to provide immediate and critical assistance to individuals with disabilities affected by Hurricanes Katrina and Rita.

Since I introduced H.R. 3864 last week, I have worked with my colleagues in the Senate to revise the language to create an even better bill, and the amendment I am introducing today reflects the agreement we were able to reach.

I urge my colleagues to adopt this commonsense legislation that will allow individuals with disabilities greater access to vocational rehabilitation services so they may return to work in the aftermath of these devastating hurricanes.

The measure that we are considering today deals with the Rehabilitation Act of 1973, a law that provides job training and other services designed to increase employment options for individuals with disabilities. The bill will provide greater flexibility to the United States Department of Education and the Rehabilitation Services Administration so sufficient funds are made available to States impacted by these hurricanes.

Specifically, this legislation requires the commissioner of the Rehabilitation Services Administration to give preference to States like Louisiana, Alabama, Mississippi, Texas, and others that have taken in large numbers of evacuees when unused vocational rehabilitation services funds are reallocated at the end of this fiscal year under the Rehabilitation Act.

It also assists impacted States by providing a one-time waiver of the requirement that those States match the reallocated funds they receive with non-Federal sources. This will provide the impacted States the necessary flexibility to maximize the use of both State and Federal funds to serve the citizens of those States during the critical months ahead.

The bill also ensures that States like Louisiana will continue to have access to funds under the Rehabilitation Act that had been relinquished to the Department of Education prior to the hurricane. Finally, the measure encourages affected States that receive a reallocation of vocational rehabilitation funds to use those funds to provide services to individuals with disabilities affected by the hurricanes. This will give these residents an opportunity to contribute to the economic development of their communities and participate in the reconstruction efforts.

As everyone knows, my State of Louisiana has suffered through two major hurricanes this last month. I spent this past weekend in my district as we prepared for and dealt directly with the aftermath of Hurricane Rita. Those affected by this hurricane and Hurricane Katrina continue to display tremendous courage, and I appreciate all that the American people and this Congress have done to assist our region.

This bill represents yet another step we will take to provide needed resources to the people of the gulf coast, and I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I would like to thank also the gentleman from Louisiana (Mr. BOUSTANY), my colleague and friend, for introducing this commonsense hurricane relief bill that will offer relief to his constituents and many other Americans with disabilities in the gulf region.

This bill offers additional funds to gulf region vocational rehabilitation programs and offers the flexibility needed to continue services.

Madam Speaker, Louisiana is in a difficult position of not having met their Federal share for funds already allotted. Under H.R. 3864, Louisiana can apply for a waiver of that requirement. I commend the gentleman from Louisiana (Mr. BOUSTANY) for introducing this legislation to take care of that.

In the reallotment of unused funds from the previous fiscal year, this bill will give priority to those affected by hurricanes Katrina and Rita. Impacted States can then apply for waivers in meeting their non-Federal share of the reallotted funds as well.

Madam Speaker, impacted gulf coast States can use these funds to pay for vocational rehabilitation services that allow individuals with disabilities to contribute to the rebuilding of their local communities. I am pleased to support this bill, which not only offers relief from previous obligations but also provides additional resources necessary to continue services. Moreover, it reinforces the value of having community members participate in the revitalization of their neighborhoods.

Again, I thank the gentleman from Louisiana (Mr. BOUSTANY) for introducing this very much-needed legislation, and I encourage my colleagues to support its swift passage.

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

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

I want to thank the gentleman from Michigan (Mr. KILDEE). He has been quite an ally in this process.

This is a very important piece of legislation, a small piece of legislation, but important, that will help us get back on our feet; and I urge passage of H.R. 3864.

Mr. DAVIS of Illinois. Madam Speaker, I rise in support of H.R. 3864, which provides needed assistance to individuals with disabilities who are affected by the recent hurricanes. The bill requires the Commissioner of the Rehabilitation Services Administration to give preference to States affected by Hurricanes Katrina and/or Rita with respect to the re-allotment of funds for vocational rehabilitation services. This provision is a necessary step in channeling monies to enable individuals with disabilities affected by either hurricane to participate in reconstruction or other major disaster assistance activities.

A strength of this legislation is that it permits affected States to use these re-alloted funds to pay for vital vocational rehabilitation services. This includes important activities such as training, mentoring, or job shadowing that contribute to the economic growth and development of communities. H.R. 3864 also grants needed flexibility to the States in providing the vocational services to individuals with disabilities by allowing the Commissioner to waive a state's matching requirement for funds from non-Federal sources.

These proposals will help the affected States as well as individuals with disabilities. The affected States will not have to draw upon their already depleted funds to pay for these critical services, and individuals with disabilities will be able to participate in the rebuilding of their towns and cities, which in turn will gain from the valuable services that individuals with disabilities can provide.

In my district I have seen the amazing work that disabled individuals are capable of. The Chicago Lighthouse for the Blind employs blind individuals to build clocks for the Federal Government. I am glad to support a bill that recognizes and encourages the contributions of this population.

Mr. BOEHNER. Madam Speaker, I rise in strong support of this bill to ensure that individuals with disabilities may gain access to the vocational rehabilitation services they need in the wake of Hurricanes Katrina and Rita. I thank my colleague on the Education and the Workforce Committee, Mr. BOUSTANY, for his work on this bill and other legislation to bring additional flexibility and resources to the Gulf Coast region. He and another of my Committee colleagues, Mr. JINDAL, continue to work tirelessly on behalf of their constituents and all Gulf Coast residents to ensure that we act where necessary to assist in the recovery efforts.

This bill is critical for individuals with disabilities who are seeking to re-enter the workforce in the aftermath of the two hurricanes. Under the Rehabilitation Act, States must return unused vocational rehabilitation funds at the end of each fiscal year to the Rehabilitation Services Administration, RSA. The RSA then reallocates those funds to States based on the needs of their respective residents. H.R. 3864 directs the Commissioner of the RSA to give consideration to States affected by the hurricanes in this year's reallocation of those unused funds.

This bill also provides significant flexibility for States impacted by the hurricanes. Under the Rehabilitation Act, States that receive a reallocation are required to match those funds with non-federal sources. This bill provides a reasonable, one-time waiver of that requirement for States affected by Hurricane Katrina or Hurricane Rita. This recognizes the unique circumstances faced by these States and ensures that State officials will not have their hands tied as they seek to take advantage of these additional resources.

Madam Speaker, in the month since Hurricane Katrina, the House has approved a variety of legislation to cut through bureaucratic red tape and enhance flexibility in the affected regions. We've addressed the needs of college students, workers, and their families. With this bill, we turn our attention to the needs of individuals with disabilities as well. As many of these individuals seek to return to work in and around the Gulf Coast region, I urge my colleagues to join me in support of this measure to ensure they may do just that.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 3864, as amended.

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

The title of the bill was amended so as to read: ''A bill to assist individuals with disabilities affected by Hurricane Katrina or Rita through vocational rehabilitation services.''.

A motion to reconsider was laid on the table.

□ 1300

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING JULY 2005 MEASURES OF EXTREME REPRESSION ON PART OF CUBAN GOVERNMENT

Mr. BOOZMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 388) expressing the sense of the House of Representatives regarding the July, 2005, measures of extreme repression on the part of the Cuban Government against members of Cuba's prodemocracy movement, calling for the immediate release of all political prisoners, the legalization of political parties and free elections in Cuba, urging the European Union to reexamine its policy toward Cuba, and calling on the representative of the United States to the 62d session of the United Nations Commission on Human Rights to ensure a resolution calling upon the Cuban regime to end its human rights violations, and for other purposes.

The Clerk read as follows:

H. RES. 388

Whereas the European Union instituted measures on the Cuban Government after the Cuban Government exercised extreme repression on peaceful prodemocracy activists in 2003, but in January 2005 the European Union suspended its measures;

Whereas on July 13, 2005, the Cuban Government detained 24 human rights activists who were participating in a solemn event in remembrance of the victims of the tugboat massacre of innocent civilians by the Cuban government of July 13, 1994;

Whereas human rights activists Rene Montes de Oca, Emilio Leiva Perez, Camilo Cairo Falcon, Manuel Perez Soira, Roberto Guerra Perez, and Lazaro Alonso Roman remain incarcerated from the July 13, 2005, event and face trumped up charges of ''disorderly conduct'';

Whereas on July 14, 2005, the Government of France invited the Cuban regime's Foreign Minister to the French Embassy in Havana for a ''Bastille Day'' celebration;

Whereas members of the prodemocracy opposition in Cuba sought, on July 22, 2005, in Havana, to demonstrate in front of the French Embassy in a peaceful and orderly manner, on behalf of the liberation of all Cuban political prisoners, and to protest the current policy of the European Union toward the Cuban Government;

Whereas the Cuban regime mobilized its repressive state security apparatus to intimidate and harass the peaceful demonstrators in order to prevent prodemocracy activists from reaching the French Embassy;

Whereas the Cuban regime arrested and detained many who were planning on attending the peaceful protest of July 22 in front of the French Embassy, including Martha Beatriz Roque Cabello, Félix Antonio Bonne Carcassés, Rene Gómez Manzano, Jose Javier Baeza Dis, María de los Ángeles Borrego, Ernesto Colás García, Emma Maria Alonso Del Monte, Jose Escuredo Marrero, Uldarico Garcia, Yusimi Gil Portel, Oscar Mario González Pérez, Humberto Guerra, Luis Cesar Guerra, Julio Cesar López Rodríguez, Miguel López Santos, Jacqueline Montes de Oca, Raul Martínez Prieto, Ricardo Medina Salabarría, Francisco Moure Saladrigas, Georgina Noa Montes, Niurka Maria Peña Rodríguez, Luis Manuel Peñalver, Pastor Pérez Sánchez, Jesús Adolfo Reyes Sánchez, Gloria Cristina Rodríguez González, Juan Mario Rodríguez Guillen, Miguel Valdés Tamayo, Santiago Valdeolla Pérez, and Jesús Alejandro Victore Molina;

Whereas Rene Gómez Manzano, a distinguished leader of the struggle for freedom in Cuba, and other prodemocracy activists, continue to be detained without cause;

Whereas hundreds of political prisoners and prisoners of conscience languish in the Cuban regime's prisons for the crime of seeking democracy for Cuba;

Whereas thousands of others languish in Cuba's totalitarian prisons accused of ''common crimes'', such as illegally attempting to leave the country and violating the norms of the totalitarian economic system, who should be recognized as prisoners of conscience because they are being jailed for attempting to exercise personal freedoms;

Whereas the Cuban regime has arrested more than 400 young Cubans, from late 2004 through June of 2005, and according to the Cuban regime, the arrests were carried out as a ''measure of pre-delinquent security'';

Whereas the Cuban regime has continued to repress attempts by the Cuban people to bring democratic change to the island and denies universally recognized liberties, including freedom of speech, association, movement, and the press;

Whereas the Cuban Government remains designated as one of 6 state sponsors of terrorism by the United States Department of State;

Whereas the Cuban Government continues to provide safe harbor to fugitives from United States law enforcement agencies and to international terrorists;

Whereas the Universal Declaration of Human Rights, which establishes global human rights standards, asserts that all

human beings are born free and equal in dignity and rights, and that no one shall be subjected to arbitrary arrest or detention;

Whereas the Cuban regime engages in torture and other cruel, inhumane, and degrading treatment, including extended periods of solitary confinement and denial of nutritional and medical attention, according to the Department of State's Country Report on Human Rights 2004;

Whereas the personal representative of the United Nations Human Rights Commissioner has not been allowed by the Cuban regime to enter the island to carry out the mandate assigned by the United Nations Human Right Commission in its resolution of 2002/18 of 19 April 2002, and reaffirmed in resolutions 2003/13 of 17 April 2003, 2004/11 of 15 April 2004, and 2005/12 of 14 April 2005; and

Whereas the Cuban regime continues to violate the rights enshrined in the Universal Declaration of Human Rights, the Inter-American Convention on Human Rights, and other international and regional human rights agreements, and has violated the noted Resolutions of the United Nations Commission on Human Rights: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the gross human rights violations committed by the Cuban regime;

(2) calls on the Secretary of State to initiate an international solidarity campaign on behalf of the immediate release of all Cuban political prisoners;

(3) supports the right of the Cuban people to exercise fundamental political and civil liberties, including freedom of expression, assembly, association, movement, the press, and the right to multiparty elections;

(4) calls on the European Union to reexamine its current policy toward the Cuban regime, before June of 2006; and

(5) calls on the United States Permanent Representative to the United Nations, and other international organizations, to work with the member countries of the United Nations Commission on Human Rights (UNCHR) throughout the 62d session of the UNCHR in Geneva, Switzerland, to ensure a resolution that includes the strongest possible condemnation of the July 2005 measures of extreme repression on opposition activists and of all the human rights violations committed by the Cuban regime.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from Arkansas (Mr. BOOZMAN) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. BOOZMAN).

GENERAL LEAVE

Mr. BOOZMAN. 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. 388.

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

There was no objection.

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

Mr. Speaker, the chairman of the Subcommittee on the Western Hemisphere, the gentleman from Indiana (Mr. BURTON) would normally be here. The gentleman is very, very concerned about this resolution and is very, very supportive of it, but he currently has a markup, a committee vote that he is in the process of doing, so, again, I have the opportunity and honor of going ahead with this in his stead.

H. Res. 388 is a resolution which condemns the gross human rights violations committed by the Cuban regime and expresses support for the right of the Cuban people to exercise fundamental political and civil liberties.

As a member of the Committee on International Relations, I would like to thank my colleague the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for introducing this resolution, which highlights the atrocious human rights violations the Cuban people continue to suffer at the hands of Castro's oppressive regime.

Mr. Castro continues to hone his craft, that is to say, his systematic reign of fear and intimidation of his own population. This past July, the Castro regime renewed its efforts to stamp out the pro-democracy movement.

This resolution sends a strong message to the Cuban Government that the world will not forget those people who are languishing in Cuban prisons for the so-called crime of speaking out against the injustices perpetrated by the Castro regime. Many of the dissidents arrested July remain in custody, and several of them face long sentences in prison for threatening to undermine Cuba's Communist government, according to Amnesty International and other organizations.

As U.S. service men and women put their lives on the line to bring freedom and democracy to areas of the world that have long suffered in the shadow of tyranny, Cuba represents a prime example in our own hemispheres of what can happen if any nation shuns democracy and subjugates itself to the whims of dictatorship.

As it stands now, Cuba is the only nation in the hemisphere that is a complete dictatorship, and since the earliest days of the regime, Castro has not only stifled efforts to promote freedom and democracy in Cuba, but he has also actively been involved in promoting communism and dictatorships around the world, most especially in Central and South America. The fall of Castro's principal benefactor, the Soviet Union, may have caused a shift in Castro's tactics, but he has never abandoned his ambition to export communism.

I am very concerned about the state of affairs in the Western Hemisphere, and I am convinced that there will never be true, lasting peace and freedom in the region until we solve the Cuba problem once and for all. The only acceptable solution is a free and democratic Cuba. I have hope there will be a day when the light of democracy shines in Havana, a day when free expression and free elections replace the current hopeless status quo.

I urge my colleagues to support this resolution. We owe it to the thousands of Cubans who risk their lives every year to flee the Communist regime by any means necessary, even attempting to brave the hazardous 90-mile crossing between the United States and Cuba on makeshift rafts, as well as those languishing in Cuban jails, to further open the eyes of the world community to the true evils of the Castro regime. We must never forget them.

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

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. LANTOS) will control the 20 minutes.

There was no objection.

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

Mr. Speaker, I want to commend my good friend and colleague, the distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), for facilitating this body's consideration of the resolution. I also want to thank the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for offering this very important resolution and for his tireless battle to promote human rights in Cuba.

Mr. Speaker, the manipulative tyranny of Fidel Castro continues unabated. Two months ago, Havana's security apparatus arrested over 50 human rights activists and political dissidents in two separate roundups as these individuals peacefully exercised their fundamental rights of association and expression. Many of these brave men and women remain incarcerated in rat-infested cells because of their conviction to seek freedom and democracy in Cuba. They join the hundreds of other political prisoners who have been languishing behind bars for such so-called crimes as sharing books with neighbors, reporting the news outside of government-controlled media outlets and attempting to organize independent free labor unions in Communist Cuba.

Other individuals who dare to practice their professions outside of state-sanctioned avenues feel the wrath of Castro's henchmen in other sordid forms. According to international human rights groups, political repression in Cuba is manifested through the use of police warnings and constant surveillance, short-term detentions, house arrests, travel restrictions, criminal prosecutions and politically motivated dismissals from jobs.

We in this House have repeatedly and forcefully denounced this oppression, calling for the immediate release of all political prisoners, and we have advocated for political liberalization on the island. This year, the United Nations Human Rights Commission in Geneva joined in the chorus of voices calling attention to the injustices which continue to be inflicted upon those who toil in Castro's island prison, or, should I say, prison island.

The U.N. Commission on Human Rights can and should do more. The

Human Rights Commission should call upon the Castro regime to release immediately all prisoners who are incarcerated in violation of their fundamental human rights. The Human Rights Commission should demand that the Cuban Government respect the freedom of association, expression and other international human rights norms. And the Human Rights Commission should press the Castro regime to hold free and fair elections and otherwise not suppress the ability of Cuban citizens to exercise their fundamental political rights.

Although the commission is not scheduled to meet again until early next year, much of the preparatory work that is necessary to secure a strong resolution on Cuba should be occurring now. Cuban emissaries reportedly have colluded with their like-minded brethren from Venezuela, Burma, Turkmenistan, Syria and other countries with very questionable human rights records to block proposed reforms to the commission that would give it the credibility and the institutional capability that it sorely lacks.

Mr. Speaker, I am hopeful that the community of real democracies will no longer allow those countries which flagrantly break the rules to sit in judgment of their own abhorrent practices. I strongly urge all of my colleagues to support this resolution, and, therefore, send a signal to our friends in New York and Havana that we are with them in their struggle against tyranny and oppression.

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

Mr. BOOZMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the original sponsor of the resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I want to thank, first of all, the gentleman from Arkansas (Mr. BOOZMAN), who has been so kind to bring forth this resolution today as a distinguished member of the Committee on International Relations and as a great friend and supporter of human rights throughout the world, including in that oppressed island just 90 miles from our shores.

The gentleman from California (Mr. LANTOS), when I first arrived in this Congress in January 1993, that same month I was able to witness firsthand the man who has devoted his entire life to defending those who cannot defend themselves, and since that very month, my admiration that I already had for him has grown ceaselessly. I thank him for, once again, coming forth here in this hall and speaking on behalf of those who cannot speak for themselves.

The resolution before us today, Mr. Speaker, calls for the liberation of each and every one of the thousands, really, unknown is the number, of political prisoners in Cuba. There are hundreds recognized, identified and called ''prisoners of conscience'' by international organizations such as Amnesty International. There are thousands of others who commit so-called crimes that are not crimes anywhere else, certainly in any democratic societies, crimes like trying to feed their families, crimes like trying to leave the country, something guaranteed by the Universal Declaration of Human Rights. So there are countless political prisoners.

The resolution before us calls for the liberation of each and every one of them, immediately; it calls for the legalization of political parties, labor unions and the press by that tyranny; and it calls for free elections, because ultimately the right of self-determination is the only right that guarantees all other human rights, and without the right of self-determination, all other human rights, when they are granted by tyrants, they are but gifts from the tyrants to people, to his people, gifts that can be withdrawn at any time.

In addition, as the gentleman from Arkansas (Mr. BOOZMAN) and the gentleman from California (Mr. LANTOS) stated, this resolution remembers those who, as we speak today, as we speak, are languishing in dungeons for the so-called crime of seeking and supporting the rights that we cherish and take really for granted, and have for over 200 years in this country, and much of the world certainly takes for granted, the right to speak and the right to elect leaders in periodic elections.

□ 1315

The right to organize political parties and labor unions, and the right to free expression and to freedom of the press, the right of association, for trying to seek those inalienable rights, people are languishing and suffering, and we remember them today.

Now, just a few weeks ago, in July, when this latest round-up occurred of opposition leaders inside of Cuba, perhaps the most well-known was the very prestigious jurist Rene Gomez Manzano, as well as the other leaders of the Assembly to Promote Civil Society. A few were subsequently released at the whim of the dictator; they may be picked up at any time. Mr. Gomez Manzano remains in a cell at this time and has engaged and is engaging in a hunger strike. And there are others whose health has already deteriorated to the point where, for example, Mr. Victor Rolando Arroyo, his wife informs us today that she fears his imminent death because he is engaged in a hunger strike protesting the conditions that all political prisoners suffer each day in that oppressed island. Mr. Arnaldo Ramos Lauzurique is also engaging in a hunger strike.

He received a month ago, approximately a month ago, such a brutal beating inside the prison that when he protested for receiving that beating, he was put in what they call a punishment cell, as others in that prison, like Adolfo Fernandez Sainz, and others in hunger strikes like Jose Gabriel Ramon Castillo, like Normando Hernandez, and I will, Mr. Speaker, with your authorization, submit for the RECORD a list that I mentioned before is recognized by international organizations, such as Amnesty International, of hundreds of prisoners of conscience.

Now, what we are also doing in this resolution is asking the European Union, because they, in response to this series of crackdowns that the dictatorship has engaged in against the pro-democracy movement, the European Union has, in its wisdom, Mr. Speaker, following the advice and consent of Mr. Zapatero, the Prime Minister of Spain, has decided to appease the dictatorship even more. And the few sanctions that the European Union had, political sanctions they called them, for example, inviting the dissidents to receptions in embassies and allowing them entry into embassies to have discourse, dialogue with members of the diplomatic corps in the embassies of the European Union, those so-called sanctions were ended by the European Union under the premise and theory that they would encourage the ending of the sanctions, the dictator to be more benevolent. Well, we have seen how the dictator has responded.

We are asking in this resolution for the European Union to reconsider its policy of appeasement, and we are asking also that the United Nations, in its Human Rights Commission, pass a resolution asking for the cessation of human rights violations in Cuba.

So it is a very appropriate resolution. I commend, again, my colleagues who have been supportive. It is in the tradition, it stands in the tradition of this House of Representatives, this Congress that, in April of 1898, passed the resolution that is well-known in Cuban history, saying that Cuba is and, of right, ought to be free and independent, and it is in that tradition that we bring forth this resolution today, and I urge its adoption overwhelmingly by colleagues on both sides of the aisle on this day in which so many continue to suffer on that oppressed island.

BRIEF EXAMPLES—ALL INFORMATION FROM AMNESTY INTERNATIONAL

Mijail Barzaga Lugo, 36; Independent Journalist; Sentence: 15 years; Date of arrest: 20 March 2003.

Oscar Elías Biscet González, 43; Human Rights Leader; Sentence: 25 years; Date of arrest: 6 December 2002.

Marcelo Cano Rodríguez, 38; Medical Doctor, Human Rights Activist; Sentence: 18 years; Date of arrest: 25 March 2003.

Eduardo Díaz Fleitas, 51; Farmer, Opposition Activist; Sentence: 21 years; Date of arrest: 18 March 2003.

Antonio Ramón Díaz Sánchez, 41; Electrician, member of the Christian Liberation Movement; Sentence: 20 years; Date of arrest: 18 March 2003.

Alfredo Felipe Fuentes, 55; Member of the United Cuban Workers Council; Sentence: 26 years; Date of arrest: 18 March 2003.

''Antunez'' Jorge Luis Garcia Perez—18 years (sentenced in 1990).

Partial list of political prisoners in Cuba, provided by Plantados Hasta La Libertad De Cuba.

Adolfo Fernandez Sainz, Adrian Alvarez Arencibia, Agustin Cervantes Garcia, Alejandro Cabrera Cruz, Alejandro Gonzalez Raga, Alexei Solorzano Chacon, Alexis Rodriguez Fernandez, Alexis Triana Montecino, Alfredo Felipe Fuentes, Alfredo M. Pulido Lopez, Alfredo Rodolfo Dominguez Batista, Alilas Saes Romero, Alquimidez Luis Martinez, Andres Frometa Cuenca, Antonio Augusto Villareal Acosta, Antonio Ramon Diaz Sanchez, Antonio Vladimir Rosello Gomez, Ariel Aguilera Hernandez, Ariel Sigler Amaya, Armando Sosa Fortuny, Arnalda Ramos Lauzerique, Arturo Perez de Alejo Rodriguez, Arturo Suarez Ramos, Arturo Suarez Ramos, Benito Ortega Suarez, Bernardo Espinosa Hernandez, Bias Giraldo Reyes Rodriguez, Carlos Luis Diaz Fernandez, Carlos Martin Gomez, Cecilio Reinoso Sanchez, Charles Valdez Suarez, Claro Fernando Alonzo Hernandez, Claro Sanchez Altarriba, Daniel Candelario Santovenia Fernandez, Daniel Escalona Martinez, David Aguila Montero, Delvis Cespedes Reyes, Digzan Ramirez Ballester, Diosdado Gonzalez Marrero, Dr. Jose Luis Garcia Paneque, Dr. Oscar Elias Biscet Gonzalez, Duilliam Ramirez Ballester, Eduardo Diaz Castellanos.

Eduardo Diaz Fleitas, Efrain Roberto Rivas Hernandez, Efren Fernandez Fernandez, Egberto Angel Escobedo Morales, Elio Enrique Chavez Ramon, Elio Terrero Gomez, Elizardo Calbo Hernandez, Enrique Santos Gomez, Ernesto Borges Perez, Ernesto Duran Rodriguez, Ezequiel Morales Carmenate, Fabio Prieto Llorente, Felix Geraldo Vega Ruiz, Felix Navarro Rodriguez, Fidel Garcia Roldan, Fidel Suarez Cruz, Francisco Herodes Diaz Echemendia, Francisco Pacheco Espinosa, Francisco Pastor Chaviano Gonzalez, Guido Sigler Amaya, Hector Larroque Rego, Hector Maceda Gutierrez, Hector Palacio Ruiz, Hector Raul Valle Hernandez, Hiran Gonzalez Torna, Horacia Julio Piña Borrego, Humberto Eladio Real Suarez, Ignacio Ramos Valdez, Ivan Hernandez Carrillo, Jesus Manuel Rojas Pineda, Jesus Mustafa Felipe, Joel Cano Diaz, Joel Perez Ozorio, Jorge Alvarez Sanchez, Jorge Gonzalez Velazquez, Jorge Luis Gonzalez Riveron, Jorge Luis Gonzalez Tanquero, Jorge Luis Martinez Roja, Jorge Luis Suarez Varona, Jorge Ozorio Vazquez, Jorge Pelegrin Ruiz, Jorge Rafael Benitez Chui, Jose Agramonte Leiva.

Jose Antonio Mola Porro, Jose Benito Menendez del Valle, Jose Carlos Montero Ocampo, Jose Daniel Ferrer Garcia, Jose Enrique Santana Carreiras, Jose Diaz Silva, Jose Gabriel Ramon Castillo, Jose Joaquin Palma Salas, Jose Miguel Martinez Hernandez, Jose Ramon Falcon Gomez, Jose Rodriguez Herrada, Jose Ubaldo Izquierdo Hernandez, Juan Alfredo Valle Perez, Juan Carlos Herrera Acosta, Juan Carlos Vazquez Garcia, Juan Ochoa Leyva, Julian Enrique Martinez Baez, Julian Hernandez Lopez, Julio Cesar Alvarez Lopez, Julio Cesar Galvez Rodriguez, Lazaro Alejandro Garcia Farah, Lazaro Gonzalez Adan, Lazaro Gonzalez Caraballo, Leandro Suarez Sabot, Lenin Efren Cordova, Leoncio Rodriguez Ponce, Leonel Grave de Peralta Almenares, Lester Gonzalez Penton, Librado Ricardo Linares Garcia, Luis Cabrera Ballester, Luis Elio de la Paz Ramon, Luis Enrique Ferrer Garcia, Luis Milan Fernandez, Manuel Ubals Gonzalez, Manuel Ubals Gonzalez, Marcelino Rodriguez Vazquez, Marcelo Cano Rodriguez, Marco Antonio Soto Morell, Marino Antomachit Rivero, Mario Enrique Mayo Hernandez, Maximo Omar Ruiz Matoses, Maximo Robaina Pradera, Miguel Diaz Bauza, Miguel Galvan Gutierrez, Mijail Barzaga Lugo, Nelson Aguiar Ramirez, Nelson Molinet Espino.

Norberto Chavez Diaz, Normando Hernandez Gonzalez, Omar Moises Hernandez Ruiz, Omar Pernet Hernandez, Omar Rodriguez Saludes, Orlando Zapata Tamayo, Pablo Javier Sanchez Quintero, Pablo Pacheco Avila, Pedro Arguelles Moran, Pedro de la Caridad Alvarez Pedroso, Pedro Genaro Barrera Rodriguez, Pedro Lizado Peña, Pedro Pablo Alvarez Ramos, Pedro Pablo Pulido Ortega, Prospero Gainza Aguero, Rafael Corrales Alonso, Rafael Gonzalez Ruiz, Rafael Ibarra Roque, Rafael Jorrin Garcia, Rafael Millet Leyva, Ramon Fidel Basulto Garcia, Randy Cabrera Mayor, Raul Alejandro Delgado Arias, Raumel Vinagera Stevens, Regis Iglesia Ramirez, Reinaldo Calzadilla Paz, Reinaldo Galvez Contrera, Reinaldo Miguel Labrada Peña, Ricardo Enrique Silva Gual, Ricardo Gonzalez Alfonso, Ricardo Gonzalez Alfonso, Ricardo Pupo Cierra, Ridel Ruiz Cabrera, Roberto Alejandro Lopez Rodriguez, Rolando Jimenez Posada, Santiago Adrian Simon Palomo, Saul Lista Placeres, Tomas Ramos Rodriguez, Vicente Coll Campaniony, Victor Rolando Arroyo Carmona, Virgilio Mantilla Arango, Yosbel Gonzalez Plaza, Felipe Alberto Laronte Mirabal, Rene Montes de Oca Martija, Adolfo Lazaro Bosq Hinojosa, Alberto Martinez Fernandez, Alexander Roberto Fernandez Rico.

Amado Idelfonso Ruiz Moreno, Andres Sabon Lituanes, Angel R. Eireo Rodriguez, Ariel Fleitas Gonzalez, Ariel Ramos Acosta (Hijo), Arnaldo Nicot Roche, Augusto Cesar San Martin Albistur, Anita la de Chaviano, Augusto Guerra Marquez, Candido Terry Carbonell, Carlos Alberto Dominguez, Carlos Alberto Dominguez, Carlos Brizuela Yera, Carlos Brizuela Yera, Carlos Israel Anaya Velazquez, Carlos Miguel Lopez Santos, Carmelo Diaz Fernandez, Carmelo Diaz Fernandez, Dania Rojas Gongora, Delio Laureano Requejo Rodriguez, Edel Jose Garcia Diaz, Edel Jose Garcia Diaz, Emilio Leyva Perez, Enrique Dieguez Rivera, Enrique Garcia Morejon, Antonio Marcelino Garcia Morejon, Ernesto Duran Rodriguez, Francisco Godar Mariño, Froilan Menas Albrisas, Guillermo Fariñas Hernandez, Guillermo Renato Rojas Sanchez, Humberto Acosta Yorka, Humberto Eladio Real Suarez, Idelfonso Batista Cruz, Inocente Martinez Rodriguez, Jesus Adolfo Reyes Sanchez, Alejandro Mustafa Reyes, Joaquin Barriga San Emeterio, Jorge Hanoi Alcala Gorrita, Jorge Luis Garcia Perez, Jorge Olivera Castillo, Jorge Olivera Castillo, Jose Alberto Castro Aguilar, Jose Arosmin Diaz Kolb, Jose Lorenzo Perez Fidalgo, Jose Miguel Martinez Hernandez, Jose Patricio Armas Garcia.

Juan Carlos Fonseca Fonseca, Juan Carlos Gonzalez Leyva, Juan Luis Corrales Perez, Juan Pedoso Esquivel, Juan Ramirez Gonzalez, Juan Rodriguez Leon, Julio A. Valdes Guevara, Lazaro Iglesias Estrada, Lazaro Miguel Rodriguez Capote, Leobanis Manresa Osoria, Leonardo Corria Amaya, Leonardo M. Bruzon Avila, Lexter Tellez Castro, Luis Alberto Martinez Rodriguez, Luis Campos Corrales, Manuel Vazquez Portal, Manuel Vazquez Portal, Marcelo Lopez Bañobre, Margarito Broche Espinosa, Martha Beatriz Roque Cabello, Migdalia Hernandez Enamorado, Migdalis Ponce Casanova, Miguel Angel Gata Perez, Miguel Sigler Amaya, Miguel Sigler Amaya, Miguel Valdes Tamayo, Noel Ramos Rojas, Normando Perez Alvarez, Ociel Olivares Tito, Reinaldo Hernandez 02/05/05, Omar Wilson Estevez Real, Orlando Fundora Alvarez, Oscar Mario Gonzalez Perez, Oscar Espinosa Chepe, Osvaldo Alfonso Valdes, Pedro Pablo Alvarez Ramos, Rafael Perera Gomez, Ramon Herrera Corcho, Raul Rivero Castaneda, Raydel Ramirez Valdes, Raul Arencivia Fajardo, Ricardo Ramos Pereira, Ricardo Rodriguez Borrego, Roberto de Miranda Hernandez, Roberto Esquijerosa Chirino, Roberto Montero Tamayo, Rodolfo Barthelemy Coba.

Rogelio Ramos Prado, Rolando Corrales Martinez, Ulises Manresa Osoria, Victor Bresler Cisneros, Victor Campa Almarales, Virgilio Marante Guelmes, Yoel Vazquez Perez, Rolando Ferrer Espinosa, Nestor Rodriguez Lobaina, Julio Cesar Morales Gonzalez, Roberto Bruno Fonseca Guevara, Abelardo Cesar Cordero Perez, Adolfo Fernandez Sainz, Alejandro Gonzalez Raga, Alfredo Felipe Fuentes, Alfredo M. Pulido Lopez, Dr. Jose Luis Garcia Paneque, Fabio Prieto Llorente, Hector Maceda Gutierrez, Ivan Hernandez Carrillo, Jose Ubaldo Izquierdo Hernandez, Juan Carlos Herrera Acosta, Julio Cesar Galvez Rodriguez, Lexter Tellez Castro, Mario Enrique Mayo Hernandez, Miguel Galvan Gutierrez, Mijail Barzaga Lugo, Normando Hernandez Gonzalez, Omar Moises Hernandez Ruiz, Omar Rodriguez Saludes, Pablo Pacheco Avila, Pedro Arguelles Moran, Ricardo Gonzalez Alfonso, Victor Rolando Arroyo Carmona.

Mr. BOOZMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I, too, want to just first commend the two individuals who have brought this resolution forward, two individuals who have a history of fighting for human rights around the world. I thank the gentleman from Arkansas (Mr. BOOZMAN) for his leadership. Once again, those who are oppressed can always count on the gentleman from Arkansas, and the gentleman from California (Mr. LANTOS), a person who is, again, a hero to so many around the world, particularly to those who cannot speak up, cannot speak out, like we are able to do here. I thank him for his leadership. It is a privilege to serve with him.

A lot has been said about why this resolution is needed. My colleague from Florida just mentioned the response that the European Union has had to this latest crackdown. A deplorable response, a response which is the definition of appeasement, if there ever was one.

It is wonderful to see, though, Mr. Speaker, that this Congress, once again, stands up with those who are seeking freedom, but who do not have it. This Congress once again is saying, no, we are not going to stay silent, we are going to speak up for those who cannot speak up, we are going to speak up for those who are in prison.

We do not forget that just 90 miles away from the shores of the United States there is a dictatorship, a tyranny that is not only corrupt, that is not only on the list of terrorist nations, those nations that sponsor terrorism, that is not only a dictatorship who sponsors narco trafficking, which also is a dictatorship who practices apartheid against its own people, and who murders not only its own people, but also has over the years murdered numerous Americans. We recall, we recall as one of the many examples that I can talk about today, when that dictatorship shot down two American airplanes.

So how appropriate then that this Congress, this symbol of freedom around the world is, once again, speaking out for those who cannot, is once

again remembering those who are being tortured in prison and, I think, also shows that once again, yes, this is the beacon of freedom. We understand that others are suffering. We do not forget. And, we know that one day the Cuban people will be able to speak up, though they are not able to do it right now, they will be able to speak for themselves, because they will not be imprisoned forever.

Mr. BOOZMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, Cuba is a country that has a people with a diverse culture, a rich heritage, a people who came as pioneers, people who came and sought their freedom and built a future. This rich and diverse history was suppressed 46 years ago under a dark veil of Communist rejection of all freedom, of rights, of dignity and liberty of the individual.

I think it is important that this resolution pass, and I rise today in its support. I cannot stress enough how important it is that human rights and human dignity be afforded to the citizens of Cuba who live in oppression under a brutal, tyrannical dictator who cares more for his own power and the advancement of his family and his cronies than his citizens who are starving and are neglected of the basic rights and privileges and necessities that we take for granted in this country.

He stands against those things that we represent, and my family has seen that firsthand. My wife Pat has helped many Cuban families who have made literally the pilgrimage to freedom, in a heartbreaking decision to leave their home country, to leave all that they love, lose all of their worldly possessions, except for their dignity, their self respect, their faith and, ultimately, maintaining cohesiveness in their family, to come seek a new life here, awaiting that day when they may return to their land and live in freedom.

Unfortunately, some in the international community see fit to recognize Fidel Castro as a power with whom to negotiate and placate. We must remember one thing. Still, today, even in old age, he is a dangerous man. He is an enemy of freedom and has sought on many continents to suppress that throughout his entire career of leadership of his tyrannical government. He is a suppresser of faith, the ability of his people and peoples elsewhere to express their faith in God, to practice their religion and, ultimately, he is an enemy of the future, an enemy of freedom in this hemisphere of no greater value than anyone else.

On July 14, the government of France invited Castro to the French Embassy in Havana to celebrate Bastille Day, but courageous members of Cuba's democratic opposition were not invited, so they chose to peacefully protest the French decision. On the morning of the protest, Cuban security forces stormed the homes of those planning to demonstrate and arrested at least 20. This type of dictatorial behavior cannot be tolerated for any length of time whatsoever. Think about it: a dictator invited to a celebration of liberation of people and, at the same time, suppressing his own people from peacefully expressing their views. It is illogical and it is illogical for the French to accept this.

For too long, the international community has danced around Castro and his Communist state, while the people live in oppression or risk their lives attempting to escape. It is not just the 20 individuals who were simply planning to protest who were arrested. Protestant Christians in Cuba are facing new regulations on house churches that can restrict religious freedom.

In order to suppress one house church, I know personally of a case where a pastor was arrested on the pretext of practicing medicine without a license simply because he prayed for one of his parishioners in the house church.

Imagine for a moment a place where the government supervises church services, and if an agent of the government arbitrarily decides that the church is breaking government regulations, it can shut it down. Imagine also a place where the government say that two house churches of the same denomination cannot exist within a mile and a half of each other, and imagine a place where human rights activists are taken into custody for simply commemorating the tragic deaths of 35 people who were killed when the boat they were fleeing in was rammed by authorities. Imagine all of that, and you will be imagining Castro's Cuba.

Mr. Speaker, I urge my colleagues to join me in supporting this critical and important resolution for the message that it sends.

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

Mr. BOOZMAN. Mr. Speaker, I would like to thank Ranking Member LANTOS and Chairman HYDE for their leadership and such a bipartisan effort for these human rights issues. Again, we truly appreciate their leadership.

Mr. FARR. Mr. Speaker, the Justice Department is entrusted with one of the most sacred rights of American citizenship—protecting the right to privacy.

The privacy rights of my constituents at Moss Landing Harbor on the central coast of California were recently violated under the guise of ''homeland security.''

At 10:30 at night, Coast Guard members armed with M–16 rifles approached docked boats, woke my constituents up, and boarded and searched their boats.

When asked why they were subject to these searches, the officers cited safety, ''homeland security'' and allegedly the PATRIOT Act.

The PATRIOT Act does not give the Coast Guard the right to violate the privacy of law-abiding citizens. It is exactly these kinds of abuses that prove why we should not be making PATRIOT Act provisions permanent.

As we reauthorize the Department of Justice today, we must be mindful of our obligation to uphold the Constitution and the Bill of Rights. The U.S. cherishes the rule of Law and the protection of civil liberties.

Unlawful search and seizure in the name of Homeland Security is Homeland insecurity.

[From the Monterey Herald, Sept. 18, 2005]

COAST GUARD OVERBOARD WITH SEARCHES

Coast Guard officers apparently were on firm ground legally when they randomly boarded and inspected nearly 30 boats docked in Monterey Bay during the Labor Day weekend, but that doesn't make it right.

An officer with the Coast Guard's Monterey division said the operation, carried out with the Monterey County Sheriff's Office, U.S. Immigration and Customs Enforcement and the National Oceanic and Atmospheric Administration, was directed at ensuring boating safety during the busiest boating weekend of the year. And officers found problems worthy of citation, including lack of flotation and fire-extinguishing devices.

But some boaters who were subject to the inspections had legitimate complaints. Two who contacted the Herald said their boats were boarded after 10:30 p.m. and that officers arrived carrying M–16 rifles. Some of the boats were live-aboards, making the inspections comparable to having law enforcement officers show up at homes on dry land for a random search with no probable cause—something banned under the Constitution.

Officials said U.S. Code and maritime law give them authority for inspections and searches on Federal waters and the waterways that lead to them. But surprised area harbormasters and boating enthusiasts said they've never before seen random, door-to-door inspections. One called it ''pretty preposterous.'' Another described it as ''a little scary.''

The Coast Guard said the officers weren't responding to any particular law enforcement report or threat. So why start this intrusive practice now? Because they can isn't a good enough answer. Maybe it's time, instead, to shore up maritime law and bring it more in line with the protections we enjoy on land.

Andy Turpin, senior editor of Latitude 38, a popular sailing magazine in Marin County, said the gaps are significant.

''All the things we take for granted when we're living ashore go out the window with maritime law,'' Turpin said. ''It's all based on a big-vessel context. There's very little legislation,'' that has to do with smaller vessels and live-aboard boats.

Lt. Mark Warren of the Monterey Coast Guard Station said in light of some of the criticisms, his agency may rethink future, similar actions.

''We take lessons and learn from these types of operations. If the public is genuinely distasteful of it, we might not do it,'' he said.

Part of the Coast Guard's aim was to increase public awareness of its role as a law enforcement agency. Mission accomplished—but in an unnecessarily intrusive way. We depend on the Coast Guard for law enforcement on open seas. We're grateful for the role it plays in search-and-rescue operations. And we appreciate its efforts to make sure the boats on the bay are in safe condition.

But random, dockside boardings are going overboard and should be discontinued.

Mr. STARK. Mr. Speaker, I rise in opposition to H. Res. 388, Condemn Cuban Repression.

It is ironic that Congress is busy condemning Cuban President Fidel Castro for violating human rights when President George W. Bush, Vice President DICK CHENEY, Secretary of Defense Donald Rumsfeld, Attorney General Alberto Gonzales and other members

of the administration have endorsed the perpetual detention and torture of over 500 detainees held by the United States military in Guantanamo Bay, Cuba.

Until the United States' foreign policy matches its rhetoric, no country should take these resolutions seriously.

I also oppose this resolution because it singles out and criticizes the European Union for its policies towards Cuba. Again, the United States hypocrisy is on show for the world. As Congress complains about foreign governments having commercial relations with the communist Cuban government, this same Congress has the audacity to pass free trade agreements and expand commercial relations with the communist government of China. Recent history shows that the Chinese government has consistently repressed its citizens. However, I have not seen one recent resolution condemning the Chinese government for its human rights abuses.

Further, the embargo of Cuba has been a failed policy that has only strengthened Fidel Castro's authority. For Congress to encourage other countries to implement a policy that has not worked for 40 years is as misguided as hiring a horse lawyer to run the Federal Emergency Management Agency, FEMA.

I urge my colleagues to vote against this resolution. If this Congress wants to be respected for its opposition against human rights abuses, then the government it should be condemning first for its practices is our own.

Mr. MENENDEZ. Mr. Speaker, I rise in strong support of this legislation and I want to thank my good friend, Representative LINCOLN DIAZ-BALART, for introducing it.

I wish I could say I was surprised when the Castro regime again arrested members of the Cuban opposition this July. But I wasn't.

In Cuba, every opposition member, human rights activist, or citizen who takes any step towards democracy is deemed a threat to the Cuban regime. These opposition members must live under a constant threat of arrest and persecution for themselves, and their families.

In Cuba, we see a persistent, long-term, calculated, and strategic abuse of human rights aimed at keeping any opposition from succeeding in Cuba.

Cuba remains the only dictatorship in our Hemisphere, and Castro must repress the opposition to stay in power.

In July 2005, Castro arrested 24 human rights activists for simply remembering those who had been killed by the regime in 1994. And he arrested many more later that month who were simply planning on attending a peaceful protest—they hadn't even actually attended the event yet.

But this is not the only recent example of Castro's brutal repression. In March 2003, the Cuban regime conducted one of the most repressive and violent actions against dissidents in recent history. We all remember how, with no provocation, 75 political dissidents were subjected to a farcical judicial process and imprisoned for nothing more than expressing a point of view not sanctioned by the Castro regime.

In May of this year, Cuban opposition leaders organized an historic Assembly on the 103rd Anniversary of Cuban independence. When we had the opportunity to recognize that Assembly here in this committee, I specifically said that we opposed any attempt by the Castro regime to repress or punish the organizers and participants of the Assembly, as Castro has done with so many others who have spoken out against repression.

I also made it clear to the Cuban opposition witnesses in our hearing in the subcommittee in March that we expected no retaliation against them for their work on behalf of freedom or for their participation in our hearing.

Unfortunately, it is my understanding that all three of those witnesses were then arrested during the July crackdown. While Martha Beatriz Roque and Felix Bonne were subsequently released, I believe that Rene Gomez Manzano remains in prison.

Given the recent arrests, I am still deeply concerned for the safety of all those who participated in the May Assembly and those who testified before this Committee.

Hundreds of political prisoners remain in Castro's jails today, and the world has recognized these injustices.

In March 2005, Amnesty International released a report on Cuba called Prisoners of Conscience: 71 Longing for Freedom. In this report, Amnesty states that they believe that, ''the charges are politically motivated and disproportionate to the alleged offenses'' and specifically note reports of ill-treatment and harsh conditions suffered by the prisoners of conscience.

Unfortunately, my friends in the European Union appear to have been deceived by Castro's conditional release of a few prisoners last year. I cannot understand why else they would think there was a reason to soften their diplomatic approach towards Cuba.

Instead of rewarding Cuba for pretending to take steps towards upholding fundamental civil rights, we should call for the unconditional release of all political prisoners in Cuba. I certainly hope that the European Union will review its policy towards Cuba, as is called for in this resolution.

And I hope that other multinational organizations, such as the UN Commission on Human Rights, join the rest of the world in strongly condemning the most recent crackdown in July by passing a strongly worded resolution against these violations of human and civil liberties, as is also called for in this resolution.

I know Members do not always agree with one another on issues relating to Cuba. And I know that this is, for many of us, a very personal issue.

But I also know that every one of my colleagues should be willing—and proud—to vote for this resolution, which simply states that the gross human rights violations committed by the Cuban regime are abhorrent.

Every one of my colleagues should be willing, and proud, to vote for the right of the Cuban people to exercise fundamental political and civil liberties that we enjoy here in the United States.

To my brothers and sisters who suffer in Castro's jails, to their families and friends both here in the United States and Cuba, and to the Cuban people, I say that Castro will not succeed in his vain attempt to suppress the spirit of the Cuban people. I look forward to the day, which is coming soon, when we will all celebrate a free and democratic Cuba. It is the spirit of the Cuban human rights activists and their courage that will ultimately be Castro's downfall.

So I ask each of you to join me in voting yes for this resolution.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Arkansas (Mr. BOOZMAN) that the House suspend the rules and agree to the resolution, H. Res. 388.

The question was taken.

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

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

The yeas and nays were ordered.

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

SERVICEMEMBERS' GROUP LIFE INSURANCE ENHANCEMENT ACT OF 2005

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3200) to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Servicemembers' Group Life Insurance Enhancement Act of 2005''.

SEC. 2. REPEALER.

Effective as of August 31, 2005, section 1012 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 244), including the amendments made by that section, are repealed, and sections 1967, 1969, 1970, and 1977 of title 38, United States Code, shall be applied as if that section had not been enacted.

SEC. 3. INCREASE FROM $250,000 TO $400,000 IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) MAXIMUM UNDER SGLI.—Section 1967 of title 38, United States Code, is amended—

(1) in subsection (a)(3)(A)(i), by striking ''$250,000'' and inserting ''$400,000''; and

(2) in subsection (d), by striking ''of $250,000'' and inserting ''in effect under paragraph (3)(A)(i) of that subsection''.

(b) MAXIMUM UNDER VGLI.—Section 1977(a) of such title is amended—

(1) in paragraph (1), by striking ''in excess of $250,000 at any one time'' and inserting ''at any one time in excess of the maximum amount for Servicemembers' Group Life Insurance in effect under section 1967(a)(3)(A)(i) of this title''; and

(2) in paragraph (2)—

(A) by striking ''for less than $250,000 under Servicemembers' Group Life Insurance'' and inserting ''under Servicemembers' Group Life Insurance for less than the maximum amount for such insurance in effect under section 1967(a)(3)(A)(i) of this title''; and

(B) by striking ''does not exceed $250,000'' and inserting ''does not exceed such maximum amount in effect under such section''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of September 1, 2005, and shall apply with respect to deaths occurring on or after that date.

SEC. 4. SPOUSAL NOTIFICATIONS RELATING TO SERVICEMEMBERS' GROUP LIFE INSURANCE PROGRAM.

Effective as of September 1, 2005, section 1967 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) If a member who is married and who is eligible for insurance under this section makes an election under subsection (a)(2)(A) not to be insured under this subchapter, the Secretary concerned shall notify the member's spouse, in writing, of that election.

''(2) In the case of a member who is married and who is insured under this section and whose spouse is designated as a beneficiary of the member under this subchapter, whenever the member makes an election under subsection (a)(3)(B) for insurance of the member in an amount that is less than the maximum amount provided under subsection (a)(3)(A)(i), the Secretary concerned shall notify the member's spouse, in writing, of that election—

''(A) in the case of the first such election; and

''(B) in the case of any subsequent such election if the effect of such election is to reduce the amount of insurance coverage of the member from that in effect immediately before such election.

''(3) In the case of a member who is married and who is insured under this section, if the member makes a designation under section 1970(a) of this title of any person other than the spouse or a child of the member as the beneficiary of the member for any amount of insurance under this subchapter, the Secretary concerned shall notify the member's spouse, in writing, that such a beneficiary designation has been made by the member, except that such a notification is not required if the spouse has previously received such a notification under this paragraph and if immediately before the new designation by the member under section 1970(a) of this title the spouse is not a designated beneficiary of the member for any amount of insurance under this subchapter.

''(4) A notification required by this subsection is satisfied by a good faith effort to provide the required information to the spouse at the last address of the spouse in the records of the Secretary concerned. Failure to provide a notification required under this subsection in a timely manner does not affect the validity of any election specified in paragraph (1) or (2) or beneficiary designation specified in paragraph (3).''.

SEC. 5. INCREMENTS OF INSURANCE THAT MAY BE ELECTED.

(a) INCREASE IN INCREMENT AMOUNT.—Subsection (a)(3)(B) of section 1967 of title 38, United States Code, is amended by striking ''member or spouse'' in the last sentence and inserting ''member, be evenly divisible by $50,000 and, in the case of a member's spouse,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 1, 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MILLER).

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

(Mr. MILLER of Florida asked and was given permission to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, on July 14 of this year, the Committee on Veterans' Affairs reported H.R. 3200, the Servicemembers' Group Life Insurance Enhancement Act of 2005. On July 26 of this year, the House passed the bill by a vote of 424–0.

Among other things, this bill would provide a permanent authorization for increases in maximum life insurance covered under the Servicemembers' Group Life Insurance Program and the Veterans Group Life Insurance Program from $250,000 to $400,000.

□ 1330

Public Law 109–13, the Emergency Supplemental Appropriations Act For Defense, the Global War on Terror, and the Tsunami Relief, 2005, increased the maximum coverage to $400,000 under these programs; however, the authorization expires in just 2 days, that is, September 30.

It is my understanding that during negotiations on the supplemental that the Senate included the termination date which was approved in the conference report to afford the legislative committees of jurisdiction the opportunity to hold hearings and further consider the specifics of the emergency authorization before it was made permanent.

The increased level of coverage was requested by the President because of concerns that death benefits for survivors of servicemembers were inadequate as our Nation fights the global war on terrorism. Further, Public Law 109–13 mandated spousal consent even in cases where the couple is estranged, as long as they are still legally married. The committee does not believe providing the spouse such a ''veto'' authority over life insurance elections is good public policy. The spousal consent requirement could also result, for example, in a servicemember's spouse excluding stepchildren as beneficiaries. The government should not interfere legally in a servicemember's highly personal choices about such family matters as this.

H.R. 3200, as amended, which the Senate passed yesterday, would instead require the military service secretary concerned to provide written notification to the spouse.

In an effort to expedite the passage of this bill as amended, we concur with the Senate's decision to drop the provisions stating that in cases of an unmarried servicemember, or a servicemember who marries while on active duty, notification be made to the next of kin or new spouse as to their insurance election.

The Committee believes notification is the preferable way of ensuring that the spouse is informed about this important financial decision while preserving the individual right of the servicemember to make decisions about life insurance coverage themselves.

Finally, Public Law 109–13 also provided for a new Traumatic Injury Protection program which goes into effect on the 1st of December this year. The committee has agreed to review this proposal in the coming year after having an opportunity to monitor the existing program. As amended, H.R. 3200 does not include this provision.

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

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

Mr. Speaker, I would like to thank Chairman BUYER, ranking member EVANS, and subcommittee chairman MILLER as well as Senator CRAIG and Senator AKAKA on the Senate side for moving forward on this bill.

As a result of our mutual cooperation, the men and women currently serving in the military will be able to retain insurance coverage of $400,000 on October 1 of 2005.

H.R. 3200, as amended, would make permanent the increase in maximum Servicemembers' Group Life Insurance, SGLI, to $400,000 passed earlier this year. That increase was provided as the gentleman from Florida has stated by Public Law 109–13, but is set to expire on September 30, 2005. Immediate passage of this legislation is necessary in order to prevent any gaps in coverage under the SGLI program.

I truly appreciate the cooperation of the gentleman from Florida as well as that of the Senate Committee on Veterans' Affairs in addressing my concerns that spousal consent not be a part of this SGLI program.

We have heard time and time again from estranged spouses throughout the country that they were upset that under current law they must seek to obtain the consent of an estranged spouse before selecting less than the maximum amount of life insurance. I am also pleased that the compromise bill recognizes the importance of allowing service men and women to name a child as a beneficiary of their SGLI policy without notification of a present spouse. I believe we need to allow service men and women to make such decisions without any pressure to ignore the financial responsibility to their children of prior marriages.

The bill under consideration today strikes the right balance, in my opinion, for notification to spouses who would potentially be affected by the servicemembers' coverage and beneficiary decisions. This bill is urgently needed to provide continuous coverage to our service men and women. It will benefit the Nevadans that I represent as well as all Americans who are currently serving in the Armed Forces and their families.

I urge all Members to support H.R. 3200.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS), the wonderful ranking Democratic member on the committee.

Mr. EVANS. Mr. Speaker, I rise in support of H.R. 3200, as amended by the Senate.

Earlier this year, Congress increased the amount of insurance available to servicemembers to $400,000. That provision is scheduled to expire September 30, 2005. We need to make the increase permanent now.

Under this bill, men and women currently serving will receive $400,000 in life insurance unless they choose to receive the lower amount.

H.R. 3200, as amended, will receive my full support. It deserves the support of every Member of this body.

Ms. BERKLEY. Mr. Speaker, I thank the gentleman from Florida (Mr. MILLER) for his extraordinary cooperation on this legislation.

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

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

Mr. Speaker, like my colleague, I would like to say thank you to the gentleman from Indiana (Mr. BUYER), the chairman of the committee, and the gentleman from Illinois (Mr. EVANS), the ranking member, for their cooperation in this legislation. I also commend the gentlewoman from Nevada (Ms. BERKLEY), the ranking member on our subcommittee, as well as the gentleman from New Hampshire (Mr. BRADLEY), for working with me and drafting this compromise agreement.

I particularly want to thank those on the Senate side, Senator CRAIG and Senator AKAKA, for ensuring that this important legislation was considered in the Senate and returned to the House to allow for final passage.

Congress has to act promptly to ensure permanent SGLI authorization is enacted before September 30, or else insurance coverage levels will revert to $250,000 on the 1st of October of this year. I do not think any Member of this body wants to see this happen.

Mr. Speaker, I strongly urge my colleagues to support H.R. 3200, as amended.

For the benefit of my colleagues, the following is a joint explanatory statement describing the compromise agreement which we have reached with the other body.

JOINT EXPLANATORY STATEMENT ON SENATE AMENDMENTS TO H.R. 3200

H.R. 3200, as amended, the Servicemembers' Group Life Insurance Enhancement Act of 2005, reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (the Committees) on the following bills considered in the House and Senate during the 109th Congress: H.R. 2046, as amended; H.R. 3200 (House Bills); and S. 1235, as amended (Senate Bill). H.R. 2046, as amended, passed the House on May 23, 2005; H.R. 3200 passed the House on July 26, 2005; and S. 1235, as amended, reported to the Senate on September 21, 2005.

The Committees have prepared the following explanation of H.R. 3200, as amended (Compromise Agreement). Differences between the provisions contained in the Compromise Agreement and the related provisions of H.R. 2046, as amended; H.R. 3200; and S. 1235, as amended, are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

REPEALER

Current law

Section 1012 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), amended sections 1967, 1969, 1970, and 1977 of title 38, United States Code. The provisions in section 1012 of Public Law 109–13 expire on September 30, 2005.

House bills

Section 2 of H.R. 3200 would repeal, effective August 31, 2005, section 1012 of Public Law 109–13 as if that section had not been enacted.

Senate bill

Section 101(d) of S. 1235, as amended, stipulates that those elements of the Supplemental Appropriations Act that will not be extended, in whole, beyond the September 30, 2005, termination date would not be treated for any purpose as having gone into effect.

Compromise agreement

Section 2 of the Compromise Agreement follows the House language.

INCREASE FROM $250,000 TO $400,000 IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

Current law

Sections 1967 and 1977(a) of title 38, United States Code, provide up to $400,000 in maximum coverage allowable under Servicemembers' Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI). The maximum coverage of $400,000 is automatically provided unless the service member or veteran, as the case may be, declines coverage or elects coverage at a reduced amount. Declinations or elections of less than the maximum amount must be in writing. As of October 1,2005, the maximum coverage under both SGLI and VGLI will be reduced to $250,000 (section 1012 of Public Law 109–13).

House bills

Section 3 of H.R. 3200 would make permanent the maximum coverage allowable under sections 1967 and 1977(a) of title 38, United States Code, effective September I, 2005.

Senate bill

Sections 101(a)(I)(B)(i) and 101(c) of S. 1235, as amended, contain similar provisions.

Compromise agreement

Section 3 of the Compromise Agreement follows the House language with minor technical changes.

NOTIFICATION TO MEMBER'S SPOUSE OR NEXT OF KIN OF CERTAIN ELECTIONS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE PROGRAM

Current law

Section 1967 of title 38, United States Code, requires a married servicemember to receive written spousal consent prior to making a SGLI election for less than the maximum coverage amount. Similarly, the Secretary concerned is required to notify an unmarried servicemember's beneficiary or next of kin if the servicemember elects less than the maximum coverage amount.

Section 1970 of title 38, United States Code, prohibits a married servicemember from modifying a beneficiary designation without providing written notification to the spouse.

The consent and notification requirements of sections 1967 and 1970 of title 38, United States Code, expire on September 30,2005 (section 1012 of Public Law 109–13).

House bills

Section 5 of H.R. 2046, as amended, and section 4 of H.R. 3200, would require the uniformed services Secretary concerned to notify, in writing, a married servicemember's spouse, or an unmarried servicemember's next of kin, of an insurance election (1) not to be insured, (2) to be insured for an amount less than the maximum, or (3) to be insured if not insured or to change the amount of insurance coverage. The House bills would also require the Secretary concerned to notify, in writing, the spouse of a married servicemember if the servicemember designated anyone other than the spouse or child of the member as the beneficiary. When a servicemember marries, the Secretary concerned would be required to notify the new spouse whether the servicemember is insured under SGLI and when applicable, that the servicemember has elected less than the maximum amount of coverage or that the servicemember has designated someone other than the member's spouse or child as the policy beneficiary. Finally, section 4 of H.R. 3200 would provide that written notification shall consist of a good faith effort by the Secretary concerned to provide the required information to the servicemember's spouse or other person at the last known address of the spouse or next of kin in the records of the Secretary. Failure to provide such notification would not invalidate a servicemembers' election.

Senate bill

Section 101(a)(1)(A) of S. 1235, as amended, would require the Secretary concerned to make a good faith effort to notify the spouse of a servicemember if the servicemember elects to reduce amounts of insurance coverage or name a beneficiary other than the servicemember's spouse or child.

Compromise agreement

Section 4 of the Compromise Agreement generally follows the Senate language. The spouse of a married servicemember would be notified if the servicemember elects not to be insured under SGLI or if the beneficiary named by the servicemember is someone other than the spouse or child of the servicemember. The spouse of a servicemember would receive an initial notification if the servicemember elected less than the amount of maximum coverage available. Notice to a spouse concerning a subsequent decrease in the amount of life insurance or a change of beneficiary would be required only if the servicemember had previously designated the spouse as the beneficiary. When the spouse of a servicemember is not named as the beneficiary of the policy, the Committees find that no notice of additional changes is required.

INCREMENTS OF INSURANCE THAT MAY BE ELECTED

Current law

Section 1967 of title 38, United States Code, requires that a servicemember's SGLI election be evenly divisible by $50,000. On October 1, 2005, coverage will be divisible by $10,000 (section 1012 of Public Law 109–13).

House bills

Section 5 of H.R. 3200 would make permanent the requirement that SGLI for servicemembers be provided in increments of $50,000.

Senate bill

Section 101(a)(1)(B) of S. 1235, as amended, contains similar language.

Compromise agreement

Section 5 of the Compromise Agreement contains this provision.

LEGISLATIVE PROVISION NOT ADOPTED

AUTHORITY TO ELECT NEW TRAUMATIC INJURY PROTECTION

Current law

Section 1032 of Public Law 109–13 added a new section 1980A (Traumatic Injury Protection) to chapter 19 of title 38, United States Code. Section 1980A becomes effective on December 1, 2005. Servicemembers insured under SGLI will be automatically enrolled in the Traumatic Injury Protection program and are required to participate in the program.

House bills

Section 6 of H.R. 3200 would permit a servicemember to elect in writing not to be covered under the Traumatic Injury Protection program. A servicemember who declines coverage would be able to elect coverage at a later date upon written application, proof of good health, and in compliances with terms or conditions as may be prescribed by the Secretary, but coverage would apply only with respect to injuries occurring after a subsequent election. In any case, a servicemember would be required to be insured under SGLI to participate in Traumatic Injury Protection.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Committees agree to further explore this provision during the course of their oversight responsibilities of the Traumatic Injury Protection program.

Mr. BUYER. Mr. Speaker, I am pleased we are considering this bill today. As my colleagues are aware, Public Law 109–13, the Emergency Supplemental, included provisions which made changes to VA's insurance program for active duty servicemembers and veterans. However, these changes expire on September 30, 2005.

H.R. 3200, as amended, would: Repeal section 1012 of the Supplemental, the section dealing with the insurance changes, and replace it with the text of H.R. 3200, as amended; make permanent the increase from $250,000 to $400,000 in maximum Servicemembers' Group and Veterans' Group Life Insurance coverage; make permanent the increments of SGLI coverage from $10,000 to $50,000; and require the military service Secretary concerned to notify a servicemember's spouse, in writing, if the servicemember declines SGLI or chooses an amount less than the maximum, as well as notify the spouse if someone other than the spouse or child is designated as the policyholders' beneficiary.

Similar language was included in H.R. 2046, which passed the House on May 23rd of this year.

The spousal notification language does not apply to the Veterans' Group Life Insurance program.

There were no public hearings prior to House and Senate passage of the defense emergency supplemental. In June, the Subcommittee on Disability Assistance and Memorial Affairs, chaired by JEFF MILLER of Florida, held a hearing on the provisions included in today's bill, and it is supported by the Administration and veterans groups.

H.R. 3200, as amended, will ensure the current $400,000 maximum level of insurance coverage is available to millions of active duty servicemembers, Reservists, and veterans, as well as commissioned members of the National Oceanic and Atmospheric Administration and the Public Health Service. I cannot underestimate the impact of this legislation.

Mr. Speaker, I applaud Chairman MILLER and Ms. BERKLEY, the ranking member of the Subcommittee on Disability Assistance and Memorial Affairs, for their hard work and active participation in crafting this bill, as well as the subcommittee vice chairman, JEB BRADLEY. This has indeed been a team effort.

I also want to thank the subcommittee staffs on both sides of the aisle—Paige McManus, Chris McNamee, and Mary Ellen McCarthy.

Mr. Speaker, as the original increase in SGLI and VGLI expire at midnight this Friday, I urge my colleagues to support the Servicemembers' Group Life Insurance Enhancement Act.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3200.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3200.

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

There was no objection.

UNITED STATES GRAIN STANDARDS ACT REAUTHORIZATION

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1752) to amend the United States Grain Standards Act to reauthorize that Act.

The Clerk read as follows:

S. 1752

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

SECTION 1. REAUTHORIZATION OF ACT.

(a) IN GENERAL.—Sections 7(j)(4), 7A(l)(3), 7D, 19, and 21(e) of the United States Grains Standards Act (7 U.S.C. 79(j)(4), 79a(*l*)(3), 79d, 87h, 87j(e)) are amended by striking ''2005'' each place it appears and inserting ''2015''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on September 30, 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. Speaker, I am pleased to support S. 1752, a bill to reauthorize the U.S. Grain Standards Act. The other body passed this bill by unanimous consent last week, and I look forward to its swift approval today as the act expires September 30, 2005.

This bill is identical to the language that the administration provided Congress earlier this year. The bill is a simple 10-year extension of current law. It will reauthorize the Secretary's authority to charge and collect fees to cover costs of inspection and weighing services and to receive appropriated dollars for standardization and compliance activities.

The House Subcommittee on General Farm Commodities and Risk Management of the Committee on Agriculture held a hearing on May 24, 2005, to review the U.S. Grain Standards Act. Testimony provided on behalf of the National Grain and Feed Association and the North American Export Grain Association highlighted the need for the U.S. grain industry to remain cost-competitive for bulk exports of U.S. grains and oilseeds in the future.

The American Farm Bureau Federation, the American Soybean Association, the National Association of Wheat Growers, the National Corn Growers Association, the National Grain Sorghum Producers, and the American Association of Grain Inspection and Weighing Agencies all voiced support for this legislation.

The U.S. Grain Standards Act first became law in 1916. In the intervening 89 years, Congress has reauthorized and amended the U.S. Grain Standards Act so that the law could adapt to changes in grain production, grain marketing, crop diversity, competitive pressure, and fiscal constraints.

The U.S. Grain Standards Act has served agriculture and our Nation well. For nearly a century, it has provided for standard marketing terms, grades and weights and facilitated domestic and international marketing of our farmers' production. Among its many responsibilities, the Federal Grain Inspection Service establishes and maintains official grades for our Nation's crop production, promotes the uniform application of official grades, provides for the official weighing and grading at export locations, provides Federal oversight of weighing and grading done by States, and investigates complaints or discrepancies reported by importers. Passage of this bill ensures the continuity of these standards and the opportunity for our farmers to remain competitive in the world marketplace.

I urge my colleagues to support this legislation.

I thank the gentleman from Minnesota (Mr. PETERSON), the ranking member of the committee, for his cooperation in working with us to bring this legislation to the floor.

Mr. Speaker, S. 1752 is a bill to reauthorize the U.S. Grain Standards Act. The other body passed this bill by unanimous consent last week. Timely approval of this bill is important because the current law expires September 30, 2005.

This bill is identical to the language the Administration provided Congress earlier this year. This bill is a simple 10-year extension of current law.

The House Agriculture Subcommittee on General Farm Commodities and Risk Management held a hearing on May 24, 2005 to review the U.S. Grain Standards Act. Testimony provided on behalf of the National Grain and Feed Association and the North American Export Grain Association highlighted the need for

the U.S. grain industry to remain cost-competitive for bulk exports of U.S. grains and oilseeds in the future. Specifically, these organizations proposed that U.S. Department of Agriculture (USDA) utilize third party entities to provide inspection and weighing activities at export facilities with 100 percent USDA oversight using USDA-approved standards and procedures. The American Farm Bureau Federation, American Soybean Association, National Association of Wheat Growers, National Corn Growers Association, National Grain Sorghum Producers, and the American Association of Grain Inspection and Weighing Agencies all voice support for this proposal. USDA testified that the ''proposal of the industry establishes a framework for changing the delivery of services without compromising the integrity of the official system.''

During the hearing, the Committee also learned of workforce challenges currently facing the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA). The majority of official grain inspectors will be eligible for retirement over the next several years. Testimony presented explained that transitioning the delivery of services through attrition would minimize the impact on Federal employees.

Since the hearing, I have reviewed legislative proposals and discussed the issue of improved competitiveness with my colleagues, farm and industry organizations, and USDA. Chairman SAXBY CHAMBLISS of the Senate Agriculture Committee and I asked USDA to determine if they had the authority under the existing law to use private entities at export port locations for grain inspection and weighing services, and if they did, how would they implement this authority.

Accompanying this statement is a copy of USDA's response to our questions. The letter states that the U.S. Grain Standards Act ''currently authorizes the Secretary of Agriculture to contract with private persons or entities for the performance of inspection and weighing services at export port locations.'' The letter further explains that GIPSA considers the use of this authority as an option to address future attrition within the Agency and to address expanded service demand. I fully expect USDA to use this authority in a manner that improves competitiveness of the U.S. grain industry, that maintains the integrity of the Federal grain inspection system, and that provides benefits to employees who may be impacted.

The Committee greatly appreciates the work that has gone into the reauthorization of this law and we are pleased to extend the authorization for 10 years.

THE SECRETARY OF AGRICULTURE,
Washington, DC, September 21, 2005.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of this date, also signed by Saxby Chambliss, Chairman of the U.S. Senate Committee on Agriculture, Nutrition, and Forestry, posing two questions regarding legislation which is currently pending before the Congress. The legislation would reauthorize, for an additional period of years, the United States Grain Standards Act, 7 U.S.C. §§71 et seq. (Act), which is presently scheduled to expire on September 30, 2005. Your questions and our responses are as follows:

1. Would existing authority under the U.S. Grain Standards Act allow USDA to use private entities at export port locations for grain inspection and weighing services?

Response. The Act currently authorizes the Secretary of Agriculture to contract with private persons or entities for the perfonnance of inspection and weighing services at export port locations. See 7 U.S.C. §§79(e)(I), 84(a)(3).

2. If so, how would USDA implement this authority?

Response. The Act currently authorizes the Secretary to contract with a person to provide export grain inspection and weighing services at export port locations. The Grain Inspection, Packers and Stockyards Administration (GIPSA) has reserved this authority to supplement the current Federal workforce if the workload demand exceeded the capability of current staffing. GIPSA has also considered use of this authority as one of several options to address future attrition within the Agency and to address expanded service demand as several delegated States have decided or are considering to cancel their Delegation of Authority with GIPSA.

In accordance with Federal contracting requirements, GIPSA would contract with a person(s) (defined as any individual, partnership, corporation, association, or other business entity) to provide inspection and weighing services to the export grain industry. The person(s) awarded the contract would adhere to all applicable provisions of the Act to ensure the integrity of the official inspection system during the delivery of services to the export grain industry. The person(s) would charge a fee directly to the export grain customer to cover the cost of service delivery and the cost of GIPSA supervision. Contract terms would require reimbursement to GIPSA for the cost of supervising the contractor's delivery of official inspection and weighing services.

GIPSA would comply with OMB Circular No. A–76 for any contracting activity that may replace or displace Federal employees. The Circular would not apply if the contract for outsourcing services intends to fill workforce gaps, not affect Federal employees, or supplement rather than replace the Federal workforce. The A–76 process typically takes two years and involves an initial cost-benefits analysis, an open competitive process, and an implementation period.

I hope that the explanations provided above are fully responsive to the questions you have asked. A similar letter is being sent to Chairman Chambliss.

Sincerely,

MIKE JOHANNS,
Secretary.

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

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

Mr. Speaker, I am glad that we are moving this reauthorization before various authorities in the Grain Standards Act expire on September 30. I want to thank Subcommittee Chairman MORAN, Ranking Member ETHERIDGE, as well as Chairman GOODLATTE for their work on moving this reauthorization.

The legislation we are considering today would simply reauthorize the existing Grain Standards Act for 10 years. While I would prefer that the reauthorization be for 5 years to allow for reexamination of the state of the inspection service and industry at that time, I support the bill before us today.

As we saw with the recent experiences in the aftermath of Hurricane Katrina, the Federal Grain Inspection Service's Federal workforce is a dedicated group of individuals with many years of experience and a great deal of pride in the work that they do. The folks that work in the Port of New Orleans, for example, have continued to provide valuable public services even as the disaster affects their own families, homes, and neighborhoods.

The quality of the grain produced on American farms is among the best in the world, and our export inspection system helps ensure that the integrity of those crops is maintained as it is exported to our foreign customers.

I support the passage of this reauthorization, and I again want to thank my colleagues for their work on this issue.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH), who has worked on this issue.

Mr. KUCINICH. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. PETERSON) for the work he has done on this bill. I rise in support of S. 1752, the Reauthorization of the Grain Standards Act.

Two weeks ago, I was opposed to the bill because it needlessly privatized grain inspectors, which could harm our agricultural export market. In the mid-1970s, the inspection service was federalized following several scandals involving some growers who tried to cheat foreign buyers by, for example, substituting saw dust for grain. Overall, there were indictments of 52 individuals and four corporations.

Today, with Federal inspectors on the job, our foreign customers are confident in the quality of U.S. grain. But many of these buyers, international buyers, have spoken publicly about their reservations of a private inspection system. Such a scheme may harm U.S. exports of grains, something our farmers cannot afford.

Worse yet, the benefits from privatization are almost nil. According to testimony from the National Grain and Feed Association, privatizing the inspector force will save 8 cents per ton of grain per export in the unlikely scenarios that the entire cost savings were passed along to farmers by way of better commodity prices. The average 500-acre soybean farm would gain a measly $46 a year in extra income. For nothing more than pocket change, that kind of privatization could undermine the 30 years of confidence in the quality of U.S. grain. That was an enormous risk for pocket change.

Thankfully, because of the gentleman from Minnesota (Mr. PETERSON) and others, this bill before us today does not include the risky privatization scheme that was contemplated.

I once again want to thank the gentleman from Minnesota and his staff for the opportunity to work with them on this legislation.

Mr. ETHERIDGE. Mr. Speaker, today the House is considering S. 1752, Senate-passed legislation to reauthorize the U.S. Grain Standards Act.

The Grain Standards Act helps farmers maintain a high standard of quality in crop production through a national system for inspecting, weighing and grading grain, both for domestic and foreign shipments.

S. 1752 reauthorizes the U.S. Grain Standards Act for 10 years. This bill will reauthorize the Secretary's authority to charge and collect fees to cover costs of inspection and weighing services and to receive appropriated dollars for standardization and compliance activities.

I support reauthorization of these important components of the Grains Standards Act in order to ensure the United States remains a large producer of quality agricultural products.

I urge my colleagues to support S. 1752 so we can send it to the President for signature.

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

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 1752.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1752, the bill just considered.

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

There was no objection.

EXPRESSING SENSE OF CONGRESS THAT UNITED STATES SUPREME COURT SHOULD SPEEDILY FIND USE OF PLEDGE OF ALLEGIANCE IN SCHOOLS TO BE CONSISTENT WITH CONSTITUTION

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 245) expressing the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States.

The Clerk read as follows:

H. CON. RES. 245

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) judicial rulings by the United States Court of Appeals for the 4th and 9th circuits have split on the issue of whether the Constitution allows the recitation of the Pledge of Allegiance in schools;

(2) the ruling by the United States Court of Appeals for the 4th circuit correctly finds the Constitution does allow such a recitation; and

(3) the United States Supreme Court should at the earliest opportunity resolve this conflict among the circuits in a manner which recognizes the importance and Constitutional propriety of the recitation of the Pledge of Allegiance by school children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 245.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Concurrent Resolution 245, expressing the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States.

As Justice Stevens noted, writing for the Court last year in Elk Grove Unified School District v. Newdow, ''The Pledge of Allegiance evolved as a common public acknowledgement of the ideals that our flag symbolizes. Its recitation is a patriotic exercise designed to foster national unity and pride in those principles.''

However, going far beyond the requirements of the Establishment Clause and the Supreme Court's interpretation of that clause, the Ninth Circuit struck down a school policy of voluntary, teacher-led recitation of the Pledge of Allegiance, citing that the policy impermissibly coerces a religious act.

Last summer, the Supreme Court reversed the Ninth Circuit's decision on standing grounds. Though the Court did not address the merits of the case, the late Chief Justice Rehnquist stated in his concurring opinion: ''I do not believe that the phrase 'under God' in the Pledge converts its recital into a 'religious exercise.' Instead, it is a declaration of belief in allegiance and loyalty to the United States flag and the Republic that it represents. The phrase 'under God' is in no sense a phraser, nor an endorsement of any religion, but a simple recognition of the fact that from the time of our earliest history, our peoples and our institutions have reflected the traditional concept that our Nation was founded on a fundamental belief in God.''

Just 2 weeks ago, in Newdow v. U.S. Congress, the Eastern District of California relied on the Ninth Circuit's decision and held that school district policies of voluntary, teacher-led recitations of the Pledge violate the Establishment Clause.

But, as former Chief Justice Rehnquist stated: ''The Constitution only requires that schoolchildren be entitled to abstain from the ceremony if they choose to do so. To give the parent of such a child a sort of 'heckler's veto' over a patriotic ceremony willingly participated in by other students, simply because the Pledge of Allegiance contains the descriptive phrase 'under God' is an unwarranted extension of the Establishment Clause, an extension would have the unfortunate effect of prohibiting a commendable patriotic observance.''

The Pledge of Allegiance is simply a patriotic exercise in which one expresses support for the United States of America, that was founded by a generation of framers who saw a belief in God as fundamental to sustaining the moral fabric of a free society. Those who did not share the beliefs of our founding generation as reflected in the Pledge are free to refrain from its recitation. However, those who wish to voluntarily recognize the special role of providence in America's identity and heritage must also continue to be free to do so.

This body affirms its support for the Pledge of Allegiance by starting each session of the House with its recitation. When the Pledge of Allegiance has come under legal and political assault, this body has consistently and overwhelmingly defended it by passing resolutions that expressed support for its voluntary recitation. Most recently, in 2003, the House passed H. Res. 132 affirming support for the Pledge by a margin of 400 to 7.

I urge my colleagues to continue to affirm their support for the Pledge of Allegiance by supporting the passage of this important resolution.

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

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

Mr. Speaker, I come from a State that has a long tradition in supporting religious freedom. In fact, it was Thomas Jefferson of Virginia who wrote the Virginia Statute for Religious Freedom which predates the amendment to the Constitution.

Unfortunately, H. Con. Res. 245 is not about supporting religious freedom. In fact, this resolution is totally gratuitous, as it will do nothing to change the underlying law. This is because we are dealing with constitutional issues that cannot be altered by resolution. If the judicial branch ultimately finds the Pledge, or the national motto to be constitutional, then nothing needs to be done. On the other hand, if the Court ultimately finds it to be unconstitutional, no law that we pass will change that.

Although I tend to agree with the dissent in the 2002 Ninth Circuit decision in Newdow v. U.S. Congress, which

found that the words ''under God'' in the Pledge are permissible under the Constitution, I believe it is important to review the reasoning of the majority decision in that case which held that the words ''under God'' are impermissible on constitutional grounds.

The majority in the Newdow case applied each of the three Supreme Court tests that have been used over the last 50 years in evaluating Establishment Clause cases. That review is essential, because if we support the Pledge, we need to make sure that we support it based on appropriate constitutional principles.

One test the Ninth Circuit cited was whether the phrase ''under God'' in the Pledge constitutes an endorsement of religion. The majority opinion said it was an endorsement of one view of religion, monotheism, and, therefore, was an unconstitutional endorsement.

Another test was whether the individuals were coerced into being exposed to the religious message, and the majority opinion concluded that the Pledge was unconstitutional because young children are compelled to attend school and ''may not be placed in the dilemma of either participating in a religious ceremony or protesting.''

Finally, the Court applied the Lemon test, named after the 1971 Supreme Court case Lemon v. Kurtzman. Part of that test holds that a law violates the Establishment Clause if there is no secular or nonreligious purpose. Mr. Speaker, the Pledge was amended in 1954 to add the words ''under God'' to the existing Pledge, and so the Ninth Circuit concluded that the 1954 law had no secular purpose and was, therefore, unconstitutional.

Mr. Speaker, while I believe that the majority's reasoning was sound, I indicated that I tend to agree with the dissent in the 2002 Newdow case. The operative language in the dissent which persuaded me was as follows:

''Legal world abstractions and ruminations aside, when all is said and done, the danger that 'under God' in our Pledge of Allegiance will tend to bring about a theocracy or suppress someone's belief is so minuscule as to be de minimis. The danger that phrase represents to our first amendment's freedoms is picayune at best.

''Judges, including Supreme Court Justices, have recognized the lack of danger in that and similar expressions for decades, if not for centuries.''

Mr. Speaker, I agree with the dissent and support the Pledge of Allegiance as is under the theory that the words ''under God'' are de minimis. Because the language fails other traditional Establishment Clause tests, the principle that the words ''under God'' are de minimis is the only principle that supports the Pledge as it is. If we suggest that the words are not de minimis, then what do we have to rely on? We would have to overturn one of the existing Supreme Court tests. What will we base that decision on? Would we permit, for example, the government endorsement of one religious view and open the door to other endorsements? Will we permit proscribed coercion of young and impressionable schoolchildren and open the door to other government proscribed religious messages? Should we repeal the Lemon law test and permit the enactment of legislation that only has a religious purpose?

Moreover, if we elect to maintain the Pledge with the words ''under God'' simply because it represents a page in our history as the Fourth Circuit appears to allow, then are we establishing a new Supreme Court test, a historical setting test, or is that the same de minimis standard that the Ninth Circuit cited?

Again, the only principle which upholds the constitutionality of the Pledge is that the words ''under God'' are de minimis, as explained by the dissent in the 2002 Newdow case in the Ninth Circuit. The problem with relying on that principle and enacting H. Con. Res. 245 is that our actions do more harm than good. The de minimis principle is precarious at best.

It is easily undermined by the emphasis we place on the language. If the courts look at the importance that we apparently affix to the words ''under God'' by passing this legislation and increasing the magnitude of the attention we give the issue, we subvert the argument that the phrase has de minimis meaning and, in fact, increase the constitutional vulnerability of that phrase in the pledge.

Mr. Speaker, when we were sworn in, we promised to uphold the Constitution. It is important to acknowledge that any court ruling based on constitutional rights will be unpopular. If the issue was popular, the complainant would be able to vindicate his rights using the normal democratic legislative process. Obviously, the fact that he had to rely on constitutional rights and go through the courts means that he was in the minority.

This will always be the case with constitutional rights. You do not need the Constitution to protect the freedom of speech to say something that is popular. You only need it when the majority tries to use the democratic legislative process or police power to stop you from expressing your views, and stopping the majority from exercising that power will always be unpopular.

Mr. Speaker, whatever we think of the recent California district court or the previous Ninth Circuit decisions, the only thing worse than those decisions is a spectacle of Members of Congress putting aside efforts to address the tragedies caused by Hurricanes Katrina and Rita, considering the appointments to the Supreme Court, completion of the appropriations process for the fiscal year that begins 3 days from now, and the need to address a budget deficit that jeopardizes the next generation in order to take time to pass this resolution. Such a spectacle only emphasizes the importance of the words ''under God'' and, simultaneously, undermines the only constitutional argument that supports the Pledge as it is, and that is, that the words are not important.

Mr. Speaker, in that light, the majority of the Members of Congress will always disagree with the constitutional decision of the judicial branch, and so, Mr. Speaker, because this resolution actually makes it less likely that a court can find the Pledge unconstitutional and because what we think about the decision is actually irrelevant and because we have other important business to do, I would hope that this resolution is defeated.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ISSA), the author of the resolution.

Mr. ISSA. Mr. Speaker, this is not a de minimis issue, and those who would say that a constitutional question is ever inappropriate I am afraid do not understand the importance of millions of American children not knowing, depending upon where they live, how they should recite the Pledge of Allegiance. More importantly, it is not about religion. It is about from where our power comes.

Our Founding Fathers rightfully said that our power came from the laws of nature and of nature's God in the Declaration of Independence. I do not know what Thomas Jefferson exactly meant; I was not there. What I do know is that our Founding Fathers believed that the power of the Almighty came to the American people and they loaned to government the right to govern them, rather than the sovereign that they had served in England, the sovereign who said that the powers of God came to him or her and that they then doled it out to the people they chose to.

□ 1400

That difference is profound. It is the difference in American government that we are not the governed of our government but, in fact, the owners of our government.

More importantly, I want the Members on both sides of the aisle to understand that this is not about raising or lowering the importance, it is not about deciding what is appropriate in the Pledge of Allegiance. What it is about is having the indecision between the Ninth and the Fourth Circuit appropriately decided by the U.S. Supreme Court. Once decided by the Supreme Court, it would then be up to the people of the United States to decide if they wanted to change the Constitution, because the Supreme Court is in fact the final decision point.

It is inappropriate, it is always inappropriate for the Supreme Court to allow an important issue to remain undecided and different in different parts of the United States. Therefore, appropriately, my bill asks the U.S. Supreme

Court on behalf of the House and the Senate to take up this important issue, an appropriate issue, and to decide it. We do not determine how it is to be decided by the vote. Those who vote for this are simply asking the Supreme Court to decide an important issue to end the undecided issue between the Ninth and the Fourth and, for that matter, all the other circuits.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. NADLER), the ranking member of the Subcommittee on the Constitution.

Mr. NADLER. Mr. Speaker, it seems that many Members of this House must really be dissatisfied with their jobs. Instead of being legislators, they seem to want to be Federal judges. Every Member, like every citizen, is entitled to express an opinion on any ruling by any court. That is what our system of government is about. What concerns me is that too many people here seem to think it is the job of Congress to order courts to decide cases certain ways or to consider issues that we want them to consider.

The gentleman from California (Mr. ISSA) should read his own resolution. His resolution does not ask the Supreme Court to decide between the Ninth and Fourth Circuit views. It asks them to decide that the Fourth Circuit is right and the Ninth Circuit is wrong. It asks for a certain specific direction.

We have considered bills here to take away certain Federal court jurisdiction because some Members do not like certain court decisions. We have heard threats against judges, against the courts, even statements by some who have said that they understand the murder of judges. This resolution is not binding, and it is probably as innocuous as they come; but it is part of a greater campaign of delegitimizing the independent judiciary, by implication our system of checks and balances and our system of government.

Courts are supposed to rule on cases that come before them; to call them as they see them; to decide what the Constitution means as the court sees it, as Judge Roberts recently told the Senate regardless of popular opinion. That is their job. It is not our job to pressure the court to decide the case a specific way. If we do not like a court decision, we can amend the law. We can start a constitutional amendment if we disagree with a court decision.

I am more than a bit concerned that Members seem to want to decide this case for themselves, but I am more concerned by the constant assertions by Members and some courts that the phrase ''One Nation Under God'' is not a form of religious expression. As the gentleman from Virginia (Mr. SCOTT) mentioned, constitutionally the only way, since it is clear that we cannot have an establishment of religion, since the jurisprudence of the Supreme Court for the last 40 years says that we cannot mandate a prayer, that we cannot mandate that children in school should say a prayer, we cannot lead an organized prayer in a public school, as I have said repeatedly on this floor, there will always be prayer in the public schools as long as there are math tests, but we cannot have organized prayer where an agent of the State, namely the teacher, says this is the prayer you shall say. That is an establishment of religion, and it is against the first amendment.

The only way around that is by saying that the phrase ''under God'' in the Pledge of Allegiance does not mean anything. It is a mere patriotic expression. It is not religious. It does not mean anything. I think that is sacrilegious. Frankly, it violates the Second Commandment: ''Thou shall not take the name of the Lord thy God in vain.'' Maybe we should have the Ten Commandments here, so people can take a look at it every so often.

Frankly, references to God are inherently religious, and it is a sin to use the Lord's name for any other purpose. It is a religious expression with which not all people, including people of different religions, might agree. It is not out of the question that a court could reasonably conclude that this sentence is a religious expression, that it is inherently coercive when the government makes it part of every school day. That is what the Ninth Circuit did conclude.

It is not the job of Congress to tell the court what to decide, and certainly not the job of Congress to tell the court that God is not religious. If God is not religious, then nothing is religious.

I know most people will look at this vote and think it is a vote on whether or not you support the Pledge of Allegiance; whether or not you are loyal, in fact, to this government; or whether or not you are a person of faith or whether you support God. It is unfortunate that we have to politicize this issue in this way, and that is the real reason for this resolution, since it is totally innocuous, is not binding and has no effect.

But it is even more unfortunate that there is so little respect for our system of government and such enthusiasm for delegitimizing the judiciary every time someone disagrees with a court ruling. That is very dangerous. The future of our Nation depends on the preservation of our system of government, the preservation of the independence of the courts, and not on the text of the Pledge that children are asked to recite in school.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking Democrat on the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time and for managing the bill so ably.

Well, here we are again, as we take this issue up for a fourth time; and I am again disappointed to say that we are not here for a love of this country or the time-honored Pledge that celebrates it, but to take yet another stab at our independent judiciary. Because the Ninth Circuit did not bend to the resolve of Congress and because the Supreme Court skirted the first amendment claims in the Newdow I decision, Members of this House have introduced this resolution in an attempt to strong-arm judges and manipulate the Supreme Court appointment process. How sad.

So I respectfully take issue with this resolution. While my reverence for the Pledge of Allegiance is unending, my patience with this sort of political maneuvering has long run out. This resolution is a vehicle simply for a conservative litmus test for new judges, particularly Supreme Court Judges, as we currently face both a vacancy and a confirmation of a new Justice.

This resolution was introduced the day after Newdow II, September 14 it was reported; and opponents immediately put it to use in the confirmation process. One conservative group used the case as a vehicle to endorse the confirmation of Judge John Roberts as Chief Justice and to bash Carter-appointed District Court Judge Lawrence Karlton as a judicial activist, even though he was bound by a prior ruling of the Ninth Circuit on the merits. Moreover, the gentleman from South Carolina, Senator LINDSEY GRAHAM, deliberately invoked the Pledge ruling at the Roberts confirmation hearings.

All of this comes on the heels of our prior Pledge resolution in 2003 that directed the President to appoint and the Senate to confirm circuit judges who would supposedly ''interpret the Constitution consistent with the Constitution's text.''

Today is the next step. We urge the Supreme Court to accept an appeal to resolve the conflict between the circuit courts over the constitutionality of the Pledge. While drafters have tried to use the most subtle phrase possible in this series of resolutions, their intent is clear: the resolutions demand the promotion of judges who fall in line with a specific series of conservative ideals and a specific result on the merits.

Our judiciary was meant to be independent. Our Founding Fathers created three distinct branches of government to ensure that no single body could write, interpret, and enforce the laws all at the same time. Today's resolution is part of a series that overreaches the bounds between the legislature and the judiciary and attempts to make puppets of our judges. Our judges should be impartial arbiters, which they cannot be if they are manipulated by the Congress.

Further, the Model Code of Judicial Conduct reveals that no candidate for a judgeship ''make pledges or promises or conduct in office other than the faithful and impartial performance of the duties of the office,'' nor ''make statements that commit or appear to commit the candidate with respect to

cases, controversies or issues that are likely to come before the court.'' So not only do these resolutions make a mockery of our judicial system, they also, my colleagues, subject our judges to potential ethical violations.

While I may disagree with the Newdow decisions, I disagree even more with attempts to influence the constitutional interpretation by politicizing judicial appointments. I respect the Pledge of Allegiance so much that I resent that it is being used as a tool for political jockeying and partisanship. Our Pledge simply deserves better.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume and point out that out of respect for the judicial branch and because the passage of this resolution will actually make it less likely that the Pledge will be found constitutional by the judicial branch, we should defeat this resolution.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, in closing, in the past, over 300, sometimes over 400, Members of Congress have affirmed the Pledge as it is. I do not think this is a question about whether or not God is appropriate to be used at times. I think that has been decided within this body. Certainly ''In God We Trust'' above the Speaker's head says a great deal about the role of God in our deliberation.

This resolution is about asking, albeit with a bent in favor of past votes, asking the Supreme Court to decide an issue. Ultimately, when we ask the Supreme Court to decide an issue, we are not deciding it. We are not binding them to some decision. Just the opposite. This is a free and independent judiciary that will decide the issue as it sees fit. But it is appropriate both for us to ask them to do it and, when appropriate as an amicus, enter into the debate at the Supreme Court. I expect we will do that if and when the Supreme Court takes this issue up.

Mr. Speaker, I move strongly that the Members support the opportunity and the insistence to the extent of our authority that the Supreme Court take this unreconciled difference between two circuits up and decide one way or the other, one time, for the youth of America.

Mr. Speaker, I rise today in support of H. Con. Res. 245. It is time to settle the constitutionality of the Pledge of Allegiance. America's circuit courts are currently split on the issue, and I introduced this resolution to encourage the Supreme Court to resolve this conflict on the side of patriotism.

We come to this juncture because of an attempt by a very few to scour the public space of religious symbols and expression. They have targeted federal, state and local governments in a determined effort to erase every single reference to the existence of a higher power from public life. While they claim to be fighting the establishment of religion, what they are really doing is eliminating the freedom of religious expression. They have forgotten that the inclusion of ''under God'' in the Pledge is no more egregious than Thomas Jefferson including the phrase ''Laws of Nature and of Nature's God'' in the Declaration of Independence.

In 2002, the 9th Circuit Court of Appeals ruled that recitation of the Pledge of Allegiance in classrooms is unconstitutional. Far be it for we in Congress to criticize the wisdom of the 9th Circuit. I would rather compliment the 4th Circuit's ruling last month that the Pledge is constitutional. The 4th Circuit noted that the primary reason for the Establishment Clause within the First Amendment was to combat the practice of European nations compelling individuals to support government favored churches. The 4th Circuit stated that the inclusion of the words ''under God'' in the Pledge of Allegiance does not pose a threat to freedom of religion.

We are left with two divergent interpretations of the constitutionality of the Pledge of Allegiance. Two weeks ago, a U.S. District Court within the 9th Circuit judge stated that he was bound by precedent of the 9th Circuit and held that the Pledge is unconstitutional in another school district.

The Supreme Court must decide the issue to ensure that our children have the right to express their patriotism through recitation of the Pledge of Allegiance. The Court had the opportunity to resolve this issue last year but failed to do so. It is time for the Supreme Court to step in and support the Pledge.

I encourage all of my colleagues to vote in favor of H. Con. Res. 245.

Mr. KOLBE. Mr. Speaker, I rise in strong support of H. Con. Res. 245, affirming the words of the Pledge of Allegiance.

Religion has always been an important part of America. Our country was created on a religious foundation. Since the first Pilgrim stepped on Plymouth Rock, people came to our shores in pursuit of religious liberty. They left nations of intolerance and established a country built on concepts of diversity and religious freedom. Our Founders endowed successive generations of Americans with a Constitution that has held us together and healed major fractures within our society.

Included in the Constitution is the protected right of freedom of religion. But freedom of religion is not freedom from religion—certainly not in something as universally unifying as the Pledge of Allegiance. It is an allegiance to the United States of America—and its simple words acknowledge that we are ''one Nation, under God.''

On July 4, 1776, our Founding Fathers, after appealing to the ''Laws of Nature, and of Nature's God'' justified their separation from Great Britain by declaring, ''We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.''

In 1781, Thomas Jefferson wrote in his ''Notes on the State of Virginia,'' ''God who gave us life gave us liberty. And the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the Gift of God.''

In his Farewell Address in 1796, President George Washington called religion ''a necessary spring of popular government.'' President Adams claimed that statesmen ''may plan and speculate for Liberty, but it is Religion and Morality alone, which can establish the Principles upon which Freedom can securely stand.''

Likewise, the words ''under God'' were used by President Abraham Lincoln in the Gettysburg Address in 1863. After paying tribute to the soldiers who had died in an effort to end slavery, Lincoln turned to the responsibilities of those who would benefit from their sacrifices.

He said, ''It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth.''

There are many other examples of how religion and God have been woven into the fabric of our Nation's history.

By pledging allegiance to this Nation and acknowledging that we are under God, that our Nation is indivisible, and that we enjoy liberty and justice for all, Americans simply recognize the historical fact that we have a religious heritage, that the country cannot be divided, and that everyone will be free and treated fairly.

The words ''under God'' are not in violation of the Establishment Clause because they do not sponsor or support a specific national religion.

Our country, and the freedoms we cherish, continue to be fought for each day. Just as President Lincoln said during the Gettysburg Address, it is our duty to resolve that those who have given the ultimate sacrifice for our freedom do not die in vain; that this Nation, under God, will continue to protect and honor those hard-fought freedoms.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H. Con. Res. 245, which tells the Supreme Court to uphold the constitutionality of the Pledge of Allegiance. I oppose this resolution on two grounds. First, Congress shouldn't be telling the Supreme Court how to do their job. Second, the Pledge of Allegiance is unconstitutional and the 9th Circuit decision should stand.

That being said, I shouldn't be surprised that those who claim to speak for God also think they have the right to tell our independent judiciary what to do. The Republican Majority has railed against activist judges legislating from the bench throughout the Supreme Court nomination hearings, but they apparently see nothing wrong with telling those judges how to rule from the legislature. If judges shouldn't legislate, Congress shouldn't adjudicate.

Beyond the hypocrisy and improper meddling of this resolution, I oppose it because the Pledge of Allegiance is unconstitutional. The Constitution bars Congress from passing any law that recognizes religion. The 1954 law, passed at the height of anti-Communism, that specifically added the phrase ''under God'' to the Pledge, could not be more clearly unconstitutional.

The feeble argument of proponents of this resolution that ''under God'' is not overtly religious is only undermined by their holy crusade to make darn sure that the phrase stays in the Pledge. This will be the sixth time this House has voted on this issue—hardly a sign of the phrase's unimportance to religious conservatives.

Mr. Speaker, I don't want my children or any child to have a compulsory, religious recitation in this supposedly free society, and seeing the vehemence of those who think otherwise only strengthens my opposition to the Pledge.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 245.

The question was taken.

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

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. SENSENBRENNER. 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. 3402, the bill to be considered shortly.

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

There was no objection.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

The SPEAKER pro tempore (Mr. ISSA). Pursuant to House Resolution 462 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3402.

□ 1414

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

□ 1415

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

Mr. Chairman, I rise in strong support of H.R. 3402, the Department of Justice Appropriations Authorization Act for Fiscal Years 2006 through 2009. The authorization of executive agencies fulfills Congress' fundamental constitutional obligation to maintain an active and continuing role in organizing the priorities and overseeing the operation of the executive branch. With an annual budget of over $20 billion and 100,000 employees, the Department of Justice is one of the most important agencies of the Federal Government and the world's premier law enforcement organization. Like other legislation reauthorizing the Department of Justice approved by the House in both the 107th and 108th Congresses, I am proud that this bill is the product of extensive bipartisan deliberation.

In addition to serving as a broad statement by the House of Representatives regarding the priorities of the DOJ over the next several years, this bill addresses the administration of grant programs by the Office of Justice Programs and the Office on Violence Against Women.

By providing grants to State and local governments to focus on current crime issues affecting cities and towns across the country, these grant programs can serve an important role in the fight against crime in America. However, given the finite Federal resources available, it is the responsibility of this body, both through the authorizing process and continuous oversight, to review and evaluate these programs to ensure that the taxpayers' money is used effectively.

This legislation contains a number of important provisions that will strengthen congressional oversight of the Department's law enforcement activities and financial management. Among the new provisions included are: The creation of an office of audit, assessment and management within OJP to monitor grants; a privacy officer to protect personally identifiable information; a directive to the Assistant Attorney General of the Office of Justice Programs to establish a single financial management system and a single procurement system.

In addition to the important oversight tools provided in the bill, there are a number of commonsense provisions designed to improve the administration of programs within the department. H.R. 3402 eliminates duplication by consolidating the Local Law Enforcement Block Grant program and the Byrne grant program into one program with the same purposes and simplified administration. The bill also preserves the COPS program, but modifies it to allow grantees greater flexibility to seek grants for a number of purposes, including but not limited to hiring.

Other provisions contained in this legislation authorize programs to combat domestic violence, dating violence, sexual assault and stalking. Titles 4 through 10 of the bill focus on reauthorizing, expanding and improving programs that were established in the Violence Against Women Act of 1994, or VAWA, and reauthorized in 2000. The bill reauthorizes some important core programs, such as ''STOP'' grants and grants to reduce campus violence. These programs have been successful in combating family and domestic violence.

The reauthorization of VAWA will continue the tradition of changing attitudes towards domestic violence, and will expand its focus to change attitude toward other violent crimes, including dating violence, sexual assault and stalking. Because these crimes affect both men and women, it is important to note that this legislation specifies that programs addressing these programs should serve both male and female victims.

Furthermore, the legislation specifies that the same rules apply to these funds as to other Federal grant programs. The funds devoted to these programs are not to be used for political activities or lobbying. This money is and always was intended to be used to provide services to victims and to train personnel who deal with these violent crimes. The Department of Justice is expected to enforce that provision for all its grants and to monitor grant activities to ensure compliance not only with this condition but all conditions of the grants.

Mr. Chairman, prior to the enactment of the ''21st Century Department of Justice Authorization of Appropriations Act'' in 2002, Congress had not formally authorized the operations of the Department of Justice in nearly a quarter of a century.

During floor consideration of that legislation, I expressed my desire that its passage would lead to a regular authorization process that permits Congress to more rigorously oversee the organization, structure, and priorities of DOJ. While the House unanimously passed legislation reauthorizing the Department last Congress, the legislation was not taken up by the other body.

H.R. 3402 contains important bipartisan provisions to ensure that the Department of Justice is better equipped to promote the purposes for which it was established. The legislation also reauthorizes critical programs necessary to help protect the safety and security of Americans while enabling Congress to properly exercise the vigorous oversight that the Constitution requires. I urge my colleagues to support this important and bipartisan legislation.

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

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

Mr. Chairman, I rise in support of the legislation beginning by commending the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary who has worked very hard with me on the bill. In the past few years, we have dealt with the Department of Justice, which has oftentimes become increasingly resistant to congressional oversight, either refusing to answer questions or answering them so vaguely that we are not sure what the answer really is. Fortunately, together we worked to address our concerns with the Department of Justice and arrived at the bill before us today.

The bill provides funding for the various offices within the department. In this regard, I would like to note that it gives the Office of the Inspector General over $70 million for its responsibilities. Why is that important? Because in the past few years, the Office of Inspector General has been particularly diligent in overseeing the Department's war on terrorism, issuing reports on the 9/11 detainees and pushing the Department to change how its procedures are used for handling terrorism suspects.

In addition, the bill reauthorizes the COPS office. That is the Community Oriented Policing Services. Now, we all know that this Clinton administration program has been increasingly vital in crime prevention and crime solving, and that is why COPS has received the praise of the Fraternal Order of the Police, the largest law enforcement organization in the country. Local policing is the backbone in our war on terrorism as community offices are more likely to know the witnesses and more likely to be trusted by the community residents who have information about potential attacks. This bill provides them over $1 billion per year for this program.

An important piece of legislation before us is the reauthorization of the Violence Against Women Act of 1994. I am particularly proud of it for this is the third time we have worked on this bill and each time we make dramatic improvements by using new vehicles to tackle the issue. Building on the work from previous years, the Act reauthorizes some of the most current programs that have been enormously effective, including the ''STOP'' program, which provides State formula grants that help fund collaboration efforts between police and prosecutors and victims services providers, including legal assistance for victims.

However, there is a grave concern about this measure before us that I must speak to. We worked very hard during negotiations on this bill to recognize the obstacles that some racial and ethnic minorities and their organizations face in the mainstream system. We specifically included language that allows programs to target communities of color. This language does not give any preferences to minorities nor does it impose any quotas. And we have all been there on quotas. It does not do that. It simply requires the Department of Justice to describe how they will address the needs of racial and ethnic minorities and other underserved populations, and to recognize and meaningfully respond to the needs of these racial and ethnic minorities and other underserved populations. That is all, and to ensure each gets their fair share.

The bill that passed the Committee on the Judiciary had this language included. However, late last night I was informed that the majority had decided to strike this important language in a manager's amendment. I am very sorry to learn of this news. For while I support the underlying bill and stress the importance of reauthorizing the Department of Justice programs contained in it, I seriously regret this advance that was included in the language that has been stricken. I think it is a tragedy. I think it is a serious misunderstanding of what the law is now. Everybody on the Committee on the Judiciary knows how to avoid quotas and certainly not to give preferences to minorities. This measure was included in our bill because it was important that they begin to get a fair share of proceeds that were being allotted under the bill. It was not to secure anything like a quota, and the bill to me deserves our support. I stress the importance of reauthorizing the Department of Justice programs contained in it. I have a very serious problem with the manager's amendment, and will not support that effort.

I rise in support of this legislation. I first would like to commend Chairman SENSENBRENNER for reasserting the Judiciary Committee's jurisdiction over the Department of Justice with this bill. In the past few years, the Department has become increasingly resistant to congressional oversight, either refusing to answer questions or answering them vaguely at best. Fortunately, we worked together to address our concerns with the Department and arrived at the bill before us today.

In general, the bill provides funding for the various offices within the Department. In this regard, I would like to note that it gives the Office of the Inspector General over $70 million for its responsibilities. In the past few years, the OIG has been diligent in overseeing the Department's war on terrorism, issuing reports on 9/11 detainees and pushing the Department to change how its procedures for handling terrorism suspects.

The bill reauthorizes the Community Oriented Policing Services, COPS, office. We all know that this Clinton Administration program has been increasingly vital in crime prevention and crime solving. That is why COPS has received the praise of the Fraternal Order of Police, the largest law enforcement organization in the country. Local policing also is the backbone in our war on terrorism, as community officers are more likely to know the witnesses and more likely to be trusted by community residents who have information about potential attacks. This bill provides over $1 billion per year for this program.

An important piece of the bill is the reauthorization of the Violence Against Women Act of 1994. This is the third time we have worked on this bill, and each time we make dramatic improvements by using new vehicles to tackle the issue. Building on work from previous years, the Act reauthorizes some of the current programs that have proven enormously effective, including the STOP program—which provides State formula grants that help fund collaboration efforts between police and prosecutors and victim services providers—and legal assistance for victims.

I do have one grave concern about this bill that must be addressed. We worked very hard during negotiations on this bill to recognize the obstacles that some racial and ethnic minorities face in the mainstream system. We specifically included language that allows programs to target communities of color. This language does not give any preferences to minorities, nor does it impose any quotas. It simply requires the Department of Justice to ''describe how they will address the needs of racial and ethnic minorities and other underserved populations'' and ''to recognize and meaningfully respond the needs of racial and ethnic minorities and other underserved populations'' and to ensure that each gets their fair share.

The bill passed the Judiciary Committee with this language included. However, late last night I was informed that the majority had decided to strike this important language in a Managers' Amendment. While I support the underlying bill and stress the importance of reauthorizing the Department of Justice programs contained in it, I have serious problems with the Managers' Amendment and will not support that effort.

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

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

Mr. Chairman, I regret to hear what the gentleman from Michigan (Mr. CONYERS) has just said. Let me reassure the gentleman that the language to have grants go to underserved racial and ethnic populations is still in the manager's amendment. The reason the language had to be changed was to avoid a potential court challenge because language in grant programs have strict scrutiny by the courts.

Let me just quote what is contained on page 8 in the manager's amendment which provides an amendment to lines 1 and 2 of page 126 of the bill. The new language says, ''Populations underserved because of geographic locations, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alien age status, or age) and any other population determined to be underserved by the Attorney General.'' This new language, which is proposed in the manager's amendment I believe will do what the gentleman from Michigan wishes to accomplish, and that is to make sure that underserved racial and ethnic populations are on the radar screen when the attorney general makes up his mind on who will be able to get grants to provide services to deal with this subject.

What it does do is it prevents this money from being tied up in a court challenge that will probably last through most of the life of this authorization bill, which is through September 30, 2009, or just a few days more than 4 years from now.

I would encourage the gentleman from Michigan to be sensitive to the fact that the language in the original bill would have been subject to a court challenge, and in the manager's amendment we attempt to get rid of that.

Mr. Chairman, I yield such time as he may consume to the gentleman from Nevada (Mr. PORTER).

□ 1430

Mr. PORTER. Mr. Chairman, I rise to engage the chairman of the Committee on the Judiciary in a colloquy.

Mr. Chairman, it is my understanding that included in the Department of Justice reauthorization are measures that will ease the administrative burdens that exist for State and local governments and provide them greater flexibility to spend the money they have been awarded from the various grant programs. Is that correct?

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

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

Mr. SENSENBRENNER. Mr. Chairman, the gentleman is correct.

Mr. PORTER. Mr. Chairman, reclaiming my time, there are many areas throughout the country that have extremely high tourism rates. The local law enforcement agencies of these areas have the difficult task of providing services to these tourists on top of their responsibility to the base population. For example, the city of Las Vegas has a population of over 534,000 people; however, over 40 million tourists a year visit Las Vegas. Local law enforcement is responsible for the safety of these visitors, which places a huge financial strain on the various police departments.

With that in mind, would the chairman agree that one factor in awarding grant money should be the disproportionate amount of tourists an area has related to that area's base population?

Mr. SENSENBRENNER. Mr. Chairman, if the gentleman will continue to yield, I would agree and would work with the gentleman from Nevada to address this problem as the bill moves to conference.

Mr. PORTER. Mr. Chairman, reclaiming my time, I thank the chairman for his offer and look forward to working with him.

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

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. MCDERMOTT).

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

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

Mr. MCDERMOTT. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want to thank him for yielding to me because the position that we have adopted that we are being set back by the manager's amendment is agreed to by the women against violence organizations, the civil rights organizations. And we have numerous letters, one from the chair of the National Task Force to End Sexual and Domestic Violence Against Women, which plainly go into the details of the fact that in no way are we trying to establish quotas or favoritism to any one particular group whatsoever.

Mr. Chairman, I thank the gentleman for yielding to me.

Mr. MCDERMOTT. Mr. Chairman, reclaiming my time, it has been said that society's humanity is judged by the way it handles the problems and the protection of those who are least able to take care of themselves. And having watched television for the last few weeks about the issues around Katrina, one clearly understands that sometimes people on the bottom do not get handled very well. Somehow, the things do not happen that should happen for them. That gave us an ugly glimpse at that part of our society.

And then as the country began to come out of that, the President walked out of the White House and said, we are not going to give prevailing wage to the people who work on the reconstruction of their own houses and their own countryside, that we were going to put them down at the minimum. We are going to take away the set-asides for minority and small business. Now, it is no wonder that these organizations would be concerned when they see this kind of manager's amendment.

I am not a lawyer. We could stand out here and argue about all the lawyer technicalities inside and outside. And I will enter into the RECORD a letter dated September 28, 2005, from Hilary Shelton. When the NAACP and all the women's organizations come out and say we oppose this manager's amendment, it is understandable why they might be a little concerned, because every time we turn around, the safety net is being ripped.

The language that is being taken out here that has been in the bill before is requiring the States to ''describe how they will address the needs of racial and ethnic minorities and other underserved populations'' and ''to recognize and meaningfully respond to the needs of racial and ethnic minorities and other underserved populations.''

Now, for us not to be able to put that in the law because somebody says on the fringe that this is some kind of affirmative action or anything else, we have to take care of people who are not served in this society. If they happen to be in underserved areas, they do not necessarily have to be black or brown or red or yellow. They could be white. The question is, how are we going to deal with the underserved people in this country no matter who they are? And this amendment does not need to be made so that those groups can say, well, we are going to take you to court and fight you for 3 years.

That is what the chairman just said. He said if we put that in there, they are going to go into court and say this is a quota and we want to fight it, and they will stretch it out for 3 years or 5 years or however long, a typical tactic of the right to do unto those who are least able to do for themselves.

I urge the rejection of the manager's amendment.

The material previously referred to is as follows:

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, September 28, 2005.

Re NAACP opposition to the Managers amendment to H.R. 3402, Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.

MEMBERS,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: On behalf of the National Association for the Advancement of Colored People (NAACP), our nation's oldest, largest and most widely-recognized grassroots civil rights organization, I am writing to express our strong opposition to the Manager's amendment to H.R. 3402, the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009. The Manager's amendment, which is meant to be non-controversial, strips out a key provision that is currently in the bill that ensures that racial and ethnic minorities who are victims of domestic violence would receive adequate services.

Specifically, the bill that was passed out of the Judiciary Committee requires states to [''describe how they will address the needs of racial and ethnic minorities and other underserved populations'' and ''to recognize and meaningfully respond to the needs of racial and ethnic minorities and other underserved population''] and to ensure that each gets their fair share. Unfortunately, this provision is sorely needed as domestic violence is still a serious—and largely untreated—problem in too many of our communities.

I urge you again, in the strongest terms possible, to oppose the Manager's amendment and to retain the language that is in the bill. Please help to address the problem of domestic violence in racial and ethnic minority communities as well as those areas that are currently underserved. Thank you in advance for your attention to the concerns of the NAACP; should you have any questions or comments, please feel free to contact me at (202) 463–2940.

Sincerely,

HILARY O. SHELTON,
Director.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I rise in support of the Department of Justice Reauthorization Act. Mr. Chairman, this is a good bill. It has many great programs. But there is one I would like to focus on today, one that I authored and worked on extensively as a separate bill, the Violence Against Women Reauthorization Act. I am proud to say it is part of the bill before us, and I want to thank the gentleman from Wisconsin and the gentleman from Michigan for their support to make this happen. I am pleased, and I think it is an important day for all of us.

As the Members know, VAWA was originally passed 10 years ago; and since that time, it has helped us make remarkable gains in fighting domestic and sexual violence. During that decade, VAWA, quite simply, has saved lives. It has helped millions of women and children find safety, security, and self-sufficiency.

Because of the Violence Against Women Act, victims have found help to escape violence and get treatment. Law enforcement and the judicial system have learned how to better help these victims through what can be a very daunting and difficult legal process, and more people recognize the signs of abuse because of our public awareness campaigns.

Every step we take in fighting domestic violence helps not only save the immediate victim but it can help break the cycle of abuse that lasts, sadly, all too often generation after generation after generation. In this bill we are building on the successes of the Violence Against Women Act not only by reauthorizing effective programs but also by including innovative, cost-effective new programs that will continue the great work of those who have come before me and others, work that will help the criminal justice and legal systems better help and protect victims.

This law was first created 10 years ago. When it was reauthorized 5 years ago, it was improved; and I am hoping that we are doing the same thing here today.

We are doing this improvement through training grants; providing direct services for victims; providing services to children, teens, and young adults who have experienced violence in their lives, and educating young people about domestic violence and sexual assault.

By strengthening the health care system's response to violence against women and investing in broad remedies and services for victims, we will continue to make progress in preventing these crimes and ensuring that future generations are safe from domestic and sexual violence.

We have made great strides, but I think everyone here would be quick to admit that we have a long way to go. Any law enforcement agency will tell us that a huge portion of the violent crime they encounter is, sadly, domestic violence. If we give law enforcement better tools and training, if we go further to raise public awareness through campaigns, then we can break the cycle of violence and abuse that does seem to slide too easily from generation to generation.

I recently had the opportunity to visit the courts in Milwaukee and saw some of the groundbreaking work that they are doing. What we need to do as Members of Congress is stand shoulder to shoulder with our domestic violence leaders and organizations all around this country, make sure that they have the tools and the resources they need to be effective, that they need to be compassionate. I think this legislation does just that.

Again, I want to thank Members of both sides of the aisle who have worked so hard to make this legislation come forward today. It is a good day, and I am proud to be involved.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, the Violence Against Women Act has rescued countless women from the vicious cycle of family violence, and it remains the cornerstone of our country's efforts to put an end to domestic abuse and sexual assault. Now is not the time to abandon our commitment to women around the world. It is time to strengthen our resolve and to protect these women.

We must also teach our youngest citizens, our children, that bullying, intimidation, and physical abuse are unacceptable behavior. That is why I fully support strengthening VAWA.

The Sensenbrenner amendment, on the other hand, offered today would weaken the very core of this legislation. If racial and ethnic minority language is struck from the STOP grants, which specifically target women of color and immigrant women who have experienced domestic violence, these populations will continue to be underserved.

Mr. Chairman, I urge my colleagues to support the reauthorization of VAWA in the Department of Justice bill and oppose the Sensenbrenner amendment so we can ensure these protections and resources remain available to all women.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Chairman, I would like to express my support for the Department of Justice Appropriations Authorization Act, and specifically title IV, the VAWA reauthorization.

I want to thank and recognize the gentleman from Wisconsin and the gentleman from Michigan for their efforts drafting this bill and for including legislative provisions from my bill, the International Marriage Broker Regulation Act.

This bill would protect the thousands of so-called ''mail-order brides'' who come to the U.S. each year through international marriage brokers. And although it is not a practice I particularly endorse, it is a practice that is largely unregulated.

In December 2000, this issue hit close to home when Anastasia King, a mail-order bride in Washington State, was murdered and buried in a shallow grave by her husband. It was later discovered that her husband had abused a former wife whom he had also met through a marriage broker.

Each year hundreds of Internet bride services recruit thousands of women, mostly from Eastern Europe, Southeast Asia, and other economically depressed parts of the globe, to marry their American clients. These marriage broker Web sites play off old stereotypes of foreign women as subservient wives.

A 1999 report by the INS estimated that there were at least 200 marriage broker companies operating in the United States and that each year as many as 4,000 to 6,000 individuals in U.S., almost all male, found foreign spouses through for-profit international marriage brokers.

My International Marriage Broker Regulation Act, and this DOJ authorization bill, will give these foreign women knowledge to protect themselves. They will know if their American fiance has a history of violence, and they will know their rights should they find themselves in an abusive relationship.

This bill will also stop what I call the ''wife lottery,'' where men apply for several fiancee visas at the same time and marry the woman whose visa is approved first.

This legislation is a giant step towards protecting women who use the services of marriage brokers. I want to thank the chairman and ranking member for including it in this bill, and I urge my colleagues to support it.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

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

Mr. Chairman, I rise today in strong support of the language contained in the Justice Department Authorization Act that reauthorizes the Violence Against Women Act.

Scratch the surface of any of our Nation's most challenging social problems, from crime in schools to gang violence and homelessness, and we are likely to find the root cause is domestic violence, which disproportionately affects women and girls.

Law enforcement officers report that domestic violence calls are among their most frequent. Judges find that children first seen in their courts as victims of domestic violence return later as adult criminal defendants. Schools report that children with emotional problems often come from environments where violence is the norm.

This is why, while it is extremely important to combat violence against women, it is just as important to combat domestic violence involving the youngest of victims. This year's VAWA reauthorization bill takes that necessary step by clarifying that programs contained in VAWA can serve youth as well. It also adds programs that specifically target children and youth and their unique needs. Among these are the authorization of grants for services designed for young people who are victims of domestic and dating violence, sexual assault and stalking, and prevention programs that work with children and teens to stop the cycle of violence.

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Helping the young victims of domestic violence has always been an important issue to me. In the 107th Congress, I introduced the Legal Assistance for Victims of Dating Violence Act, which amended VAWA to allow legal assistance grants to be used to help the victims of dating violence. I am pleased to say that this language was included in VAWA when it was reauthorized in 2000, and is maintained in the VAWA language included in the DOJ Authorization Act today.

I commend the Committee on the Judiciary for providing additional services to victims of dating violence through this legislation. Violence begets violence, and it is incumbent on us to try to break the cycle. This is done by helping victims of domestic violence, especially our youngest victims before they become perpetrators of domestic violence later in life.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

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

Mr. Chairman, I rise today in support of provisions of my bill, H.R. 3188, the Immigrant Victims of Violence Protection Act, which are included in the Violence Against Women Act reauthorization. These immigrant provisions reflect hard, bipartisan work of many Members of Congress, and I thank the gentleman from Michigan (Mr. CONYERS) for his leadership on this issue.

This bill is a good start. It would help immigrant women who need to leave their abusive spouses by preventing their deportation while their application is being considered. It would provide them access to work permits, so that they can get a job on their own and gain economic security independent of their abusers. In addition to spouses, this bill would also protect battered children, as well as parents, from abusive family members.

However, we can do more. For example, this bill does not include provisions which would allow battered victims access to health insurance, food and other benefits required to escape their abuser. I will work hard to include these provisions in the final bill enacted.

As a first generation American and someone who represents an immigrant rich community in Chicago, I understand the unique challenges immigrant women face. ''My neighbor called the police, but I did not sign the report out of fear,'' said a Mexican immigrant and mother of four at a press conference I held in Chicago. She said she stayed with her abusive husband for 13 years to be with her children.

This is the voice of women across the country that need our help to get out of the cycle of abuse. This Congress must remain vigilant in its fight to protect one of the most vulnerable populations in this country. I challenge my colleagues to make the fight against domestic violence a top priority.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

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

It has been my intent today to join with my colleagues from Washington State to offer two amendments to this bill. Two years ago, a terrible murder-homicide was committed in a parking lot in my district. This crime was particularly unusual in that it was committed by the chief of the Tacoma Police Department who murdered his wife, Crystal Judson Brame, while their two children sat in another car just a few yards away.

The investigation that ensued found serious problems with the Tacoma Police Department, which had led to the hiring and continued promotion of an individual with a history of domestic violence. Upon promotion to chief, violence committed by Chief Brame against his wife was not addressed by the department, even when police units had responded to a call.

The bottom line in this case is that the Tacoma Police Department did not have a strong and enforceable policy to address domestic violence committed by a member of the police force, and this was not a deficiency exclusive to Tacoma. Because of this, the Washington State legislature passed a law establishing strong standards for law enforcement agencies within the State to prevent and punish future incidents of domestic violence committed by law enforcement officers.

Our law enforcement officers work very hard to protect us and to keep our streets safe. All too often, our law enforcement officers are called upon to put their lives on the line to protect us and keep us safe. The strain this puts on individual officers is enormous, and I am deeply concerned by the anecdotal evidence indicating the possibility of a higher incidence of domestic violence among law enforcement officers than among the public.

To this end, I and my colleagues, the gentleman from Washington (Mr. INSLEE), the gentleman from Washington (Mr. SMITH) and the gentleman from Washington (Mr. REICHERT), sought to offer an amendment to establish a Federal study to determine if there is a direct link between the nature of the job and domestic violence.

I understand the majority had concerns with this proposal, and I look forward to working with the majority to try and devise a solution that can answer these questions. I understand, Mr. Chairman, that there may be a possibility of it being included in a GAO study that the committee is going to ask for, and this may be one way to find out the information.

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

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

Mr. SENSENBRENNER. Mr. Chairman, it is my intention to have the GAO do a study on this issue. I am hopeful that we will be able to speed it up so that we can get it in a timely manner.

Mr. DICKS. Mr. Chairman, reclaiming my time, I just want to point out the STOP Grants Program is available, and we believe that police departments and local governments can apply today for grants, and I would urge all of them to do so.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), the ranking member of the Subcommittee on Crime.

Mr. SCOTT of Virginia. Mr. Chairman, the bill as passed by the Committee on the Judiciary makes important improvements on the Department of Justice authorization. It was approved on a bipartisan basis. It deals with the Violence Against Women Act, especially as it applies to immigrants, the COPS authorization, fighting drug abuse. It adds administrative efficiencies, and, as I indicated, it came out of committee on a bipartisan basis. Unfortunately, the manager's amendment will ruin this bipartisan cooperation.

Reference has been made to the letter we have received from the NAACP that points out that the bill as passed out by the Committee on the Judiciary was much better than the manager's amendment.

Mr. Chairman, there were no hearings on this amendment, there is no public comment, it is just a manager's amendment which is supposed to be uncontroversial. It would have been helpful if we could have had committee consideration and agreed on bipartisan language.

I am sensitive to the concerns of the chairman that the Constitution may jeopardize the language that is in the bill, but I think we should have worked it out, and, in the absence of an agreement, I would hope that we would defeat the manager's amendment. If we are expected to appropriately address and relieve racial tensions in our communities, the only way I think we can do this appropriately at this point would be to defeat the manager's amendment and come back and try to work out language that everyone can agree on.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I wish there were time to have committee consideration of this. However, there are certain legislature provisions in the Violence against Women Act that expire on September 30, and, if we keep on talking and talking and talking, you are going to see a good part of the VAWA end up disappearing. That is why we have to deal with this issue today.

I would urge adoption of the manager's amendment to remove the cloud of the constitutional challenge over the money that is to be sent to underserved racial and ethnic minorities.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman for yielding me this time and giving me this opportunity to be heard.

I would like to say specifically to the gentleman from Wisconsin, time sometimes is of the essence, but the reality is that minority women and immigrant women, for them time is of the essence, and it is important that we have programming that focuses in on issues that involve cultural sensitivities.

In many of the ethnic and minority communities, it is taboo to bring a lawsuit or to bring a charge against your husband, and we, therefore, need to give States the opportunity to have the ability to craft programs that would allow them and encourage them to come forward, and that was the sense of the legislation as it came out of the committee.

I would encourage the gentleman to consider removing his manager's amendment in the interest of the racial and ethnic minority women who are out here suffering daily from domestic violence charges. It is so important that we understand that domestic violence cases continue to be on the rise. It is important that we understand in fact that racial and ethnic minority women are often not willing to come forward and bring charges.

I don't know about the gentleman from Wisconsin (Mr. SENSENBRENNER), but I was a prosecutor for 8 years, heading the Cuyahoga County prosecutor's office, and that was always one of the challenges we had dealing with racial and ethnic minorities. I think it is such a wonderful opportunity for us to say to them, just as we are talking about what is happening with Hurricane Katrina, have we not thought about racial and ethnic issues, that we ought to pay attention to that, right now, today in this legislation.

I would encourage the gentleman, as he has encouraged us, to reconsider his decision to remove that important provision from the manager's amendment, and we could continue to have some bipartisan support.

As the House considers H.R. 3402, the DOJ/Violence against Women Reauthorization Act, VAWA, today, I rise to express my disappointment and strong opposition to a manager's amendment submitted late last night, by the majority staff of the Judiciary Committee. This amendment seeks to strike "racial and ethnic minorities" from the definition of underserved populations in the STOP grants section of VAWA. Mr. Chairman, my initial reaction to hearing about this proposed amendment was give me a break! Why? What is the majority looking to accomplish by striking this language from the legislation. What is the goal! Somebody help me understand this!

STOP grants are the heart of VAWA funding. By striking this language from the legislation, domestic violence prevention and treatment services specifically targeting women of color and immigrant victims of domestic violence will continue to be compromised.

Mr. Chairman, many racial and ethnic minority women and immigrant women are less likely to report instances of domestic violence than Caucasian women because they face institutional barriers to reporting abuse or seeking help for domestic violence. These women often face restrictions on public assistance, limited access to immigration relief, lack of translators or bilingual professionals, little educational material in the woman's native language, treatment programs that do not take into account ethnic and cultural differences, and prohibitive fee structures. The VAWA Reauthorization provisions in H.R. 3402 establish grants that will provide these women with information to get the assistance they need.

Violence against women and children is a serious, widespread problem in America. Each year, close to 1 million incidents of violence are reported against a current or former spouse, boyfriend, or girlfriend. On average, more than 3 women are murdered by their husbands or boyfriends in this country every day, and approximately 1 in 5 female high school students reports being physically and/or sexually abused by a dating partner. Last year, in the State of Ohio, 129 fatalities occurred as a result of domestic violence. In addition, there were over 100,000 domestic calls and arrests as well as over 17,000 new civil protection orders issued. It is important to understand that violence against women and children not only devastates families but it devastates entire communities. Reauthorization of VAWA '05 is integral to providing practical solutions to improving the response of the criminal justice and legal systems by expanding funding for local groups working with underserved communities, strengthening the criminal justice response to sexual assault, providing services for children and youth, and advocating for effective prevention programs.

The manager's amendment seeking to strike this language from the legislation would be a slap in the face to minority women across the country. I urge my colleagues to oppose the manager's amendment.

Mr. CONYERS. Mr. Chairman, I am happy to yield 2½ minutes to the gentlewoman from California (Ms. ZOE LOFGREN), a very vital participant in crafting this legislation.

Ms. ZOE LOFGREN of California. Mr. Chairman, I have been on the Committee on the Judiciary for 11 years, and I have concerns that the committee is not fulfilling completely its responsibility. There have been no oversight hearings in the full committee of either the FBI or the Bureau of Prisons in the whole 11 years I served. The last general oversight hearing on the FBI was at the subcommittee level in 1997.

The lack of committee oversight has created real problems in the way the FBI fails to conduct its business properly. Last February, in an appropriations subcommittee, we found out that the FBI had invested about $170 million on its Virtual Case File computer system and they admitted that $104 million of that spending was a loss to taxpayers. Then in March, the whole projects was scrapped and we learned from news reports that the new Sentinel system will cost an additional $792 million.

Meanwhile, the U.S. Department of Justice's Office of Inspector General tells us in the July report that the FBI's backlog of untranslated FISA material continues to grow. This means that material that is vital to our national defense is not getting looked at in a timely manner. It often gets discarded before it is looked at, and that is unacceptable.

Earlier this year, I worked with many of my colleagues to introduce the Violence Against Women Act, which is in this bill. My bill would have included provisions that established grant programs to protect child victims of domestic violence, grant programs for housing needs, to protect immigrants who are victims of domestic violence and to protect victims of domestic violence on tribal lands. Not all of these measures made it into the bill, and I am hopeful in conference those provisions that were left out can be added in.

I want to mention one issue which has recently come to my attention, which is the issue of tribal victims of domestic violence who are not receiving VAWA's protections. I was going to offer an amendment today to allow the Attorney General to appoint prosecutors designated by tribal governments as special assistant U.S. Attorneys to bring VAWA prosecutions in Federal Court. However, when I looked into it, it turns out the Attorney General already has this authority through his general authority to appoint special prosecutors. So I would like to urge the Attorney General to address this issue and to use his authority to make sure that perpetrators of domestic violence on tribal lands do not escape prosecution.

We do not always need to change the law, we just need accomplishment and accountability in the administration, and I hope we can use our oversight authority to make sure we have the kind of accomplishment and accountability in the FBI that we are currently lacking.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) the ranking member of the Subcommittee on Immigration of the Committee on the Judiciary.

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Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time; and let me thank the chairman, first of all, for his willingness to include, or to continue to include, an important amendment dealing with early release for Federal prisoners.

That is why I rise, because I believe we can work this issue out. I would ask the chairman and the ranking member, as we move toward this legislative finality of the authorization bill that we take a second look at this language that was included that has to do with racial ethnic minorities.

Let me join my colleague, or allow me to join my colleague, the gentlewoman from California (Ms. ZOE LOFGREN) in the work that she has done on the Violence Against Women Act. I have also included language in the omnibus immigration bill dealing with racial ethnic minorities, and this language is key to be reincluded. Why? Because too often, racial and ethnic minorities have lacked access to services and their safety has been compromised.

I want to compromise, frankly, Mr. Chairman, with all of those individuals who, for some reason or another, believe that this is a preference, a quota. It is not. It is an outreach mechanism to ensure that States who receive Federal monies, and we have done this often before, we have done this with the issue dealing with procurement. We have insisted on it not being quotas. This is only to say that ethnic and racial minorities many times are not able to access the questions of dealing with domestic violence. We know that that is not an occurring incident in high numbers in these communities, language barriers that do not allow individuals to access resources.

This is where the Congress can intervene, because VAWA intended for all underserved communities to have a fair chance of addressing these crimes in holding perpetrators accountable. Even when these women will go to court, we need culturally sensitive individuals, whether it is individuals from Southeast Asia, whether it is individuals from Africa or the Caribbean, whether it is individuals from the poor areas of America.

This is a viable amendment, language that should be reincluded; and I ask my colleagues, let us work together. Let us not misinterpret and make this a racial issue when it is not. It is an outreach issue. It is an aspiration issue. It is a goal issue. And I would ask my colleagues to support the language being reinstated at this time.

Mr. Chairman, I rise in support of the underlying legislation that has been introduced by my colleague on the Committee, Ranking Member JOHN CONYERS, Jr. The spirit of bipartisanship that went into crafting H.R. 3402, the ''Department of Justice Appropriations Authorization Act for Fiscal Years 2006 through 2009'' is to be commended.

H.R. 3402 will reauthorize the Justice Department and its various offices and components. While the Appropriations Committee is responsible for issuing funds to government bodies, it is the purview of authorizing committees to permit the agencies to spend those funds. Congress last authorized the Justice Department in 2002, through the 21st Century Department of Justice Appropriations Authorization Act. While the House passed authorization legislation in the 108th Congress, the Senate failed to act before adjournment.

I am particularly pleased that this bill contains provisions from my bill entitled ''Save Our Children: Stop the Violent Predators Against Children DNA Act of 2005 (H.R. 244)'' and the ''Enhanced Protections for Trafficked Persons Act of 2005.''

Furthermore, I would like to highlight the fact that the Violence Against Women Act of 2005 that is part of the legislation we are considering today, contains important provisions that will enhance protections to immigrant victims of domestic violence, sexual assault and trafficking. I am happy that these provisions resulted from bipartisan efforts of members of this committee. They will significantly improve safety for immigrant victims. I thank Congresswomen LOFGREN and SOLIS for their leadership.

While VAWA 1994 and 2000 made significant progress in reducing violence against immigrant women, there are still many women and children whose lives are in danger today. Many VAWA eligible victims of domestic violence, sexual assault, child abuse or trafficking are still being deported. This bill will implement VAWA's original intent by stopping the deportation of immigrant victims of domestic violence, sexual assault, and trafficking who qualify for VAWA immigration benefits. Very importantly the bill contains provisions designed to deter Immigration and Customs Enforcement officers from arresting immigrant victims seeking help from domestic violence shelters, rape crisis centers and protection orders. It also removes obstacles in immigration law that cut victims off from VAWA cancellation of removal and adjustment of status including improved rules for VAWA motions to reopen. VAWA 2005 will extend immigration relief to all victims of family violence by preventing victims of incest and child abuse perpetrated by a U.S. citizen or permanent resident parent from being cut off from VAWA's immigration protections when they turn 21; by protecting non-citizen parents abused by their adult U.S. citizen sons or daughters; by protecting adopted and abused children; and by securing protection for children of immigrant victims of domestic violence, sexual assault, and trafficking. Very importantly this bill contains provisions that will guarantee economic security for immigrant victims and their children by granting employment authorization to adult victims who have filed valid immigration cases. Yet I am very opposed to the Manager's amendment that eliminates the outreach to racial and ethnic women who are victims of domestic abuse. We must add that language back into the underlying bill and I will vigorously oppose the Manager's amendment.

The trafficking provisions in this bill are of particular importance to me and I am very pleased that additional protections for trafficking victims and tools to help prosecute traffickers have been included in the bill. These VAWA 2005 provisions will extend the statute of limitations on bringing charges for trafficking, slavery, and involuntary servitude to 10 years. This legislation will protect family members of trafficking victims from retaliation by traffickers abroad by helping family members reunite with trafficking victims in the United States, including the use of parole. It will also allow for extension of duration of T visas when needed to facilitate prosecution of traffickers. We will also require reports to Congress on the number of law enforcement officers trained on identifying trafficking victims and on the T and U visa protections and law enforcement certification process. Finally the bill will shorten the time T visa victims have to wait before filing for lawful permanent residency, particularly in cases in which the prosecution against the traffickers has been completed.

In addition, I thank the chairman and ranking member for their cooperation in incorporating the language of an amendment that I offered that expresses a commitment of Congress to continue exploring the benefits of granting ''good time release'' to non-violent Federal incarcerated persons. This is an initiative that I have pursued for a long time and will continue until we make real progress. The language of my amendment to this effect was passed in the 108th Congress as part of H.R. 1829 and in the Subcommittee on Crime this Congress as H.R. 2965.

Mr. Chairman, I hope that this legislation will pass into law retaining all of the beneficial provisions that I have enumerated above.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I appreciate the ranking member's work and his yielding me this time, and the work of the chairman. I much appreciate that the gentlemen have come forward, both of them, before the deadline on their portions of the bill. I am particularly appreciative of the dating violence, because since the last bill, we have infected young people down to the high school age, so the way in which we enlarge that section is very important.

I do want everybody to know that all you could do was the sections falling under your jurisdictions. Before this is all done, we have to deal with the other sections of the bill, like the housing sections of the bill, for example. That, of course, is not with you; you are just trying to get the part that is with you so that the deadline would be reached.

But my city is typical. Twenty to 40 women come to court every year, we have 48 emergency beds, a thousand women in motels. The major reason that these women say, no, I love him, that is why I am staying with him, is that they do not have anyplace to go. In fact, what you have is women facing homelessness or staying with an abuser. So before this process is all over, I hope we will bear in mind that the other sections of this bill that cannot be before us now are part and parcel of all we are trying to do here.

I salute the Committee on the Judiciary, the chairman and the ranking member, for doing all they could at this point; and let us get to work on the rest of the bill.

Mr. CONYERS. Mr. Chairman, I am pleased to yield the balance of my time to the gentlewoman from California (Ms. SOLIS), the head of the Women's Caucus.

Ms. SOLIS. Mr. Chairman, I rise today to address the reauthorization of the Violence Against Women Act.

While I am supportive of the underlying bill, the manager's amendment that we will soon consider creates a serious problem for women of color who are victims of domestic violence. The manager's amendment will weaken the definition of ''underserved communities,'' so that groups that work specifically to help women of color who

are victims of domestic violence would continue to be ignored by the grants process through the Department of Justice.

After all the bipartisan work that we have done throughout the years to work on this to reach a balanced approach, just this morning we heard that the Republican leadership was shortchanging the women of color and were taking out this very key language.

When considering VAWA, we must recognize the conflicts and problems facing women of color, particularly immigrant women, who are victims of domestic violence. Women of color are less likely to report incidents of domestic violence, which means that studies of domestic violence among communities of color do not reflect the reality of these women's lives. Women of color who are victims of violence are at even greater risk when their spouses control their immigration status.

Women of color also face institutional barriers to reporting abuse and seeking help, partly because they do not have access to individuals who understand their language. It is important to have translators available. It is important to have outreach literature available to them in their native language.

By addressing domestic violence in these communities in a way that understands their culture and honors their values, we greatly increase the chances of making a difference for women of color who are being abused. It is my hope that the reauthorization of the Violence Against Women Act is comprehensive and meets the needs of all women.

Mr. Chairman, I urge my colleagues to oppose the manager's amendment and to join those national domestic violence groups in opposing the manager's amendment: the National Network to End Domestic Violence, Family Violence Prevention Fund, National Coalition to End Domestic Violence, Sisters of Color Ending Sexual Assault, Legal Momentum, and lastly, the NAACP.

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

Mr. Chairman, I deeply regret a minor change that was made to ensure that the money for underserved communities is not tied up in litigation is being turned into a partisan issue. There is no malevolent thought on the part of the majority to do so.

Now, let me say that the language in the base bill presumes that racial and ethnic minorities are underserved. That was the presumption for which there are no congressional findings. And because grant language is construed with strict scrutiny by the courts, setting up a preference based on racial and ethnic minorities is going to end up at minimum tying up the money that the people on the other side of the aisle who are complaining about the manager's amendment want to get into society to help solve these problems.

Now, the manager's amendment ensures that attention is paid to whatever community is underserved, not simply assuming that a community is underserved, even though there is no evidence on the table to back up that assumption.

Now, the manager's amendment uses the words ''underserved racial and ethnic populations,'' together with other types of underserved populations. So the words ''underserved,'' ''racial,'' and ''ethnic populations'' is contained in the manager's amendment. I think this is a small price to pay to prevent the money that is to be sent out in grants under this section of the Violence Against Women Act to be tied up for weeks and months and years.

Mr. Chairman, the time has come to recognize that there is a legal problem in this, rather than making political points.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in support of the reauthorization of the Violence Against Women Act. The Violence Against Women Act has been instrumental in protecting women from domestic violence, sexual assault, dating violence, and stalking. Domestic violence often has devastating consequences for women, their families and society as a whole.

The Violence Against Women Act Reauthorization provides essential grants including educational programs for the prevention of domestic violence in schools, battered women's shelters, a national domestic violence hotline, grants to improve law enforcement and prosecution of violent crimes against women, among others. It also provides much needed services for the protection of children from maltreatment, sexual assault, and domestic violence.

I believe it is important to provide preventative domestic violence programs as well as help those who have been affected by domestic violence with programs that can help them recover and protect them in the future. Many of the domestic violence programs that we have today would not be able to continue without the reauthorization of the Violence Against Women Act. I urge all my colleagues to support this important piece of legislation and allow these much needed programs and services to continue so that we may continue to work to stop domestic violence.

Mrs. MALONEY. Mr. Chairman, earlier today, during debate on the rule for this bill, the gentleman from Georgia who was managing the floor for the majority stated that my amendments to this bill were not germane.

I would like the RECORD to show that the Parliamentarian has advised me that both amendments are in fact germane.

Just to be clear, the rules committee did not reject this amendment because it was not germane—it certainly is— They rejected it, I believe, because they were simply trying to shield Members of Congress from having to go on the record against offering information to rape victims that could help prevent pregnancy or abortion.

Again, please let the RECORD show that my amendments were germane.

Mr. RUPPERSBERGER. Mr. Chairman, I stand in support of H.R. 3402, the reauthorization of the Department of Justice. I applaud the authors of the Violence Against Women Act for addressing the far reaching problems associated with domestic abuse. I urge my colleagues to join with me in support of this legislation.

Domestic violence is a tragedy. It affects far too many women all over America.

Earlier this year, a body was found in my district in Cherry Hill that was thought to be the body of a woman who had been reported missing. She had left for her job in Towson that morning but never arrived at work. She had not made contact with friends or relatives, and after her boyfriend led police to the body it was decided to keep him in custody. This kind of tragedy needs to stop.

There is no profile for being a battered woman. Any woman is at risk of being abused. The highest risk factor is simply being born a woman.

Victims may experience many different forms of abuse. They include physical harm as well as mental dangers that are just as damaging. Both physical and mental abuse destroy self-esteem and independence and cause damage which cannot be undone. Many women lack the courage or ability to leave abusive relationships and even more frightening is that abuses nearly always escalate in frequency and degree over time.

Children witnessing domestic abuse also suffer. Children who live in an abusive home may become withdrawn, anxious, depressed, confused and angry. They also are at risk for learning dangerous behavior and continuing in an abusive cycle.

The Violence Against Women Act was originally passed in 1994. It made huge progress in the way domestic violence was viewed. Since 1994 the VAWA has provided resources and protections for victims of domestic violence and sexual assault. The VAWA has saved lives and helped millions of victims find safety, security and self-sufficiency.

The VAWA was reauthorized in 2000. Since that time over $14 billion dollars in social costs, prevented medical and mental health care and enforcement costs have been saved.

The VAWA provides practical solutions for criminal justice and legal systems. It develops standards for protecting the confidentiality of victims, and allows for the enforcement of protective orders across state lines.

We must take this critical step in preventing and addressing abuse. We must solve the problem of domestic violence. I fully support the reauthorization of the Violence Against Women Act.

Ms. BORDALLO. Mr. Chairman, I rise today in support of H.R. 3402 which reauthorizes the Violence Against Women Act. Domestic violence is an issue throughout our Nation and in my district. Federal funding of the Violence Against Women Act has helped decrease domestic violence on Guam, and the reauthorization of these programs will ensure that the progress we have achieved in reducing domestic violence will continue. In reauthorizing this Act, Congress sends the message that domestic violence will not be tolerated and we stand with women on this issue.

Statistics show that in 2001 alone, more than half a million women were victims of nonfatal violence by a partner. But these women were more than statistics—they were someone's mother, daughter, sister, or friend. Their voices have been heard and that is why

I support H.R. 3402 and the reauthorization of the Violence Against Women Act.

Mr. GOODLATTE. Mr. Chairman, I rise in support of H.R. 3402, the Department of Justice Appropriations Authorization Act, which contains an amendment that I proposed during the consideration of the bill by the House Judiciary Committee to address the rising threat of Organized Retail Theft, ORT.

ORT poses a serious threat to our Nation's consumers and businesses. It is estimated that professional organized retail theft rings are responsible for pilfering up to $30 billion in merchandise from retail stores annually.

Organized retail theft groups typically target everyday household commodities and consumer items that can be easily sold through fencing operations, flea markets, swap meets and shady store-front operations. Items that are routinely stolen include over-the-counter drug products, such as analgesics and cold medications, razor blades, camera film, batteries, videos, DVDs, CDs, smoking cessation products, infant formula and computer software items. Thieves often travel from retail store to retail store, and from state to state, stealing relatively small amounts of goods from each store, but cumulatively stealing significant amounts of goods. Once stolen, these products can be sold back to fencing operations, which can dilute, alter and repackage the goods and then resell them, sometimes back to the same stores from which the products were originally stolen.

When a product does not travel through the authorized channels of distribution, there is an increased risk that the product has been altered, diluted, reproduced and/or repackaged. These so-called ''diverted products'' pose significant health risks to the public, especially the diverted medications and food products. Diverted products also cause considerable financial losses for legitimate manufacturers and retailers. Ultimately, the consumers bear the brunt of these losses as retail establishments are forced to raise prices to cover the additional costs of security and theft prevention measures.

At the State level, organized retail theft crimes are normally prosecuted under state shoplifting statutes as mere misdemeanors. As a result, the thieves that participate in organized retail theft rings typically receive the same punishment as common shoplifters. The thieves who are convicted usually see very limited jail time or are placed on probation. I believe that the punishment does not fit the crime in these situations. Mere slaps on the wrists of these criminals has practically no deterrent effect. In addition, criminals who are involved in organized retail theft rings pose greater risks to the public because their intent is for the goods to be resold. Because the routes of these diverted products are extremely difficult to trace, there is a greater risk that these goods will be faulty, outdated and dangerous for consumer use. The punishment for these interstate crimes should be greater than that for common shoplifters.

In December 2003, in response to growth of ORT crimes, the FBI established an organized retail theft initiative. While this is a good start, much work needs to be done to combat this problem.

The amendment incorporated into H.R. 3402 will earmark resources for DOJ to address ORT crimes to ensure that these crimes receive the appropriate attention. Specifically, this amendment creates a Federal definition of organized retail theft crimes, and authorizes $5 million for each of the next three fiscal years for educating and training Federal law enforcement regarding these crimes, as well as for investigating, apprehending and prosecuting individuals engaged in these crimes. In addition, this amendment directs the FBI to consult with the private sector in order to construct a database, housed in the private sector, where retail establishments, as well as Federal, State, and local law enforcement can compile evidence on specific organized retail theft crimes to aid investigations and prosecutions. Often, a lack of information about the interstate nature of these crimes prevents federal law enforcement from getting involved in these cases. This database will help put the pieces together to show the organized and multi-state nature of these crimes, as well as provide important evidence for prosecutions.

I want to thank Chairman SENSENBRENNER for his willingness to address organized retail theft crimes in this important authorizing legislation, and I look forward to continuing to work to combat these serious crimes.

Mr. SHAYS. Mr. Chairman, I rise it support of H.R. 3402, the Department of Justice Appropriations Authorization Act for Fiscal Years 2006 through 2009, particularly the sections which re-authorizes portions of the Violence Against Women Act that are under the jurisdiction of the House Judiciary Committee.

I am a long-time supporter of programs authorized by the Violence Against Women Act. I believe Congress must proactively work to combat crimes against women including domestic violence, rape and other sex crimes.

In 1994, I voted for the Violent Crime Control and Law Enforcement Act, which incorporated VAWA. This legislation established a number of grant programs designed to aid law enforcement officers and prosecutors, encourage arrest policies, stem domestic violence and child abuse, and establish training programs for victim advocates and counselors.

I am deeply concerned about the scourge of domestic violence and other crimes against women, and recognize the need for support services and tough prosecution guidelines. Each year, approximately 2 million women are physically or sexually assaulted or stalked by an intimate partner in the United States. Perpetrators of these reprehensible crimes must be punished, and victims must have the services available to help transition to a normal life.

Passing H.R. 3402 will ensure the development and continuation of programs that work to prevent violence and assist survivors and their families regain their safety and self-sufficiency. I strongly support these programs and encourage my colleagues to support the bill.

Mr. WEINER. Mr. Chairman, I rise today to thank the bipartisan leadership of the Judiciary Committee for its hard work shepherding through this powerful reauthorization of Department of Justice activities, a bill that I strongly support. The bill authorizes a total of $95 billion, including $24.4 billion for the FBI, $7.25 billion for the Drug Enforcement Administration, and $6.85 billion for U.S. Attorneys. It is a true victory that the committee leadership included reauthorization of the landmark Violence Against Women Act in this bill. It is essential that Congress stands strong and protects victims of domestic violence and other crimes against women. The bill's new $15 million a year grant program will help colleges and universities prevent dating violence, sexual assault and stalking on campuses.

Mr. Chairman, as this bill moves to conference, I want to highlight two provisions that was included in the original text of H.R. 3402 at my request. Section 321 will close loopholes that have allowed those impersonating police officers to evade conviction, while section 253 reauthorizes the Community Oriented Policing Services grant program, and makes it easier for local police departments to apply for and win grants by consolidating it into a single grant program. Whereas cities used to submit different application for hiring, and one for overtime and one for technology and one for training—this language allows them to only have to submit one application.

Section 321, language inserted in the original bill at my request and based upon the Badge Security Enhancement Act of 2003, amends criminal prohibitions on the use of a false badge to close loopholes used by many to evade prosecution and conviction. No longer will criminals be able to claim that they badges the use to impersonate police officers are just souvenirs or collectors items. Instead, my language amends the criminal code so that the only acceptable defense for possessing a counterfeit police badge is for use in a dramatic production or for a legitimate law enforcement purpose. There are countless website where one can purchase a very convincing NYPD police badge and then use it to commit a crime. It is common sense that we close these loopholes in order to protect the public and our law enforcement personnel. Also, language offered by Mrs. SLAUGHTER expands the criminal ban on counterfeit police badges to also include the misuse of uniforms, identification, and all other insignia of all public officials, but maintains my language that limits acceptable defenses in the case of counterfeit badges.

Mr. Chairman, I consider reauthorization of the COPS program to be a singular triumph of this bill. By reauthorizing the program at $1.05 billion a year for 4 years, we are providing a valuable resource to local law enforcement as they fight crime and protect the homeland from terrorist threats. Throughout its history, the COPS program has put more than 118,000 cops on the beat in more than 12,000 communities, and added 7,407 officers to the force in New York City. This is the ultimate democratic program, with a small ''d,'' as it benefits small towns and big cities alike throughout our country. The reauthorization amount in the bill will pay for an estimated 13,000 new cops on the beat nationally each year, and 3,640 NYFD officers over the length of this authorization.

The reauthorization will also allow Federal funds for the first time to flow to hiring officers to perform intelligence, anti-terror and homeland security duties. These are federal responsibilities and this language will help special terrorism units throughout the country, such as those at the NYFD and the LAPD.

I have also worked with Mr. ROTHMAN to ensure that $30 million a year of the COPS reauthorization goes to the Secure our Schools Program to make grants for school security, including installing metal detectors, personnel and student training, and coordination with local law enforcement.

Authorities across the country agree that COPS works. A GAG report issued this summer that found a 13 percent drop in violent

crime because of COPS. Former Attorney General Ashcroft once said of COPS in June 2003 that, ''Let me just say that I think the COPS program has been successful. The purpose of the COPS program was to demonstrate to local police departments that if you put additional people, feet on the street, that crime could be affected and that people would be safer and more secure. We believe that the COPS program demonstrated that conclusively.''

I would like to thank advocates both in this House and in the law enforcement community who have stood with me and fought for COPS reauthorization. The COPS program is endorsed by the Fraternal Order of Police, International Association of Chiefs of Police, International Brotherhood of Police Officers, National Association of Police Organizations, National Sheriffs' Association, U.S. Conference of Mayors. The PROTECTION Act, offered to reauthorize COPS for 6 years in 2004 had 224 cosponsors. I would like to thank Ms. LINDA SÁNCHEZ and Mr. KELLER for their support, and commend our committee's leaders, Mr. CONYERS and Chairman SENSENBRENNER for agreeing to include COPS reauthorization in this very important piece of legislation.

In particular, I would like to thank both the Democratic and Republican staff of the Judiciary Committee, both of whom worked tirelessly on this piece of legislation, and who deserve the entire House's thanks. I would like to extend my gratitude to Sampak Garg, Perry Apelbaum and Ted Kalo of Mr. CONYERS' staff and Beth Sokul, Katy Crooks, Sean McLaughlin and Michael Volkov of Mr. SENSENBRENNER's staff, who all worked with me on these important provisions in the bill.

Mr. SMITH of Washington. Mr. Chairman, I rise in support of the reauthorization of the Violence Against Women Act (VAWA) that is a part of today's Department of Justice Authorization Act. Enacted in 1994, this law provides access to programs and services for many victims of domestic violence, sexual assault, dating violence, and stalking. Since VAWA was first passed, domestic violence has decreased by almost 50 percent and incidents of rape have decreased by 60 percent More than one million women have used the judicial system to obtain domestic violence protective orders.

During my time as a former King County Prosecutor I saw how VAWA successfully helped many people. The criminal justice system was improved by training police and prosecutors to respond more effectively to incidences of domestic violence or sexual assaults. The Act also provided legal aid so victims may seek justice to their crimes. It provided the tools in order to protect the victims and provide them with the services they need to escape this horrible situation.

But there is still more work to be done. Each year, 960,000 incidents of violence are reported in which the offender has acted against a current or former spouse, boyfriend or girlfriend. It is unacceptable that women are still being abused. It is unacceptable that high school students are sexually harassed. It is unacceptable that these victims face the fear and embarrassment of telling others about their situation.

Unfortunately, some victims are faced with the situation where their abuser is a law enforcement officer. I recognize that law enforcement officers are faced with many complex situations and a great deal of work-related stress. I recognize that law enforcement officers are faced with complex situations on a day to day basis while trying to make our communities safer. However, these situations can push many to their limits and cause hardships in their jobs and personal lives.

I would like to bring to your attention the case of Crystal Judson. On April 26, 2003, Tacoma Police Chief David Brame shot his wife, Crystal Judson Brame, before he killed himself in a parking lot in Gig Harbor, a community near my district. Their two young children, ages 8 and 5, sat nearby in their father's car. Crystal had been the victim of abuse for many years prior to this incident, but she was unable to obtain help for herself and her children in part because she lacked the tools and resources she needed.

Unfortunately, there was no policy in place for the City of Tacoma or the Tacoma Police to address this issue.

In response to this incident, the Washington State Legislature passed a law in 2004 establishing standards for law enforcement agencies within the state to prevent and punish future incidents of domestic violence committed by law enforcement officers. I am pleased to see law enforcement agencies taking this matter seriously and implementing policies that help them address these situations.

I am disappointed that I—along with several of my colleagues from Washington State—were not able to offer two amendments that sought to address this issue. The first amendment would have simply clarified that Services, Training, Officers, and Prosecution (STOP) program grants were available to law enforcement agencies to develop policies to address law enforcement officer domestic abuse. STOP grants promotes a coordinated, multidisciplinary approach to improving the criminal justice system's response to violent crimes against women by encouraging the development and strengthening of effective law enforcement and prosecution strategies to address violent crimes against women and the development and strengthening of victim services in cases involving violent crimes against women.

The second amendment would initiate a study conducted by the Department of Justice to investigate the incidence of domestic violence involving law enforcement officers. Little research has been done on this specific issue in over a decade. A study conducted by the Justice Department could provide policymakers with critical facts and information as we seek to undertake a federal effort to address the issue. While I am pleased that Chairman SENSENBRENNER agreed to conduct a GAO Report on law enforcement-officer-involved domestic violence, I hope this study will be conducted in a speedy manner to ensure other victims like Crystal Brame are not left without a voice.

I am committed to working with my colleagues to ensure ample funding for VAWA and STOP grants. I look forward to supporting the Chairman in his request and look forward to the results so we can do more to assist victims of domestic abuse.

Mr. MORAN of Virginia. Mr. Chairman, I rise in strong support of the provisions contained in the Justice Department authorization bill that relate to the Violence Against Women Act. It is fitting that we are considering this measure today, as yesterday this body passed H. Con. Res. 209, which will designate October as National Domestic Violence Awareness Month.

The Violence Against Women Act was first authorized in 1994. Since that time, the rate of family violence has dropped from 5.4 to 2.1 victims per 1,000 U.S. residents over the age of 12. These provisions expand upon the many successes of the Violence Against Women Act since its inception. They will enhance the civil and criminal response to violence against women, will improve services and outreach to victims, and will provide additional resources for sexual assault victims through rape crisis centers and State coalitions.

I am also pleased that provisions in this Act will address the needs of victims from communities of color, and which aid immigrant and tribal victims have been strengthened. However, I am concerned that the manager's amendment will strike the phrase ''ethnic and racial'' from several sections in the bill, which will have the effect of specific racial and ethnic communities not having their specific concerns addressed.

This amendment should be rejected, thereby helping to ensure that racial and ethnic minority women will have their safety needs met through culturally-appropriate services.

By leaving the language as it stands, the Violence Against Women Act will ensure that racial and ethnic minority women will have their safety needs met through culturally appropriate services.

Rejecting the amendment also will ensure that culturally specific, community-based organizations will have the opportunity to access Federal funds that address domestic violence, sexual violence and other social ills.

Two years ago, I was pleased to support a Federal earmark for Communities Against Domestic Violence, a worthwhile organization in Northern Virginia which provides public awareness and education programs designed to discourage domestic violence in the Hispanic, Vietnamese and Korean communities.

Finally, I would like to pay tribute to my constituents from the local offices on Women in the city of Alexandria and Fairfax County, Arlington County's Domestic Violence Services and Violence Intervention Program and the numerous non-profit organizations which work to address domestic violence issues and break this devastating and destructive cycle of violence.

I urge all my colleagues to oppose the manager's amendment, and to support the reauthorization of the Violence Against Women Act.

Mr. NADLER. Mr. Chairman, this is a good bill. Particularly, I am a strong supporter of the section renewing the Violence Against Women Act, and a new program I've worked on, the Jessica Gonzales Victim Assistance Program, to better enforce protective orders. Today, together, we are making a big leap forward in protecting women who are victims.

For many years domestic violence has been viewed as a woman's problem, but that is not the case. Domestic violence is a woman's problem, a man's problem, the community's problem. The time is long overdue for men to take a stand and say that domestic violence is unacceptable.

On June 27, in Castle Rock v. Gonzales, the Supreme Court held that the police did not have a mandatory duty to make an arrest under a court-issued protective order to protect a woman from a violent husband. The ruling ended a lawsuit by a Colorado woman

who claimed the police did not do enough to prevent her violent husband from killing their 3 young daughters. The ruling said Jessica Gonzales did not have a constitutional right to police enforcement of the protective court order against her husband.

The heartbreaking details of this case show the desperate need for legislation. That's why I have drafted the Jessica Gonzales Victim Assistance Program, which will restore some of the effectiveness of protective orders.

The Jessica Gonzales Victim Assistance Program would place special victim assistants in local law enforcement agencies to serve as liaisons between the agencies and victims of domestic violence, dating violence, sexual assault, and stalking in order to improve the enforcement of protection orders.

I support the underlying bill and the renewal of the Violence Against Women Act.

Mr. HONDA. Mr. Chairman, I rise today in support of H.R. 3402, a measure that reauthorizes most Justice Department programs through FY 2009, with some extended through FY 2010. I support this measure because it provides crucial funding for Justice Department programs. The bill authorizes $95 billion through FY 2010, including $5.8 billion for the FBI in FY 2006, and $5 billion for Federal prisons.

I am especially glad to see that this bill reauthorizes programs funded under the Violence Against Women Act (VAWA) which is designed to combat crimes often targeted toward women, such as stalking, domestic violence, and sexual assault. During the past decade, VAWA of 1994 and 2000 have provided tremendous protections and support for victims of domestic violence, stalking, and sexual assault. VAWA funding has provided law enforcement agencies, the judicial system, rape crisis centers, and domestic violence shelters with the expertise and services they need to do the work of prevention and protection of those affected by violence. The reauthorization of VAWA will allow us to continue to fund crucial and successful programs and expand on 10 years of progress to further provide safety and stability for survivors of gender-based violence.

I am disappointed that late last night, Judiciary Majority staff submitted a manager's amendment which strikes ''racial and ethnic minorities'' from the definition of underserved populations in the STOP grants section of VAWA. STOP grants are the heart of VAWA funding. Without this language, domestic violence prevention and treatment services specifically targeting women of color and immigrant victims of domestic violence will continue to be shortchanged. This language change is a major flaw in the Manager's Amendment and I oppose the amendment.

H.R. 3402 also merges the Byrne Grant Program and the Local Law Enforcement Block Grant program, and renames it the Edward Byrne Memorial Justice Assistance Grant Program. It authorizes $1.1 billion for this program in FY 2006 and such sums as are necessary for fiscal years 2007 through 2009. Finally, the bill re-organizes the Community Oriented Policing Services (COPS) program by consolidating all the different grant programs into a single block grant program. The bill authorizes $1 billion in each of fiscal years 2006 through 2009 for this important crime fighting program.

Mr. Chairman, this is a very good bill overall and I am glad to see Republicans working with Democrats on such an important measure.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise today in support of several important programs that will be reauthorized in H.R. 3402, The Department of Justice Authorization Act. The two programs that I'd like to highlight are the Community Oriented Policing Services (COPS) program and the State Criminal Alien Assistance Program (SCAAP). Both COPS and SCAAP provide critical resources that help local law enforcement do their job.

The COPS program consists of Federal grants to provide assistance to eligible police departments to help improve community policing efforts and law enforcement support activities including: hiring or rehiring police officers, purchasing equipment; paying overtime; and building support systems.

The COPS program has long had bipartisan support in Congress, even in the face of repeated proposed budget cuts from this Administration. Despite these budget proposals Congress worked in a bipartisan way to appropriate funding for the COPS program and ensure that our local law enforcement agencies continued to receive these valuable grants. I hope that the formal reauthorization of the COPS program through H.R. 3402 clarifies the Congressional recognition of the significance of the COPS programs to local law enforcement, and the importance of the COPS program now and in the future.

The SCAAP reimburses states and localities for the cost of detaining criminal aliens. These funds are critical for local law enforcement agencies; especially those in border states like California, that routinely cover the cost of incarcerating undocumented criminal aliens. Between FY2001 and FY2005, SCAAP funding decreased by $265 million. This is unacceptable and places a significant burden on cash-strapped States that desperately need reimbursement.

I supported the Kolbe/Dreier/Lewis amendment to increase the authorized funding for SCAAP to $750 million for FY06, $850 million for FY07, and $950 million for FY08–11. I am pleased that this amendment was accepted as it will provide much needed funds to the states and improve their ability to work with the Federal government on border security and immigration issues.

Ms. PELOSI. Mr. Chairman, for 10 years, the Violence Against Women Act (VAWA) has strengthened communities and provided critical, life-saving support to victims of violence. VAWA has meant that no victim of violence has to suffer in silence. This legislation has been a tremendous success in addressing an appalling problem: since VAWA was enacted in 1994, states have passed more than 660 laws to combat domestic violence, dating violence, sexual assault and stalking. The National Domestic Violence Hotline has answered more than 1 million calls. VAWA has strengthened communities across the country and saved countless lives. But we can and must do more.

Women should feel safe whether in public or private: In their workplace, in their homes, and walking on the street. Yet many women continue to live in fear. One in three American women report being physically or sexually abused by a partner at some point in their lives, and more than three women are murdered by their husbands or boyfriends in this country every day. We cannot tolerate the violence, abuse, and sexual assault that pervade our communities. As a nation, we must fight this epidemic in every way possible.

Today, the House reauthorized VAWA, making dramatic improvements to the existing law by establishing new rape crisis centers and increasing grants for community organizations that work to prevent and eliminate domestic violence. The reauthorization of VAWA is a critical step and a national commitment to keep future generations of women and children safe.

Unfortunately, the spirit of VAWA came under attack today by the House Republicans. Judiciary Committee Chairman SENSENBRENNER offered an amendment that eliminated carefully crafted provisions of the bipartisan bill that recognized that racial and ethnic minorities face unique challenges in reporting and getting help for domestic violence, sexual assault, trafficking and stalking. With this change, domestic violence prevention and treatment services specifically targeting women of color and immigrant victims of domestic violence and sexual assault will continue to be shortchanged.

VAWA is one of the crowning achievements of the Congressional Caucus on Women's Issues and a truly bipartisan success. I urge the Senate to reject the Sensenbrenner amendment and return the bill to its original, bipartisan version.

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

The CHAIRMAN. All time for general debate has expired.

Mr. SENSENBRENNER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KING of Iowa) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1604

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOEHNER) at 4 o'clock and 4 minutes p.m.

DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

The SPEAKER pro tempore. Pursuant to House Resolution 462 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3402.

□ 1605

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3402

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 ''Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Authorization of appropriations for fiscal year 2006.
Sec. 102. Authorization of appropriations for fiscal year 2007.
Sec. 103. Authorization of appropriations for fiscal year 2008.
Sec. 104. Authorization of appropriations for fiscal year 2009.
Sec. 105. Organized retail theft.

TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

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Sec. 701. Services and justice for young victims of violence.
Sec. 702. Grants to combat violent crimes on campuses.
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Sec. 801. Preventing violence in the home.

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Sec. 1002. Consultation.
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TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2006.

There are authorized to be appropriated for fiscal year 2006, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $161,407,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $216,286,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $72,828,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $679,661,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,000,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $144,451,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,626,146,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,761,237,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $800,255,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,065,761,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,716,173,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $923,613,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $181,137,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $661,940,000 for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,270,000.

(15) COMMUNITY RELATIONS SERVICE.— For the Community Relations Service: $9,759,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $21,468,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,300,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,222,000,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $181,490,000.

(20) NARROW BAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $128,701,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and Office of Community Oriented Policing Services:

(A) $121,105,000 for the Office of Justice Programs.

(B) $14,172,000 for the Office on Violence Against Women.

(C) $31,343,000 for the Office of Community Oriented Policing Services.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2007.

There are authorized to be appropriated for fiscal year 2007, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $167,863,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $224,937,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $75,741,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $706,847,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $15,600,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $150,229,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,691,192,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $5,991,686,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $832,265,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,268,391,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,784,820,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $960,558,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $188,382,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $688,418,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,321,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,149,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $11,752,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,405,300,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $188,750,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $133,849,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $125,949,000 for the Office of Justice Programs.

(B) $15,600,000 for the Office on Violence Against Women.

(C) $32,597,000 for the Office of Community Oriented Policing Services.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2008.

There are authorized to be appropriated for fiscal year 2008, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $174,578,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $233,934,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $78,771,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $735,121,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,224,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $156,238,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,758,840,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $6,231,354,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $865,556,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,479,127,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,856,213,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $998,980,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $195,918,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $715,955,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,374,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,555,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $12,222,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,616,095,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $196,300,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $139,203,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $130,987,000 for the Office of Justice Programs.

(B) $16,224,000 for the Office on Violence Against Women.

(C) $33,901,000 for the Office of Community Oriented Policing Services.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009.

There are authorized to be appropriated for fiscal year 2009, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof), the following sums:

(1) GENERAL ADMINISTRATION.—For General Administration: $181,561,000.

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $243,291,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $81,922,000, which shall include not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $764,526,000, which shall include—

(A) not less than $4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than $16,872,000 for the investigation and prosecution of violations of title 17 of the United States Code;

(C) not to exceed $20,000 to meet unforeseen emergencies of a confidential character; and

(D) $5,000,000 for the investigation and prosecution of violations of chapter 77 of title 18 of the United States Code.

(5) ANTITRUST DIVISION.—For the Antitrust Division: $162,488,000.

(6) UNITED STATES ATTORNEYS.—For United States Attorneys: $1,829,194,000.

(7) FEDERAL BUREAU OF INVESTIGATION.—For the Federal Bureau of Investigation: $6,480,608,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(8) UNITED STATES MARSHALS SERVICE.—For the United States Marshals Service: $900,178,000.

(9) FEDERAL PRISON SYSTEM.—For the Federal Prison System, including the National Institute of Corrections: $5,698,292,000.

(10) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,930,462,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

(11) BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES.—For the Bureau of Alcohol, Tobacco, Firearms and Explosives: $1,038,939,000.

(12) FEES AND EXPENSES OF WITNESSES.—For Fees and Expenses of Witnesses: $203,755,000, which shall include not to exceed $8,000,000 for construction of protected witness safesites.

(13) INTERAGENCY CRIME AND DRUG ENFORCEMENT.—For Interagency Crime and Drug Enforcement: $744,593,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

(14) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,429,000.

(15) COMMUNITY RELATIONS SERVICE.—For the Community Relations Service: $10,977,000.

(16) ASSETS FORFEITURE FUND.—For the Assets Forfeiture Fund: $22,000,000 for expenses authorized by section 524 of title 28, United States Code.

(17) UNITED STATES PAROLE COMMISSION.—For the United States Parole Commission: $12,711,000.

(18) FEDERAL DETENTION TRUSTEE.—For the necessary expenses of the Federal Detention Trustee: $1,858,509,000.

(19) JUSTICE INFORMATION SHARING TECHNOLOGY.—For necessary expenses for information sharing technology, including planning, development, and deployment: $204,152,000.

(20) NARROWBAND COMMUNICATIONS.—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems: $144,771,000.

(21) ADMINISTRATIVE EXPENSES FOR CERTAIN ACTIVITIES.—For the administrative expenses of the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services:

(A) $132,226,000 for the Office of Justice Programs.

(B) $16,837,000 for the Office on Violence Against Women.

(C) $35,257,000 for the Office of Community Oriented Policing Services.

SEC. 105. ORGANIZED RETAIL THEFT.

(a) NATIONAL DATA.—(1) The Attorney General and the Federal Bureau of Investigation shall establish a task force to combat organized retail theft and provide expertise to the retail community for the establishment of a national database or clearinghouse housed and maintained in the private sector to track and identify where organized retail theft type crimes are being committed in the United Sates. The national database shall allow Federal, State, and local law enforcement officials as well as authorized retail companies (and authorized associated retail databases) to transmit information into the database electronically and to review information that has been submitted electronically.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to federal law enforcement agencies participating in the database project.

(3) The Attorney General through the Bureau of Justice Assistance in the Office of Justice may make grants to help provide for the administrative and technological costs to State and local law enforcement agencies participating in the data base project.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2006 through 2009, $5,000,000 for educating and training federal law enforcement

regarding organized retail theft, for investigating, apprehending and prosecuting individuals engaged in organized retail theft, and for working with the private sector to establish and utilize the database described in subsection (a).

(c) DEFINITION OF ORGANIZED RETAIL THEFT.—For purposes of this section, ''organized retail theft'' means—

(1) the violation of a State prohibition on retail merchandise theft or shoplifting, if the violation consists of the theft of quantities of items that would not normally be purchased for personal use or consumption and for the purpose of reselling the items or for reentering the items into commerce;

(2) the receipt, possession, concealment, bartering, sale, transport, or disposal of any property that is know or should be known to have been taken in violation of paragraph (1); or

(3) the coordination, organization, or recruitment of persons to undertake the conduct described in paragraph (1) or (2).

TITLE II—IMPROVING THE DEPARTMENT OF JUSTICE'S GRANT PROGRAMS

Subtitle A—Assisting Law Enforcement and Criminal Justice Agencies

SEC. 201. MERGER OF BYRNE GRANT PROGRAM AND LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) Subpart 1 of such part (42 U.S.C. 3751–3759) is repealed.

(2) Such part is further amended—

(A) by inserting before section 500 (42 U.S.C. 3750) the following new heading:

''Subpart 1—Edward Byrne Memorial Justice Assistance Grant Program'';

(B) by amending section 500 to read as follows:

''SEC. 500. NAME OF PROGRAM.

''(a) IN GENERAL.—The grant program established under this subpart shall be known as the 'Edward Byrne Memorial Justice Assistance Grant Program'.

''(b) REFERENCES TO FORMER PROGRAMS.—Any reference in a law, regulation, document, paper, or other record of the United States to the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, or to the Local Government Law Enforcement Block Grants program, shall be deemed to be a reference to the grant program referred to in subsection (a).''; and

(C) by inserting after section 500 the following new sections:

''SEC. 501. DESCRIPTION.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From amounts made available to carry out this subpart, the Attorney General may, in accordance with the formula established under section 505, make grants to States and units of local government, for use by the State or unit of local government to provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice, including for any one or more of the following programs:

''(A) Law enforcement programs.

''(B) Prosecution and court programs.

''(C) Prevention and education programs.

''(D) Corrections and community corrections programs.

''(E) Drug treatment and enforcement programs.

''(F) Planning, evaluation, and technology improvement programs.

''(G) Crime victim and witness programs (other than compensation).

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall be construed to ensure that a grant under that paragraph may be used for any purpose for which a grant was authorized to be used under either or both of the programs specified in section 500(b), as those programs were in effect immediately before the enactment of this paragraph.

''(b) CONTRACTS AND SUBAWARDS.—A State or unit of local government may, in using a grant under this subpart for purposes authorized by subsection (a), use all or a portion of that grant to contract with or make one or more subawards to one or more—

''(1) neighborhood or community-based organizations that are private and nonprofit;

''(2) units of local government; or

''(3) tribal governments.

''(c) PROGRAM ASSESSMENT COMPONENT; WAIVER.—

''(1) Each program funded under this subpart shall contain a program assessment component, developed pursuant to guidelines established by the Attorney General, in coordination with the National Institute of Justice.

''(2) The Attorney General may waive the requirement of paragraph (1) with respect to a program if, in the opinion of the Attorney General, the program is not of sufficient size to justify a full program assessment.

''(d) PROHIBITED USES.—Notwithstanding any other provision of this Act, no funds provided under this subpart may be used, directly or indirectly, to provide any of the following matters:

''(1) Any security enhancements or any equipment to any nongovernmental entity that is not engaged in criminal justice or public safety.

''(2) Unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of such funds to provide such matters essential to the maintenance of public safety and good order—

''(A) vehicles, vessels, or aircraft;

''(B) luxury items;

''(C) real estate;

''(D) construction projects (other than penal or correctional institutions); or

''(E) any similar matters.

''(e) ADMINISTRATIVE COSTS.—Not more than 10 percent of a grant made under this subpart may be used for costs incurred to administer such grant.

''(f) PERIOD.—The period of a grant made under this subpart shall be four years, except that renewals and extensions beyond that period may be granted at the discretion of the Attorney General.

''(g) RULE OF CONSTRUCTION.—Subparagraph (d)(1) shall not be construed to prohibit the use, directly or indirectly, of funds provided under this subpart to provide security at a public event, such as a political convention or major sports event, so long as such security is provided under applicable laws and procedures.

''SEC. 502. APPLICATIONS.

''To request a grant under this subpart, the chief executive officer of a State or unit of local government shall submit an application to the Attorney General within 90 days after the date on which funds to carry out this subpart are appropriated for a fiscal year, in such form as the Attorney General may require. Such application shall include the following:

''(1) A certification that Federal funds made available under this subpart will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

''(2) An assurance that, not fewer than 30 days before the application (or any amendment to the application) was submitted to the Attorney General, the application (or amendment) was submitted for review to the governing body of the State or unit of local government (or to an organization designated by that governing body).

''(3) An assurance that, before the application (or any amendment to the application) was submitted to the Attorney General—

''(A) the application (or amendment) was made public; and

''(B) an opportunity to comment on the application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure makes such an opportunity available.

''(4) An assurance that, for each fiscal year covered by an application, the applicant shall maintain and report such data, records, and information (programmatic and financial) as the Attorney General may reasonably require.

''(5) A certification, made in a form acceptable to the Attorney General and executed by the chief executive officer of the applicant (or by another officer of the applicant, if qualified under regulations promulgated by the Attorney General), that—

''(A) the programs to be funded by the grant meet all the requirements of this subpart;

''(B) all the information contained in the application is correct;

''(C) there has been appropriate coordination with affected agencies; and

''(D) the applicant will comply with all provisions of this subpart and all other applicable Federal laws.

''SEC. 503. REVIEW OF APPLICATIONS.

''The Attorney General shall not finally disapprove any application (or any amendment to that application) submitted under this subpart without first affording the applicant reasonable notice of any deficiencies in the application and opportunity for correction and reconsideration.

''SEC. 504. RULES.

''The Attorney General shall issue rules to carry out this subpart. The first such rules shall be issued not later than one year after the date on which amounts are first made available to carry out this subpart.

''SEC. 505. FORMULA.

''(a) ALLOCATION AMONG STATES.—

''(1) IN GENERAL.—Of the total amount appropriated for this subpart, the Attorney General shall, except as provided in paragraph (2), allocate—

''(A) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

''(i) the total population of a State to—

''(ii) the total population of the United States; and

''(B) 50 percent of such remaining amount to each State in amounts that bear the same ratio of—

''(i) the average annual number of part 1 violent crimes of the Uniform Crime Reports of the Federal Bureau of Investigation reported by such State for the three most recent years reported by such State to—

''(ii) the average annual number of such crimes reported by all States for such years.

''(2) MINIMUM ALLOCATION.—If carrying out paragraph (1) would result in any State receiving an allocation less than 0.25 percent of the total amount (in this paragraph referred to as a 'minimum allocation State'), then paragraph (1), as so carried out, shall not apply, and the Attorney General shall instead—

''(A) allocate 0.25 percent of the total amount to each State; and

''(B) using the amount remaining after carrying out subparagraph (A), carry out paragraph (1) in a manner that excludes each minimum allocation State, including the population of and the crimes reported by such State.

''(b) ALLOCATION BETWEEN STATES AND UNITS OF LOCAL GOVERNMENT.—Of the amounts allocated under subsection (a)—

''(1) 60 percent shall be for direct grants to States, to be allocated under subsection (c); and

''(2) 40 percent shall be for grants to be allocated under subsection (d).

''(c) ALLOCATION FOR STATE GOVERNMENTS.—

''(1) IN GENERAL.—Of the amounts allocated under subsection (b)(1), each State may retain for the purposes described in section 501 an amount that bears the same ratio of—

''(A) total expenditures on criminal justice by the State government in the most recently completed fiscal year to—

''(B) the total expenditure on criminal justice by the State government and units of local government within the State in such year.

''(2) REMAINING AMOUNTS.—Except as provided in subsection (e)(1), any amounts remaining after the allocation required by paragraph (1) shall be made available to units of local government by the State for the purposes described in section 501.

''(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—

''(1) IN GENERAL.—Of the amounts allocated under subsection (b)(2), grants for the purposes described in section 501 shall be made directly to units of local government within each State in accordance with this subsection, subject to subsection (e).

''(2) ALLOCATION.—

''(A) IN GENERAL.—From the amounts referred to in paragraph (1) with respect to a State (in this subsection referred to as the 'local amount'), the Attorney General shall allocate to each unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

''(B) TRANSITIONAL RULE.—Notwithstanding subparagraph (A), for fiscal years 2006, 2007, and 2008, the Attorney General shall allocate the local amount to units of local government in the same manner that, under the Local Government Law Enforcement Block Grants program in effect immediately before the date of the enactment of this section, the reserved amount was allocated among reporting and nonreporting units of local government.

''(3) ANNEXED UNITS.—If a unit of local government in the State has been annexed since the date of the collection of the data used by the Attorney General in making allocations pursuant to this section, the Attorney General shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

''(4) RESOLUTION OF DISPARATE ALLOCATIONS.—(A) Notwithstanding any other provision of this subpart, if—

''(i) the Attorney General certifies that a unit of local government bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government; and

''(ii) but for this paragraph, the amount of funds allocated under this section to—

''(I) any one such specified geographically constituent unit of local government exceeds 150 percent of the amount allocated to the unit of local government certified pursuant to clause (i); or

''(II) more than one such specified geographically constituent unit of local government exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i),

then in order to qualify for payment under this subsection, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Attorney General a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

''(B) In this paragraph, the term 'geographically constituent unit of local government' means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

''(e) LIMITATION ON ALLOCATIONS TO UNITS OF LOCAL GOVERNMENT.—

''(1) MAXIMUM ALLOCATION.—No unit of local government shall receive a total allocation under this section that exceeds such unit's total expenditures on criminal justice services for the most recently completed fiscal year for which data are available. Any amount in excess of such total expenditures shall be allocated proportionally among units of local government whose allocations under this section do not exceed their total expenditures on such services.

''(2) ALLOCATIONS UNDER $10,000.—If the allocation under this section to a unit of local government is less than $10,000 for any fiscal year, the direct grant to the State under subsection (c) shall be increased by the amount of such allocation, to be distributed (for the purposes described in section 501) among State police departments that provide criminal justice services to units of local government and units of local government whose allocation under this section is less than $10,000.

''(3) NON-REPORTING UNITS.—No allocation under this section shall be made to a unit of local government that has not reported at least three years of data on part 1 violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation within the immediately preceding 10 years.

''(f) FUNDS NOT USED BY THE STATE.—If the Attorney General determines, on the basis of information available during any grant period, that any allocation (or portion thereof) under this section to a State for such grant period will not be required, or that a State will be unable to qualify or receive funds under this subpart, or that a State chooses not to participate in the program established under this subpart, then such State's allocation (or portion thereof) shall be awarded by the Attorney General to units of local government, or combinations thereof, within such State, giving priority to those jurisdictions with the highest annual number of part 1 violent crimes of the Uniform Crime Reports reported by the unit of local government to the Federal Bureau of Investigation for the three most recent calendar years for which such data are available.

''(g) SPECIAL RULES FOR PUERTO RICO.—

''(1) ALL FUNDS SET ASIDE FOR COMMONWEALTH GOVERNMENT.—Notwithstanding any other provision of this subpart, the amounts allocated under subsection (a) to Puerto Rico, 100 percent shall be for direct grants to the Commonwealth government of Puerto Rico.

''(2) NO LOCAL ALLOCATIONS.—Subsections (c) and (d) shall not apply to Puerto Rico.

''(h) UNITS OF LOCAL GOVERNMENT IN LOUISIANA.—In carrying out this section with respect to the State of Louisiana, the term 'unit of local government' means a district attorney or a parish sheriff.

''SEC. 506. RESERVED FUNDS.

''Of the total amount made available to carry out this subpart for a fiscal year, the Attorney General shall reserve not more than—

''(1) $20,000,000, for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, of which $1,000,000 shall be for use by the Bureau of Justice Statistics to collect data necessary for carrying out this subpart; and

''(2) $20,000,000, to be granted by the Attorney General to States and units of local government to develop and implement antiterrorism training programs.

''SEC. 507. INTEREST-BEARING TRUST FUNDS.

''(a) TRUST FUND REQUIRED.—A State or unit of local government shall establish a trust fund in which to deposit amounts received under this subpart.

''(b) EXPENDITURES.—

''(1) IN GENERAL.—Each amount received under this subpart (including interest on such amount) shall be expended before the date on which the grant period expires.

''(2) REPAYMENT.—A State or unit of local government that fails to expend an entire amount (including interest on such amount) as required by paragraph (1) shall repay the unexpended portion to the Attorney General not later than 3 months after the date on which the grant period expires.

''(3) REDUCTION OF FUTURE AMOUNTS.—If a State or unit of local government fails to comply with paragraphs (1) and (2), the Attorney General shall reduce amounts to be provided to that State or unit of local government accordingly.

''(c) REPAID AMOUNTS.—Amounts received as repayments under this section shall be subject to section 108 of this title as if such amounts had not been granted and repaid. Such amounts shall be deposited in the Treasury in a dedicated fund for use by the Attorney General to carry out this subpart. Such funds are hereby made available to carry out this subpart.

''SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subpart $1,095,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2009.''.

(b) REPEALS OF CERTAIN AUTHORITIES RELATING TO BYRNE GRANTS.—

(1) DISCRETIONARY GRANTS TO PUBLIC AND PRIVATE ENTITIES.—Chapter A of subpart 2 of Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760–3762) is repealed.

(2) TARGETED GRANTS TO CURB MOTOR VEHICLE THEFT.—Subtitle B of title I of the Anti Car Theft Act of 1992 (42 U.S.C. 3750a–3750d) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) CRIME IDENTIFICATION TECHNOLOGY ACT.—Subsection (c)(2)(G) of section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended by striking ''such as'' and all that follows through ''the M.O.R.E. program'' and inserting ''such as the Edward Byrne Justice Assistance Grant Program and the M.O.R.E. program''.

(2) SAFE STREETS ACT.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(A) in section 517 (42 U.S.C. 3763), in subsection (a)(1), by striking ''pursuant to section 511 or 515'' and inserting ''pursuant to section 515'';

(B) in section 520 (42 U.S.C. 3766)—

(i) in subsection (a)(1), by striking ''the program evaluations as required by section 501(c) of this part'' and inserting ''program evaluations'';

(ii) in subsection (a)(2), by striking ''evaluations of programs funded under section 506 (formula grants) and sections 511 and 515 (discretionary grants) of this part'' and inserting ''evaluations of programs funded under section 505 (formula grants) and section 515 (discretionary grants) of this part''; and

(iii) in subsection (b)(2), by striking ''programs funded under section 506 (formula grants) and section 511 (discretionary grants)'' and inserting ''programs funded under section 505 (formula grants)'';

(C) in section 522 (42 U.S.C. 3766b)—

(i) in subsection (a), in the matter preceding paragraph (1), by striking ''section 506'' and inserting ''section 505''; and

(ii) in subsection (a)(1), by striking ''an assessment of the impact of such activities on meeting the needs identified in the State strategy submitted under section 503'' and inserting ''an assessment of the impact of such activities on meeting the purposes of subpart 1'';

(D) in section 801(b) (42 U.S.C. 3782(b)), in the matter following paragraph (5)—

(i) by striking ''the purposes of section 501 of this title'' and inserting ''the purposes of such subpart 1''; and

(ii) by striking ''the application submitted pursuant to section 503 of this title'' and inserting ''the application submitted pursuant to section 502 of this title'';

(E) in section 808 (42 U.S.C. 3789), by striking ''the State office described in section 507 or 1408'' and inserting ''the State office responsible for the trust fund required by section 507, or the State office described in section 1408,'';

(F) in section 901 (42 U.S.C. 3791), in subsection (a)(2), by striking ''for the purposes of section 506(a)'' and inserting ''for the purposes of section 505(a)'';

(G) in section 1502 (42 U.S.C. 3796bb–1)—

(i) in paragraph (1), by striking ''section 506(a)'' and inserting ''section 505(a)'';

(ii) in paragraph (2)—

(I) by striking ''section 503(a)'' and inserting ''section 502''; and

(II) by striking ''section 506'' and inserting ''section 505'';

(H) in section 1602 (42 U.S.C. 3796cc–1), in subsection (b), by striking ''The office designated under section 507 of title I'' and inserting ''The office responsible for the trust fund required by section 507'';

(I) in section 1702 (42 U.S.C. 3796dd–1), in subsection (c)(1), by striking ''and reflects consideration of the statewide strategy under section 503(a)(1)''; and

(J) in section 1902 (42 U.S.C. 3796ff–1), in subsection (e), by striking ''The Office designated under section 507'' and inserting ''The office responsible for the trust fund required by section 507''.

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to the first fiscal year beginning after the date of the enactment of this Act and each fiscal year thereafter.

SEC. 202. CLARIFICATION OF NUMBER OF RECIPIENTS WHO MAY BE SELECTED IN A GIVEN YEAR TO RECEIVE PUBLIC SAFETY OFFICER MEDAL OF VALOR.

Section 3(c) of the Public Safety Officer Medal of Valor Act of 2001 (42 U.S.C. 15202(c)) is amended by striking ''more than 5 recipients'' and inserting ''more than 5 individuals, or groups of individuals, as recipients''.

SEC. 203. CLARIFICATION OF OFFICIAL TO BE CONSULTED BY ATTORNEY GENERAL IN CONSIDERING APPLICATION FOR EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE.

Section 609M(b) of the Justice Assistance Act of 1984 (42 U.S.C. 10501(b)) is amended by striking ''the Director of the Office of Justice Assistance'' and inserting ''the Assistant Attorney General for the Office of Justice Programs''.

SEC. 204. CLARIFICATION OF USES FOR REGIONAL INFORMATION SHARING SYSTEM GRANTS.

Section 1301(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h(b)), as most recently amended by section 701 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 374), is amended—

(1) in paragraph (1), by inserting ''regional'' before ''information sharing systems'';

(2) by amending paragraph (3) to read as follows:

''(3) establishing and maintaining a secure telecommunications system for regional information sharing between Federal, State, and local law enforcement agencies;''; and

(3) by striking ''(5)'' at the end of paragraph (4).

SEC. 205. INTEGRITY AND ENHANCEMENT OF NATIONAL CRIMINAL RECORD DATABASES.

(a) DUTIES OF DIRECTOR.—Section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) is amended—

(1) in subsection (b), by inserting after the third sentence the following new sentence: ''The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.'';

(2) by amending paragraph (19) of subsection (c) to read as follows:

''(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Criminal History Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;''; and

(3) in subsection (d)—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following:

''(6) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this part, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.''.

(b) USE OF DATA.—Section 304 of such Act (42 U.S.C. 3735) is amended by striking ''particular individual'' and inserting ''private person or public agency''.

(c) CONFIDENTIALITY OF INFORMATION.—Section 812(a) of such Act (42 U.S.C. 3789g(a)) is amended by striking ''Except as provided by Federal law other than this title, no'' and inserting ''No''.

SEC. 206. EXTENSION OF MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking ''2007'' and inserting ''2009''.

Subtitle B—Building Community Capacity to Prevent, Reduce, and Control Crime

SEC. 211. OFFICE OF WEED AND SEED STRATEGIES.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after section 102 (42 U.S.C. 3712) the following new sections:

''SEC. 103. OFFICE OF WEED AND SEED STRATEGIES.

''(a) ESTABLISHMENT.—There is established within the Office an Office of Weed and Seed Strategies, headed by a Director appointed by the Attorney General.

''(b) ASSISTANCE.—The Director may assist States, units of local government, and neighborhood and community-based organizations in developing Weed and Seed strategies, as provided in section 104.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007, 2008, and 2009, to remain available until expended.

''SEC. 104. WEED AND SEED STRATEGIES.

''(a) IN GENERAL.—From amounts made available under section 103(c), the Director of the Office of Weed and Seed Strategies may implement strategies, to be known as Weed and Seed strategies, to prevent, control, and reduce violent crime, criminal drug-related activity, and gang activity in designated Weed-and-Seed communities. Each such strategy shall involve both of the following activities:

''(1) WEEDING.—Activities, to be known as Weeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (especially those of law enforcement agencies and prosecutors) to arrest, and to sanction or incarcerate, persons in that community who participate or engage in violent crime, criminal drug-related activity, and other crimes that threaten the quality of life in that community.

''(2) SEEDING.—Activities, to be known as Seeding activities, which shall include promoting and coordinating a broad spectrum of community efforts (such as drug abuse education, mentoring, and employment counseling) to provide—

''(A) human services, relating to prevention, intervention, or treatment, for at-risk individuals and families; and

''(B) community revitalization efforts, including enforcement of building codes and development of the economy.

''(b) GUIDELINES.—The Director shall issue guidelines for the development and implementation of Weed and Seed strategies under this section. The guidelines shall ensure that the Weed and Seed strategy for a community referred to in subsection (a) shall—

''(1) be planned and implemented through and under the auspices of a steering committee, properly established in the community, comprised of—

''(A) in a voting capacity, representatives of—

''(i) appropriate law enforcement agencies; and

''(ii) other public and private agencies, and neighborhood and community-based organizations, interested in criminal justice and community-based development and revitalization in the community; and

''(B) in a voting capacity, both—

''(i) the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community; and

''(ii) the United States Attorney for the District encompassing the community;

''(2) describe how law enforcement agencies, other public and private agencies, neighborhood and community-based organizations, and interested citizens are to cooperate in implementing the strategy; and

''(3) incorporate a community-policing component that shall serve as a bridge between the Weeding activities under subsection (a)(1) and the Seeding activities under subsection (a)(2).

''(c) DESIGNATION.—For a community to be designated as a Weed-and-Seed community for purposes of subsection (a)—

''(1) the United States Attorney for the District encompassing the community must certify to the Director that—

''(A) the community suffers from consistently high levels of crime or otherwise is appropriate for such designation;

''(B) the Weed and Seed strategy proposed, adopted, or implemented by the steering committee has a high probability of improving the criminal justice system within the community and contains all the elements required by the Director; and

''(C) the steering committee is capable of implementing the strategy appropriately; and

''(2) the community must agree to formulate a timely and effective plan to independently sustain the strategy (or, at a minimum, a majority of the best practices of the strategy) when assistance under this section is no longer available.

''(d) APPLICATION.—An application for designation as a Weed-and-Seed community for purposes of subsection (a) shall be submitted to the Director by the steering committee of the community in such form, and containing such information and assurances, as the Director may require. The application shall propose—

''(1) a sustainable Weed and Seed strategy that includes—

''(A) the active involvement of the United States Attorney for the District encompassing the community, the Drug Enforcement Administration's special agent in charge for the jurisdiction encompassing the community, and other Federal law enforcement agencies operating in the vicinity;

''(B) a significant community-oriented policing component; and

''(C) demonstrated coordination with complementary neighborhood and community-based programs and initiatives; and

''(2) a methodology with outcome measures and specific objective indicia of performance to be used to evaluate the effectiveness of the strategy.

''(e) GRANTS.—

''(1) IN GENERAL.—In implementing a strategy for a community under subsection (a), the Director may make grants to that community.

''(2) USES.—For each grant under this subsection, the community receiving that grant—

''(A) shall use not less than 40 percent of the grant amounts for Seeding activities under subsection (a)(2); and

''(B) may not use any of the grant amounts for construction, except that the Assistant Attorney General may authorize use of grant amounts for incidental or minor construction, renovation, or remodeling.

''(3) LIMITATIONS.—A community may not receive grants under this subsection (or fall within such a community)—

''(A) for a period of more than 10 fiscal years;

''(B) for more than 5 separate fiscal years, except that the Assistant Attorney General may, in single increments and only upon a showing of extraordinary circumstances, authorize grants for not more than 3 additional separate fiscal years; or

''(C) in an aggregate amount of more than $1,000,000, except that the Assistant Attorney General may, upon a showing of extraordinary circumstances, authorize grants for not more than an additional $500,000.

''(4) DISTRIBUTION.—In making grants under this subsection, the Director shall ensure that—

''(A) to the extent practicable, the distribution of such grants is geographically equitable and includes both urban and rural areas of varying population and area; and

''(B) priority is given to communities that clearly and effectively coordinate crime prevention programs with other Federal programs in a manner that addresses the overall needs of such communities.

''(5) FEDERAL SHARE.—(A) Subject to subparagraph (B), the Federal share of a grant under this subsection may not exceed 75 percent of the total costs of the projects described in the application for which the grant was made.

''(B) The requirement of subparagraph (A)—

''(i) may be satisfied in cash or in kind; and

''(ii) may be waived by the Assistant Attorney General upon a determination that the financial circumstances affecting the applicant warrant a finding that such a waiver is equitable.

''(6) SUPPLEMENT, NOT SUPPLANT.—To receive a grant under this subsection, the applicant must provide assurances that the amounts received under the grant shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for programs or services provided in the community.''.

(b) ABOLISHMENT OF EXECUTIVE OFFICE OF WEED AND SEED; TRANSFERS OF FUNCTIONS.—

(1) ABOLISHMENT.—The Executive Office of Weed and Seed is abolished.

(2) TRANSFER.—There are hereby transferred to the Office of Weed and Seed Strategies all functions and activities performed immediately before the date of the enactment of this Act by the Executive Office of Weed and Seed Strategies.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect 90 days after the date of the enactment of this Act.

Subtitle C—Assisting Victims of Crime

SEC. 221. GRANTS TO LOCAL NONPROFIT ORGANIZATIONS TO IMPROVE OUTREACH SERVICES TO VICTIMS OF CRIME.

Section 1404(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)), as most recently amended by section 623 of the USA PATRIOT Act (Public Law 107–56; 115 Stat. 372), is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking the comma after ''Director'';

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

(C) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new subparagraph:

''(C) for nonprofit neighborhood and community-based victim service organizations and coalitions to improve outreach and services to victims of crime.'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''paragraph (1)(A)'' and inserting ''paragraphs (1)(A) and (1)(C)''; and

(ii) by striking ''and'' at the end;

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

(C) by adding at the end the following new subparagraph:

''(C) not more than $10,000 shall be used for any single grant under paragraph (1)(C).''.

SEC. 222. CLARIFICATION AND ENHANCEMENT OF CERTAIN AUTHORITIES RELATING TO CRIME VICTIMS FUND.

Section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) is amended as follows:

(1) AUTHORITY TO ACCEPT GIFTS.—Subsection (b)(5) of such section is amended by striking the period at the end and inserting the following: '', which the Director is hereby authorized to accept for deposit into the Fund, except that the Director is not hereby authorized to accept any such gift, bequest, or donation that—

''(A) attaches conditions inconsistent with applicable laws or regulations; or

''(B) is conditioned upon or would require the expenditure of appropriated funds that are not available to the Office for Victims of Crime.''.

(2) AUTHORITY TO REPLENISH ANTITERRORISM EMERGENCY RESERVE.—Subsection (d)(5)(A) of such section is amended by striking ''expended'' and inserting ''obligated''.

(3) AUTHORITY TO MAKE GRANTS TO INDIAN TRIBES FOR VICTIM ASSISTANCE PROGRAMS.—Subsection (g) of such section is amended—

(A) in paragraph (1), by striking '', acting through the Director,'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) The Attorney General may use 5 percent of the funds available under subsection (d)(2) (prior to distribution) for grants to Indian tribes to establish child victim assistance programs, as appropriate.''.

SEC. 223. AMOUNTS RECEIVED UNDER CRIME VICTIM GRANTS MAY BE USED BY STATE FOR TRAINING PURPOSES.

(a) CRIME VICTIM COMPENSATION.—Section 1403(a)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)(3)) is amended by inserting after ''may be used for'' the following: ''training purposes and''.

(b) CRIME VICTIM ASSISTANCE.—Section 1404(b)(3) of such Act (42 U.S.C. 10603(b)(3)) is amended by inserting after ''may be used for'' the following: ''training purposes and''.

SEC. 224. CLARIFICATION OF AUTHORITIES RELATING TO VIOLENCE AGAINST WOMEN FORMULA AND DISCRETIONARY GRANT PROGRAMS.

(a) CLARIFICATION OF SPECIFIC PURPOSES.—Section 2001(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended in the matter preceding paragraph (1) by inserting after ''violent crimes against women'' the following: ''to develop and strengthen victim services in cases involving violent crimes against women''.

(b) CLARIFICATION OF STATE GRANTS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (a), by striking ''to States'' and all that follows through ''tribal governments'';

(2) in subsection (c)(3)(A), by striking ''police'' and inserting ''law enforcement''; and

(3) in subsection (d)—

(A) in the second sentence, by inserting after ''each application'' the following: ''submitted by a State''; and

(B) in the third sentence, by striking ''An application'' and inserting ''In addition, each application submitted by a State or tribal government''.

(c) CHANGE FROM ANNUAL TO BIENNIAL REPORTING.—Section 2009(b) of such Act (42 U.S.C. 3796gg–3) is amended by striking ''Not later than'' and all that follows through ''the Attorney General shall submit'' and inserting the following: ''Not later than one month after the end of each even-numbered fiscal year, the Attorney General shall submit''.

SEC. 225. CHANGE OF CERTAIN REPORTS FROM ANNUAL TO BIENNIAL.

(a) STALKING AND DOMESTIC VIOLENCE.—Section 40610 of the Violence Against Women Act of 1994 (title IV of the Violent Crime Control and Law Enforcement Act of 1994; 42 U.S.C. 14039) is amended by striking ''The Attorney General shall submit to the Congress an annual report, beginning one year after the date of the enactment of this Act, that provides'' and inserting ''Each even-numbered fiscal year, the Attorney General shall submit to the Congress a biennial report that provides''.

(b) SAFE HAVENS FOR CHILDREN.—Section 1301(d)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420(d)(1)) is amended in the matter preceding subparagraph (A) by striking ''Not later than 1 year after the last day of the first fiscal year commencing on or after the date of the enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter,'' and inserting ''Not later than one month after the end of each even-numbered fiscal year,''.

Subtitle D—Preventing Crime

SEC. 231. CLARIFICATION OF DEFINITION OF VIOLENT OFFENDER FOR PURPOSES OF JUVENILE DRUG COURTS.

Section 2953(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u–2(b)) is amended in the matter preceding paragraph (1) by striking ''an offense that'' and inserting ''a felony-level offense that''.

SEC. 232. CHANGES TO DISTRIBUTION AND ALLOCATION OF GRANTS FOR DRUG COURTS.

(a) MINIMUM ALLOCATION REPEALED.—Section 2957 of such Act (42 U.S.C. 3797u–6) is amended by striking subsection (b).

(b) TECHNICAL ASSISTANCE AND TRAINING.—Such section is further amended by adding at the end the following new subsection:

''(b) TECHNICAL ASSISTANCE AND TRAINING.—Unless one or more applications submitted by any State or unit of local government within such State (other than an Indian tribe) for a grant under this part has been funded in any fiscal year, such State, together with eligible applicants within such State, shall be provided targeted technical assistance and training by the Community Capacity Development Office to assist such State and such eligible applicants to successfully compete for future funding under this part.''.

SEC. 233. ELIGIBILITY FOR GRANTS UNDER DRUG COURT GRANTS PROGRAM EXTENDED TO COURTS THAT SUPERVISE NON-OFFENDERS WITH SUBSTANCE ABUSE PROBLEMS.

Section 2951(a)(1) of such Act (42 U.S.C. 3797u(a)(1)) is amended by striking ''offenders with substance abuse problems'' and inserting ''offenders, and other individuals under the jurisdiction of the court, with substance abuse problems''.

SEC. 234. TERM OF RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR LOCAL FACILITIES.

Section 1904 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–3) is amended by adding at the end the following new subsection:

''(d) DEFINITION.—In this section, the term 'jail-based substance abuse treatment program' means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—

''(1) directed at the substance abuse problems of the prisoners; and

''(2) intended to develop the cognitive, behavioral, and other skills of prisoners in order to address the substance abuse and related problems of prisoners.''.

Subtitle E—Other Matters

SEC. 241. CHANGES TO CERTAIN FINANCIAL AUTHORITIES.

(a) CERTAIN PROGRAMS THAT ARE EXEMPT FROM PAYING STATES INTEREST ON LATE DISBURSEMENTS ALSO EXEMPTED FROM PAYING CHARGE TO TREASURY FOR UNTIMELY DISBURSEMENTS.—Section 204(f) of Public Law 107–273 (116 Stat. 1776; 31 U.S.C. 6503 note) is amended—

(1) by striking ''section 6503(d)'' and inserting ''sections 3335(b) or 6503(d)''; and

(2) by striking ''section 6503'' and inserting ''sections 3335(b) or 6503''.

(b) SOUTHWEST BORDER PROSECUTOR INITIATIVE INCLUDED AMONG SUCH EXEMPTED PROGRAMS.—Section 204(f) of such Act is further amended by striking ''pursuant to section 501(a)'' and inserting ''pursuant to the Southwest Border Prosecutor Initiative (as carried out pursuant to paragraph (3) (117 Stat. 64) under the heading relating to Community Oriented Policing Services of the Department of Justice Appropriations Act, 2003 (title I of division B of Public Law 108–7), or as carried out pursuant to any subsequent authority) or section 501(a)''.

(c) FUNDS AVAILABLE FOR ATFE MAY BE USED FOR AIRCRAFT, BOATS, AMMUNITION, FIREARMS, FIREARMS COMPETITIONS, AND ANY AUTHORIZED ACTIVITY.—Section 530C(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(8) BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.—Funds available to the Attorney General for the Bureau of Alcohol, Tobacco, Firearms, and Explosives may be used for the conduct of all its authorized activities.''.

(d) AUDITS AND REPORTS ON ATFE UNDERCOVER INVESTIGATIVE OPERATIONS.—Section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (28 U.S.C. 533 note), as in effect pursuant to section 815(d) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 533 note) shall apply with respect to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the undercover investigative operations of the Bureau on the same basis as such section applies with respect to any other agency and the undercover investigative operations of such agency.

SEC. 242. COORDINATION DUTIES OF ASSISTANT ATTORNEY GENERAL.

(a) COORDINATE AND SUPPORT OFFICE FOR VICTIMS OF CRIME.—Section 102 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712) is amended in subsection (a)(5) by inserting after ''the Bureau of Justice Statistics,'' the following: ''the Office for Victims of Crime,''.

(b) SETTING GRANT CONDITIONS AND PRIORITIES.—Such section is further amended in subsection (a)(6) by inserting '', including placing special conditions on all grants, and determining priority purposes for formula grants'' before the period at the end.

SEC. 243. SIMPLIFICATION OF COMPLIANCE DEADLINES UNDER SEX-OFFENDER REGISTRATION LAWS.

(a) COMPLIANCE PERIOD.—A State shall not be treated, for purposes of any provision of law, as having failed to comply with section 170101 (42 U.S.C. 14071) or 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994 until 36 months after the date of the enactment of this Act, except that the Attorney General may grant an additional 24 months to a State that is making good faith efforts to comply with such sections.

(b) TIME FOR REGISTRATION OF CURRENT ADDRESS.—Subsection (a)(1)(B) of such section 170101 is amended by striking ''unless such requirement is terminated under'' and inserting ''for the time period specified in''.

SEC. 244. REPEAL OF CERTAIN PROGRAMS.

(a) SAFE STREETS ACT PROGRAMS.—The following provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968 are repealed:

(1) CRIMINAL JUSTICE FACILITY CONSTRUCTION PILOT PROGRAM.—Part F (42 U.S.C. 3769–3769d).

(2) MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.—Part AA (42 U.S.C. 3797a–3797e).

(b) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT PROGRAMS.—The following provisions of the Violent Crime Control and Law Enforcement Act of 1994 are repealed:

(1) LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.—Subtitle B of title III (42 U.S.C. 13751–13758).

(2) ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.—Subtitle G of title III (42 U.S.C. 13801–13802).

(3) IMPROVED TRAINING AND TECHNICAL AUTOMATION.—Subtitle E of title XXI (42 U.S.C. 14151).

(4) OTHER STATE AND LOCAL AID.—Subtitle F of title XXI (42 U.S.C. 14161).

SEC. 245. ELIMINATION OF CERTAIN NOTICE AND HEARING REQUIREMENTS.

Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT.—Section 802 (42 U.S.C. 3783) of such part is amended—

(A) by striking subsections (b) and (c); and

(B) by striking ''(a)'' before ''Whenever,''.

(2) FINALITY OF DETERMINATIONS.—Section 803 (42 U.S.C. 3784) of such part is amended—

(A) by striking '', after reasonable notice and opportunity for a hearing,''; and

(B) by striking '', except as otherwise provided herein''.

(3) REPEAL OF APPELLATE COURT REVIEW.—Section 804 (42 U.S.C. 3785) of such part is repealed.

SEC. 246. AMENDED DEFINITIONS FOR PURPOSES OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.

Section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791) is amended as follows:

(1) INDIAN TRIBE.—Subsection (a)(3)(C) of such section is amended by striking ''(as that term is defined in section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603))''.

(2) COMBINATION.—Subsection (a)(5) of such section is amended by striking ''program or project'' and inserting ''program, plan, or project''.

(3) NEIGHBORHOOD OR COMMUNITY-BASED ORGANIZATIONS.—Subsection (a)(11) of such section is amended by striking ''which'' and inserting '', including faith-based, that''.

(4) INDIAN TRIBE; PRIVATE PERSON.—Subsection (a) of such section is further amended—

(A) in paragraph (24) by striking ''and'' at the end;

(B) in paragraph (25) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(26) the term 'Indian Tribe' has the meaning given the term 'Indian tribe' in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)); and

''(27) the term 'private person' means any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).''.

SEC. 247. CLARIFICATION OF AUTHORITY TO PAY SUBSISTENCE PAYMENTS TO PRISONERS FOR HEALTH CARE ITEMS AND SERVICES.

Section 4006 of title 18, United States Code, is amended—

(1) in subsection (a) by inserting after ''The Attorney General'' the following: ''or the Secretary of Homeland Security, as applicable,''; and

(2) in subsection (b)(1)—

(A) by striking ''the Immigration and Naturalization Service'' and inserting ''the Department of Homeland Security'';

(B) by striking ''shall not exceed the lesser of the amount'' and inserting ''shall be the amount billed, not to exceed the amount'';

(C) by striking ''items and services'' and all that follows through ''the Medicare program'' and inserting ''items and services under the Medicare program''; and

(D) by striking ''; or'' and all that follows through the period at the end and inserting a period.

SEC. 248. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 104, as added by section 211 of this Act, the following new section:

''SEC. 105. OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Office an Office of Audit, Assessment, and Management, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

''(2) PURPOSE.—The purpose of the Office shall be to carry out and coordinate performance audits of, take actions to ensure compliance with the terms of, and manage information with respect to, grants under programs covered by subsection (b). The Director shall take special conditions of the grant into account and consult with the office that issued those conditions to ensure appropriate compliance.

''(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice, other than the Inspector General, performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities, other than functions and activities of the Inspector General, for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department.

''(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the following:

''(1) The program under part Q of this title.

''(2) Any grant program carried out by the Office of Justice Programs.

''(3) Any other grant program carried out by the Department of Justice that the Attorney General considers appropriate.

''(c) PERFORMANCE AUDITS REQUIRED.—

''(1) IN GENERAL.—The Director shall select grants awarded under the programs covered by subsection (b) and carry out performance audits on such grants. In selecting such grants, the Director shall ensure that the aggregate amount awarded under the grants so selected represent not less than 10 percent of the aggregate amount

of money awarded under all such grant programs.

''(2) RELATIONSHIP TO NIJ EVALUATIONS.—This subsection does not affect the authority or duty of the Director of the National Institute of Justice to carry out overall evaluations of programs covered by subsection (b), except that such Director shall consult with the Director of the Office in carrying out such evaluations.

''(3) TIMING OF PERFORMANCE AUDITS.—The performance audit required by paragraph (1) of a grant selected under paragraph (1) shall be carried out—

''(A) not later than the end of the grant period, if the grant period is not more than 1 year; and

''(B) at the end of each year of the grant period, if the grant period is more than 1 year.

''(d) COMPLIANCE ACTIONS REQUIRED.—The Director shall take such actions to ensure compliance with the terms of a grant as the Director considers appropriate with respect to each grant that the Director determines (in consultation with the head of the element of the Department of Justice concerned), through a performance audit under subsection (a) or other means, is not in compliance with such terms. In the case of a misuse of more than 1 percent of the grant amount concerned, the Director shall, in addition to any other action to ensure compliance that the Director considers appropriate, ensure that the entity responsible for such misuse ceases to receive any funds under any program covered by subsection (b) until such entity repays to the Attorney General an amount equal to the amounts misused. The Director may, in unusual circumstances, grant relief from this requirement to ensure that an innocent party is not punished.

''(e) GRANT MANAGEMENT SYSTEM.—The Director shall establish and maintain, in consultation with the chief information officer of the Office, a modern, automated system for managing all information relating to the grants made under the programs covered by subsection (b).

''(f) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by subsection (b) shall be reserved for the activities of the Office of Audit, Assessment, and Management as authorized by this section.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 249. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 105, as added by section 248 of this Act, the following new section:

''SEC. 106. COMMUNITY CAPACITY DEVELOPMENT OFFICE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established within the Office a Community Capacity Development Office, headed by a Director appointed by the Attorney General. In carrying out the functions of the Office, the Director shall be subject to the authority, direction, and control of the Attorney General. Such authority, direction, and control may be delegated only to the Assistant Attorney General, without redelegation.

''(2) PURPOSE.—The purpose of the Office shall be to provide training to actual and prospective participants under programs covered by section 105(b) to assist such participants in understanding the substantive and procedural requirements for participating in such programs.

''(3) EXCLUSIVITY.—The Office shall be the exclusive element of the Department of Justice performing functions and activities for the purpose specified in paragraph (2). There are hereby transferred to the Office all functions and activities for such purpose performed immediately before the date of the enactment of this Act by any other element of the Department. This does not preclude a grant-making office from providing specialized training and technical assistance in its area of expertise.

''(b) MEANS.—The Director shall, in coordination with the heads of the other elements of the Department, carry out the purpose of the Office through the following means:

''(1) Promoting coordination of public and private efforts and resources within or available to States, units of local government, and neighborhood and community-based organizations.

''(2) Providing information, training, and technical assistance.

''(3) Providing support for inter- and intra-agency task forces and other agreements and for assessment of the effectiveness of programs, projects, approaches, or practices.

''(4) Providing in the assessment of the effectiveness of neighborhood and community-based law enforcement and crime prevention strategies and techniques, in coordination with the National Institute of Justice.

''(5) Any other similar means.

''(c) LOCATIONS.—Training referred to in subsection (a) shall be provided on a regional basis to groups of such participants. In a case in which remedial training is appropriate, as recommended by the Director or the head of any element of the Department, such training may be provided on a local basis to a single such participant.

''(d) BEST PRACTICES.—The Director shall—

''(1) identify grants under which clearly beneficial outcomes were obtained, and the characteristics of those grants that were responsible for obtaining those outcomes; and

''(2) incorporate those characteristics into the training provided under this section.

''(e) AVAILABILITY OF FUNDS.—Not to exceed 5 percent of all funding made available for a fiscal year for the programs covered by section 105(b) shall be reserved for the activities of the Community Capacity Development Office as authorized by this section.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 250. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 106, as added by section 249 of this Act, the following new section:

''SEC. 107. OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.

''(a) ESTABLISHMENT.—There is established within the Office an Office of Applied Law Enforcement Technology, headed by a Director appointed by the Attorney General. The purpose of the Office shall be to provide leadership and focus to those grants of the Department of Justice that are made for the purpose of using or improving law enforcement computer systems.

''(b) DUTIES.—In carrying out the purpose of the Office, the Director shall—

''(1) establish clear minimum standards for computer systems that can be purchased using amounts awarded under such grants; and

''(2) ensure that recipients of such grants use such systems to participate in crime reporting programs administered by the Department.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 251. AVAILABILITY OF FUNDS FOR GRANTS.

(a) IN GENERAL.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 107, as added by section 250 of this Act, the following new section:

''SEC. 108. AVAILABILITY OF FUNDS.

''(a) PERIOD FOR AWARDING GRANT FUNDS.—

''(1) IN GENERAL.—Unless otherwise specifically provided in an authorization, DOJ grant funds for a fiscal year shall remain available to be awarded and distributed to a grantee only in that fiscal year and the three succeeding fiscal years, subject to paragraphs (2) and (3). DOJ grant funds not so awarded and distributed shall revert to the Treasury.

''(2) TREATMENT OF REPROGRAMMED FUNDS.—DOJ grant funds for a fiscal year that are reprogrammed in a later fiscal year shall be treated for purposes of paragraph (1) as DOJ grant funds for such later fiscal year.

''(3) TREATMENT OF DEOBLIGATED FUNDS.—If DOJ grant funds were obligated and then deobligated, the period of availability that applies to those grant funds under paragraph (1) shall be extended by a number of days equal to the number of days from the date on which those grant funds were obligated to the date on which those grant funds were deobligated.

''(b) PERIOD FOR EXPENDING GRANT FUNDS.—DOJ grant funds for a fiscal year that have been awarded and distributed to a grantee may be expended by that grantee only in the period permitted under the terms of the grant. DOJ grant funds not so expended shall revert to the Treasury.

''(c) DEFINITION.—In this section, the term 'DOJ grant funds' means, for a fiscal year, amounts appropriated for activities of the Department of Justice in carrying out grant programs for that fiscal year.

''(d) APPLICABILITY.—This section applies to DOJ grant funds for fiscal years beginning with fiscal year 2006.''.

(b) EFFECTIVE DATE.—This section and the amendment made by this section take effect 90 days after the date of the enactment of this Act.

SEC. 252. CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS OF OFFICE OF JUSTICE PROGRAMS.

(a) CONSOLIDATION OF ACCOUNTING ACTIVITIES AND PROCUREMENT ACTIVITIES.—The Assistant Attorney General of the Office of Justice Programs shall ensure that—

(1) all accounting activities for all elements of the Office of Justice Programs are carried out under the direct management of the Office of the Comptroller; and

(2) all procurement activities for all elements of the Office are carried out under the direct management of the Office of Administration.

(b) FURTHER CONSOLIDATION OF PROCUREMENT ACTIVITIES.—The Assistant Attorney General shall ensure that, on and after September 30, 2008—

(1) all procurement activities for all elements of the Office are carried out through a single management office; and

(2) all contracts and purchase orders used in carrying out those activities are processed through a single procurement system.

(c) CONSOLIDATION OF FINANCIAL MANAGEMENT SYSTEMS.—The Assistant Attorney General shall ensure that, on and after September 30, 2010, all financial management activities (including human resources, payroll, and accounting activities, as well as procurement activities) of all elements of the Office are carried out through a single financial management system.

(d) ACHIEVING COMPLIANCE.—

(1) SCHEDULE.—The Assistant Attorney General shall undertake a scheduled consolidation of operations to achieve compliance with the requirements of this section.

(2) SPECIFIC REQUIREMENTS.—With respect to achieving compliance with the requirements of—

(A) subsection (a), the consolidation of operations shall be initiated not later than 90 days after the date of the enactment of this Act; and

(B) subsections (b) and (c), the consolidation of operations shall be initiated not later than September 30, 2005, and shall be carried out by the Office of Administration, in consultation with the Chief Information Officer and the Office of Audit, Assessment, and Management.

SEC. 253. AUTHORIZATION AND CHANGE OF COPS PROGRAM TO SINGLE GRANT PROGRAM.

(a) IN GENERAL.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GRANT AUTHORIZATION.—The Attorney General shall carry out a single grant program under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for the purposes described in subsection (b).'';

(2) by striking subsections (b) and (c);

(3) by redesignating subsection (d) as subsection (b), and in that subsection—

(A) by striking ''ADDITIONAL GRANT PROJECTS.—Grants made under subsection (a) may include programs, projects, and other activities to—'' and inserting ''USES OF GRANT AMOUNTS.—The purposes for which grants made under subsection (a) may be made are—'';

(B) by redesignating paragraphs (1) through (12) as paragraphs (6) through (17), respectively;

(C) by inserting before paragraph (6) (as so redesignated) the following new paragraphs:

''(1) rehire law enforcement officers who have been laid off as a result of State and local budget reductions for deployment in community-oriented policing;

''(2) hire and train new, additional career law enforcement officers for deployment in community-oriented policing across the Nation;

''(3) procure equipment, technology, or support systems, or pay overtime, to increase the number of officers deployed in community-oriented policing;

''(4) improve security at schools and on school grounds in the jurisdiction of the grantee through—

''(A) placement and use of metal detectors, locks, lighting, and other deterrent measures;

''(B) security assessments;

''(C) security training of personnel and students;

''(D) coordination with local law enforcement; and

''(E) any other measure that, in the determination of the Attorney General, may provide a significant improvement in security;

''(5) award grants to pay for offices hired to perform intelligence, anti-terror, or homeland security duties;''; and

(D) by amending paragraph (9) (as so redesignated) to read as follows:

''(9) develop new technologies, including interoperable communications technologies, modernized criminal record technology, and forensic technology, to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies;'';

(4) by redesignating subsections (e) through (k) as subsections (c) through (i), respectively;

(5) in subsection (c) (as so redesignated) by striking ''subsection (i)'' and inserting ''subsection (g)''; and

(6) by adding at the end the following new subsection:

''(j) MATCHING FUNDS FOR SCHOOL SECURITY GRANTS.—Notwithstanding subsection (i), in the case of a grant under subsection (a) for the purposes described in subsection (b)(4)—

''(1) the portion of the costs of a program provided by that grant may not exceed 50 percent;

''(2) any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement funded under this subsection; and

''(3) the Attorney General may provide, in the guidelines implementing this section, for the requirement of paragraph (1) to be waived or altered in the case of a recipient with a financial need for such a waiver or alteration.''.

(b) CONFORMING AMENDMENT.—Section 1702 of title I of such Act (42 U.S.C. 3796dd–1) is amended in subsection (d)(2) by striking ''section 1701(d)'' and inserting ''section 1701(b)''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of such Act (42 U.S.C. 3793(a)(11)) is amended—

(1) in subparagraph (A) by striking ''expended—'' and all that follows through ''2000'' and inserting ''expended $1,047,119,000 for each of fiscal years 2006 through 2009''; and

(2) in subparagraph (B)—

(A) by striking ''section 1701(f)'' and inserting ''section 1701(d)''; and

(B) by striking the third sentence.

SEC. 254. CLARIFICATION OF PERSONS ELIGIBLE FOR BENEFITS UNDER PUBLIC SAFETY OFFICERS' DEATH BENEFITS PROGRAMS.

(a) PERSONS ELIGIBLE FOR DEATH BENEFITS.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b), as most recently amended by section 2(a) of the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002 (Public Law 107–196; 116 Stat. 719), is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

''(7) 'member of a rescue squad or ambulance crew' means an officially recognized or designated public employee member of a rescue squad or ambulance crew;''; and

(3) in paragraph (4) by striking ''and'' and all that follows through the end and inserting a semicolon.

(b) CLARIFICATION OF LIMITATION ON PAYMENTS IN NON-CIVILIAN CASES.—Section 1202(5) of such Act (42 U.S.C. 3796a(5)) is amended by inserting ''with respect'' before ''to any individual''.

(c) WAIVER OF COLLECTION IN CERTAIN CASES.—Section 1201 of such Act (42 U.S.C. 3796) is amended by adding at the end the following:

''(m) In any case in which the Bureau paid, before the date of the enactment of Public Law 107–196, any benefit under this part to an individual who—

''(1) before the enactment of that law was entitled to receive that benefit; and

''(2) by reason of the retroactive effective date of that law is no longer entitled to receive that benefit,

the Bureau may suspend or end activities to collect that benefit if the Bureau determines that collecting that benefit is impractical or would cause undue hardship to that individual.''.

(d) DESIGNATION OF BENEFICIARY.—Section 1201(a)(4) of such Act (42 U.S.C. 3796(a)(4)) is amended to read as follows:

''(4) if there is no surviving spouse or surviving child—

''(A) in the case of a claim made on or after the date that is 90 days after the date of the enactment of this subparagraph, to the individual designated by such officer as beneficiary under this section in such officer's most recently executed designation of beneficiary on file at the time of death with such officer's public safety agency, organization, or unit, provided that such individual survived such officer; or

''(B) if there is no individual qualifying under subparagraph (A), to the individual designated by such officer as beneficiary under such officer's most recently executed life insurance policy, provided that such individual survived such officer; or''.

SEC. 255. PRE-RELEASE AND POST-RELEASE PROGRAMS FOR JUVENILE OFFENDERS.

Section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended—

(1) in paragraph (15) by striking ''or'' at the end;

(2) in paragraph (16) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(17) establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful reentry of juvenile offenders from State or local custody in the community.''.

SEC. 256. REAUTHORIZATION OF JUVENILE ACCOUNTABILITY BLOCK GRANTS.

Section 1810(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10(a)) is amended by striking ''2002 through 2005'' and inserting ''2006 through 2009''.

SEC. 257. SEX OFFENDER MANAGEMENT.

Section 40152 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13941) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 258. EVIDENCE-BASED APPROACHES.

Section 1802 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in subsection (a)(1)(B) by inserting '', including the extent to which evidence-based approaches are utilized'' after ''part''; and

(2) in subsection (b)(1)(A)(ii) by inserting '', including the extent to which evidence-based approaches are utilized'' after ''part''.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS RELATING TO PUBLIC LAW 107–56.

(a) STRIKING SURPLUS WORDS.—

(1) Section 2703(c)(1) of title 18, United States Code, is amended by striking ''or'' at the end of subparagraph (C).

(2) Section 1960(b)(1)(C) of title 18, United States Code, is amended by striking ''to be used to be used'' and inserting ''to be used''.

(b) PUNCTUATION AND GRAMMAR CORRECTIONS.—Section 2516(1)(q) of title 18, United States Code, is amended—

(1) by striking the semicolon after the first close parenthesis; and

(2) by striking ''sections'' and inserting ''section''.

(c) CROSS REFERENCE CORRECTION.—Section 322 of Public Law 107–56 is amended, effective on the date of the enactment of that section, by striking ''title 18'' and inserting ''title 28''.

(d) CAPITALIZATION CORRECTION.—Subsections (a) and (b) of section 2703 of title 18, United States Code, are each amended by striking ''CONTENTS OF WIRE OR ELECTRONIC'' and inserting ''CONTENTS OF WIRE OR ELECTRONIC''.

SEC. 302. MISCELLANEOUS TECHNICAL AMENDMENTS.

(a) TABLE OF SECTIONS OMISSION.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by inserting after the item relating to section 3050 the following new item:

''3051. Powers of Special Agents of Bureau of Alcohol, Tobacco, Firearms, and Explosives.''.

(b) REPEAL OF DUPLICATIVE PROGRAM.—Section 316 of Part A of the Runaway and Homeless Youth Act (42 U.S.C. 5712d), as added by section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1922), is repealed.

SEC. 303. USE OF FEDERAL TRAINING FACILITIES.

(a) FEDERAL TRAINING FACILITIES.—Unless specifically authorized in writing by the Attorney General, the Department of Justice (and each entity within it) shall use for any predominately internal training or conference meeting only a facility that does not require a payment to a private entity for use of the facility.

(b) ANNUAL REPORT.—The Attorney General shall prepare an annual report to the Chairmen and ranking minority members of the Committees on the Judiciary of the Senate and of the House of Representatives that details each training and conference meeting that requires specific authorization under subsection (a). The report shall include an explanation of why the facility was chosen, and a breakdown of any expenditures incurred in excess of the cost of conducting the training or meeting at a facility that did not require such authorization.

SEC. 304. PRIVACY OFFICER.

(a) IN GENERAL.—The Attorney General shall designate a senior official in the Department of Justice to assume primary responsibility for privacy policy.

(b) RESPONSIBILITIES.—The responsibilities of such official shall include—

(1) assuring that the use of technologies sustain, and do not erode, privacy protections relating to the use, collection, and disclosure of personally identifiable information;

(2) assuring that personally identifiable information contained in systems of records is handled in full compliance with fair information practices as set out in section 552a of title 5, United States Code;

(3) evaluating legislative and regulatory proposals involving collection, use, and disclosure of personally identifiable information by the Federal Government;

(4) conducting a privacy impact assessment of proposed rules of the Department on the privacy of personally identifiable information, including the type of personally identifiable information collected and the number of people affected;

(5) preparing a report to Congress on an annual basis on activities of the Department that affect privacy, including complaints of privacy violations, implementation of section 552a of title 5, United States Code, internal controls, and other relevant matters;

(6) ensuring that the Department protects personally identifiable information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

(A) integrity, which means guarding against improper information modification or destruction, and includes ensuring information nonrepudiation and authenticity;

(B) confidentially, which means preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information;

(C) availability, which means ensuring timely and reliable access to and use of that information; and

(D) authentication, which means utilizing digital credentials to assure the identity of users and validate their access; and

(7) advising the Attorney General and the Director of the Office of Management and Budget on information security and privacy issues pertaining to Federal Government information systems.

(c) REVIEW.—The Department of Justice shall review its policies to assure that the Department treats personally identifiable information in its databases in a manner that complies with applicable Federal law on privacy.

SEC. 305. BANKRUPTCY CRIMES.

The Director of the Executive Office for United States Trustees shall prepare an annual report to the Congress detailing—

(1) the number and types of criminal referrals made by the United States Trustee Program;

(2) the outcomes of each criminal referral;

(3) for any year in which the number of criminal referrals is less than for the prior year, an explanation of the decrease; and

(4) the United States Trustee Program's efforts to prevent bankruptcy fraud and abuse, particularly with respect to the establishment of uniform internal controls to detect common, higher risk frauds, such as a debtor's failure to disclose all assets.

SEC. 306. REPORT TO CONGRESS ON STATUS OF UNITED STATES PERSONS OR RESIDENTS DETAINED ON SUSPICION OF TERRORISM.

Not less often than once every 12 months, the Attorney General shall submit to Congress a report on the status of United States persons or residents detained, as of the date of the report, on suspicion of terrorism. The report shall—

(1) specify the number of persons or residents so detained; and

(2) specify the standards developed by the Department of Justice for recommending or determining that a person should be tried as a criminal defendant or should be designated as an enemy combatant.

SEC. 307. INCREASED PENALTIES AND EXPANDED JURISDICTION FOR SEXUAL ABUSE OFFENSES IN CORRECTIONAL FACILITIES.

(a) EXPANDED JURISDICTION.—The following provisions of title 18, United States Code, are each amended by inserting ''or in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General,'' after ''in a Federal prison,'':

(1) Subsections (a) and (b) of section 2241.

(2) The first sentence of subsection (c) of section 2241.

(3) Section 2242.

(4) Subsections (a) and (b) of section 2243.

(5) Subsections (a) and (b) of section 2244.

(b) INCREASED PENALTIES.—

(1) SEXUAL ABUSE OF A WARD.—Section 2243(b) of such title is amended by striking ''one year'' and inserting ''five years''.

(2) ABUSIVE SEXUAL CONTACT.—Section 2244 of such title is amended by striking ''six months'' and inserting ''two years'' in each of subsections (a)(4) and (b).

SEC. 308. EXPANDED JURISDICTION FOR CONTRABAND OFFENSES IN CORRECTIONAL FACILITIES.

Section 1791(a) of title 18, United States Code, is amended in each of paragraphs (1) and (2) by inserting ''or an individual in the custody of the Attorney General or the Bureau of Prisons or any institution or facility in which the person is confined by direction of the Attorney General'' after ''an inmate of a prison''.

SEC. 309. MAGISTRATE JUDGE'S AUTHORITY TO CONTINUE PRELIMINARY HEARING.

The second sentence of section 3060(c) of title 18, United States Code, is amended to read as follows: ''In the absence of such consent of the accused, the judge or magistrate judge may extend the time limits only on a showing that extraordinary circumstances exist and justice requires the delay.''.

SEC. 310. TECHNICAL CORRECTIONS RELATING TO STEROIDS.

Section 102(41)(A) of the Controlled Substances Act (21 U.S.C. 802(41)(A)), as amended by the Anabolic Steroid Control Act of 2004 (Public law 108–358), is amended by—

(1) striking clause (xvii) and inserting the following:

''(xvii) 13β-ethyl-17β-hydroxygon-4-en-3-one;''; and

(2) striking clause (xliv) and inserting the following:

''(xliv) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);''.

SEC. 311. PRISON RAPE COMMISSION EXTENSION.

Section 7 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15606) is amended in subsection (d)(3)(A) by striking ''2 years'' and inserting ''3 years''.

SEC. 312. LONGER STATUTE OF LIMITATION FOR HUMAN TRAFFICKING-RELATED OFFENSES.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 3298. Trafficking-related offenses

''No person shall be prosecuted, tried, or punished for any non-capital offense or conspiracy to commit a non-capital offense under section 1581 (Peonage; Obstructing Enforcement), 1583 (Enticement into Slavery), 1584 (Sale into Involuntary Servitude), 1589 (Forced Labor), 1590 (Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor), or 1592 (Unlawful Conduct with Respect to Documents in furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor) of this title or under section 274(a) of the Immigration and Nationality Act unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3298. Trafficking-related offenses.''.

(c) MODIFICATION OF STATUTE APPLICABLE TO OFFENSE AGAINST CHILDREN.—Section 3283 of title 18, United States Code, is amended by inserting '', or for ten years after the offense, whichever is longer'' after ''of the child''.

SEC. 313. USE OF CENTER FOR CRIMINAL JUSTICE TECHNOLOGY.

(a) IN GENERAL.—The Attorney General may use the services of the Center for Criminal Justice Technology, a nonprofit ''center of excellence'' that provides technology assistance and expertise to the criminal justice community.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

(1) $7,500,000 for fiscal year 2006;

(2) $7,500,000 for fiscal year 2007; and

(3) $10,000,000 for fiscal year 2008.

SEC. 314. SEARCH GRANTS.

(a) IN GENERAL.—Pursuant to subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Attorney General may make grants to SEARCH, the National Consortium for Justice Information and Statistics, to carry out the operations of the National Technical Assistance and Training Program.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $2,000,000 for each of fiscal years 2006 through 2009.

SEC. 315. REAUTHORIZATION OF LAW ENFORCEMENT TRIBUTE ACT.

Section 11001 of Public Law 107–273 (42 U.S.C. 15208; 116 Stat. 1816) is amended in subsection (i) by striking ''2006'' and inserting ''2009''.

SEC. 316. AMENDMENT REGARDING BULLYING AND GANGS.

Paragraph (13) of section 1801(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee(b)) is amended to read as follows:

''(13) establishing and maintaining accountability-based programs that are designed to enhance school safety, which programs may include reseach-based bullying and gang prevention programs;''.

SEC. 317. TRANSFER OF PROVISIONS RELATING TO THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

(a) ORGANIZATIONAL PROVISION.—Part II of title 28, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 40A—BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

''Sec.

''599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives.

''599B. Personnel management demonstration project.''.

(b) TRANSFER OF PROVISIONS.—The section heading for, and subsections (a), (b), (c)(1), and (c)(3) of, section 1111, and section 1115, of the Homeland Security Act of 2002 (6 U.S.C. 531(a), (b), (c)(1), and (c)(3), and 533) are hereby transferred to, and added at the end of chapter 40A of such title, as added by subsection (a) of this section.

(c) CONFORMING AMENDMENTS.—

(1) Such section 1111 is amended—

(A) by striking the section heading and inserting the following:

''§ 599A. Bureau of Alcohol, Tobacco, Firearms, and Explosives'';

and

(B) in subsection (b)(2), by inserting ''of section 1111 of the Homeland Security Act of 2002

(as enacted on the date of the enactment of such Act)'' after ''subsection (c)'',

and such section heading and such subsections (as so amended) shall constitute section 599A of such title.

(2) Such section 1115 is amended by striking the section heading and inserting the following:

''§599B. Personnel management demonstration project'',

and such section (as so amended) shall constitute section 599B of such title.

(d) CLERICAL AMENDMENT.—The chapter analysis for such part is amended by adding at the end the following new item:

''40A. Bureau of Alcohol, Tobacco, Firearms, and Explosives ..... 599A''.

SEC. 318. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

Section 32401(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 13921(b)) is amended by striking paragraphs (1) through (6) and inserting the following:

''(1) $20,000,000 for fiscal year 2006;
''(2) $20,000,000 for fiscal year 2007;
''(3) $20,000,000 for fiscal year 2008;
''(4) $20,000,000 for fiscal year 2009; and
''(5) $20,000,000 for fiscal year 2010.''.

SEC. 319. NATIONAL TRAINING CENTER.

(a) IN GENERAL.—The Attorney General may use the services of the National Training Center in Sioux City, Iowa, to utilize a national approach to bring communities and criminal justice agencies together to receive training to control the growing national problem of methamphetamine, poly drugs and their associated crimes. The National Training Center in Sioux City, Iowa, seeks a comprehensive approach to control and reduce methamphetamine trafficking, production and usage through training.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section the following amounts, to remain available until expended:

(1) $2,500,000 for fiscal year 2006.
(2) $3,000,000 for fiscal year 2007.
(3) $3,000,000 for fiscal year 2008.
(4) $3,000,000 for fiscal year 2009.

SEC. 320. SENSE OF CONGRESS RELATING TO "GOOD TIME" RELEASE.

It is the sense of Congress that it is important to study the concept of implementing a ''good time'' release program for non-violent criminals in the Federal prison system.

SEC. 321. POLICE BADGES.

Section 716 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting ''is a genuine police badge and'' after ''that the badge''; and

(2) by adding at the end the following:

''(d) It is a defense to a prosecution under this section that the badge is a counterfeit police badge and is used or is intended to be used exclusively—

''(1) for a dramatic presentation, such as a theatrical, film, or television production; or

''(2) for legitimate law enforcement purposes.''.

SEC. 322. OFFICIALLY APPROVED POSTAGE.

Section 475 of title 18, United States Code, is amended by adding at the end the following: ''Nothing in this section applies to evidence of postage payment approved by the United States Postal Service.''.

TITLE IV—VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2005

SEC. 401. SHORT TITLE.

Titles IV through X of this Act may be cited as the ''Violence Against Women Reauthorization Act of 2005''.

SEC. 402. DEFINITIONS AND REQUIREMENTS FOR PROGRAMS RELATING TO VIOLENCE AGAINST WOMEN.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting before section 2001 (42 U.S.C. 3796gg) the following new sections:

''SEC. 2000A. CLARIFICATION THAT PROGRAMS RELATING TO VIOLENCE AGAINST WOMEN ARE GENDER-NEUTRAL.

''In this part, and in any other Act of Congress, unless the context unequivocally requires otherwise, a provision authorizing or requiring the Department of Justice to make grants, or to carry out other activities, for assistance to victims of domestic violence, dating violence, stalking, sexual assault, or trafficking in persons, shall be construed to cover grants that provide assistance to female victims, male victims, or both.

''SEC. 2000B. DEFINITIONS THAT APPLY TO ANY PROVISION CARRIED OUT BY VIOLENCE AGAINST WOMEN OFFICE.

''(a) IN GENERAL.—In this part, and in any violence against women provision, unless the context unequivocally requires otherwise, the following definitions apply:

''(1) COURTS.—The term 'courts' means any civil or criminal, tribal, and Alaskan Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decisionmaking authority.

''(2) CHILD MALTREATMENT.—The term 'child maltreatment' means the physical or psychological abuse or neglect of a child or youth, including sexual assault and abuse.

''(3) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means an organization that—

''(A) focuses primarily on domestic violence, dating violence, sexual assault, or stalking;

''(B) has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;

''(C) has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; or

''(D) obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration.

''(4) COURT-BASED AND COURT-RELATED PERSONNEL.—The term 'court-based' and 'court-related personnel' mean persons working in the court, whether paid or volunteer, including—

''(A) clerks, special masters, domestic relations officers, administrators, mediators, custody evaluators, guardians ad litem, lawyers, negotiators, probation, parole, interpreters, victim assistants, victim advocates, and judicial, administrative, or any other professionals or personnel similarly involved in the legal process;

''(B) court security personnel;

''(C) personnel working in related, supplementary offices or programs (such as child support enforcement); and

''(D) any other court-based or community-based personnel having responsibilities or authority to address domestic violence, dating violence, sexual assault, or stalking in the court system.

''(5) DOMESTIC VIOLENCE.—The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult, youth, or minor victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies.

''(6) DATING PARTNER.—The term 'dating partner' refers to a person who is or has been in an ongoing social relationship of a romantic or intimate nature with the abuser, and existence of such a relationship based on a consideration of—

''(A) the length of the relationship;

''(B) the type of relationship; and

''(C) the frequency of interaction between the persons involved in the relationship.

''(7) DATING VIOLENCE.—The term 'dating violence' means violence committed by a person—

''(A) who is or has been in an ongoing social relationship of a romantic or intimate nature with the victim; and

''(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

''(i) The length of the relationship.

''(ii) The type of relationship.

''(iii) The frequency of interaction between the persons involved in the relationship.

''(8) ELDER ABUSE.—The term 'elder abuse' means any action against a person who is 60 years of age or older that constitutes the willful—

''(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

''(B) deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

''(9) INDIAN.—The term 'Indian' means a member of an Indian tribe.

''(10) INDIAN HOUSING.—The term 'Indian housing' means housing assistance described in the Native American Assistance and Self-Determination Act of (25 U.S.C. 4101 et seq., as amended).

''(11) INDIAN TRIBE.—The term 'Indian tribe' means a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(12) INDIAN LAW ENFORCEMENT.—The term 'Indian law enforcement' means the departments or individuals under the direction of the Indian tribe that maintain public order.

''(13) LAW ENFORCEMENT.—The term 'law enforcement' means a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs), including those referred to in section 3 of the Indian Enforcement Reform Act (25 U.S.C. 2802).

''(14) LEGAL ASSISTANCE.—The term 'legal assistance'—

''(A) includes assistance to adult, youth, and minor victims of domestic violence, dating violence, sexual assault, and stalking in—

''(i) family, tribal, territorial, immigration, employment, administrative agency, housing matters, campus administrative or protection or stay away order proceedings, and other similar matters; and

''(ii) criminal justice investigations, prosecutions and post-trial matters (including sentencing, parole, and probation) that impact the victim's safety and privacy, subject to subparagraph (B); and

''(B) does not include representation of a defendant in a criminal or juvenile proceeding.

''(15) LINGUISTICALLY AND CULTURALLY SPECIFIC SERVICES.—The term 'linguistically and culturally specific services' means community-based services that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward racial and ethnic populations and other underserved communities.

''(16) PERSONALLY IDENTIFYING INFORMATION OR PERSONAL INFORMATION.—The term 'personally identifying information' or 'personal information' means individually identifying information for or about an individual including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

''(A) a first and last name;

''(B) a home or other physical address;

''(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

''(D) a social security number; and

''(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any of subparagraphs (A) through (D), would serve to identify any individual.

''(17) PROSECUTION.—The term 'prosecution' means any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs).

''(18) PROTECTION ORDER OR RESTRAINING ORDER.—The term 'protection order' or 'restraining order' includes—

''(A) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

''(B) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

''(19) RURAL AREA AND RURAL COMMUNITY.—The terms 'rural area' and 'rural community' mean—

''(A) any area or community, respectively, no part of which is within an area designated as a standard metropolitan statistical area by the Office of Management and Budget; or

''(B) any area or community, respectively, that is—

''(i) within an area designated as a metropolitan statistical area or considered as part of a metropolitan statistical area; and

''(ii) located in a rural census tract.

''(20) RURAL STATE.—The term 'rural State' means a State that has a population density of 52 or fewer persons per square mile or a State in which the largest county has fewer than 150,000 people, based on the most recent decennial census.

''(21) SEXUAL ASSAULT.—The term 'sexual assault' means any conduct prescribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a Federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

''(22) STALKING.—The term 'stalking' means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

''(A) fear for his or her safety or the safety of others; or

''(B) suffer substantial emotional distress.

''(23) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and except as otherwise provided, Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands.

''(24) STATE DOMESTIC VIOLENCE COALITION.—The term 'State domestic violence coalition' means a program determined by the Administration for Children and Families under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)).

''(25) STATE SEXUAL ASSAULT COALITION.—The term 'State sexual assault coalition' means a program determined by the Center for Injury Prevention and Control of the Centers for Disease Control and Prevention under the Public Health Service Act (42 U.S.C. 280b et seq.).

''(26) TERRITORIAL DOMESTIC VIOLENCE OR SEXUAL ASSAULT COALITION.—The term 'territorial domestic violence or sexual assault coalition' means a program addressing domestic violence that is—

''(A) an established nonprofit, nongovernmental territorial coalition addressing domestic violence or sexual assault within the territory; or

''(B) a nongovernmental organization with a demonstrated history of addressing domestic violence or sexual assault within the territory that proposes to incorporate as a nonprofit, nongovernmental territorial coalition.

''(27) TRIBAL COALITION.—The term 'tribal coalition' means—

''(A) an established nonprofit, nongovernmental tribal coalition addressing domestic violence and sexual assault against American Indian and Alaskan Native women; or

''(B) individuals or organizations that propose to incorporate as nonprofit, nongovernmental tribal coalitions to address domestic violence and sexual assault against American Indian and Alaskan Native women.

''(28) TRIBAL GOVERNMENT.—The term 'tribal government' means—

''(A) the governing body of an Indian tribe; or

''(B) a tribe, band, pueblo, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(29) TRIBAL ORGANIZATION.—The term 'tribal organization' means—

''(A) the governing body of any Indian tribe;

''(B) any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body of a tribe or tribes to be served, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities; or

''(C) any tribal nonprofit organization.

''(30) UNDERSERVED POPULATIONS.—The term 'underserved populations' includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.

''(31) VICTIM ADVOCATE.—The term 'victim advocate' means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

''(32) VICTIM ASSISTANT.—The term 'victim assistant' means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a court or a law enforcement or prosecution agency.

''(33) VICTIM SERVICES OR VICTIM SERVICE PROVIDER.—The term 'victim services' or 'victim service provider' means a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work, or a demonstrated capacity to work effectively in collaboration with an organization with a documented history of effective work, concerning domestic violence, dating violence, sexual assault, or stalking.

''(34) YOUTH.—The term 'youth' means teen and young adult victims of domestic violence, dating violence, sexual assault, or stalking.

''(b) VIOLENCE AGAINST WOMEN PROVISION.—In this section, the term 'violence against women provision' means any provision required by law to be carried out by or through the Violence Against Women Office.

''SEC. 2000C. REQUIREMENTS THAT APPLY TO ANY GRANT PROGRAM CARRIED OUT BY VIOLENCE AGAINST WOMEN OFFICE.

''(a) IN GENERAL.—In carrying out grants under this part, and in carrying out grants under any other violence against women grant program, the Director of the Violence Against Women Office shall ensure each of the following:

''(1) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

''(A) IN GENERAL.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking, and their families, each grantee and subgrantee shall reasonably protect the confidentiality and privacy of persons receiving services.

''(B) NONDISCLOSURE.—Subject to subparagraph (C), grantees and subgrantees shall not—

''(i) disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs; or

''(ii) reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of persons with disabilities, the guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program.

''(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate or is requested by a Member of Congress—

''(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and

''(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

''(D) INFORMATION SHARING.—Grantees and subgrantees may share—

''(i) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements; and

''(ii) court-generated information and law-enforcement generated information contained in secure, governmental registries for investigation, prosecution, and enforcement purposes.

''(2) APPROVED ACTIVITIES.—In carrying out activities under the grant program, grantees and subgrantees may collaborate with and provide information to Federal, State, local, tribal, and territorial public officials and agencies to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

''(3) NON-SUPPLANTATION.—Any Federal funds received under the grant program shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities carried out under the grant.

''(4) USE OF FUNDS.—Funds authorized and appropriated under the grant program may be used only for the specific purposes described in the grant program and shall remain available until expended.

''(5) EVALUATION.—Grantees must collect data for use to evaluate the effectiveness of the program (or for use to carry out related research), pursuant to the requirements described in paragraph (1)(D).

''(6) PROHIBITION ON LOBBYING.—Any funds appropriated for the grant program shall be subject to the prohibition in section 1913 of title 18, United States Code, relating to lobbying with appropriated moneys.

''(7) PROHIBITION ON TORT LITIGATION.—Funds appropriated for the grant program may not be used to fund civil representation in a lawsuit based on a tort claim. This paragraph shall not be construed as a prohibition on providing assistance to obtain restitution in a protection order or criminal case.

''(b) VIOLENCE AGAINST WOMEN GRANT PROGRAM.—In this section, the term 'violence against women grant program' means any grant program required by law to be carried out by or through the Violence Against Women Office.''.

TITLE V—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE

SEC. 501. STOP GRANTS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(18) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(8)) is amended by striking ''$185,000,000 for each of fiscal years 2001 through 2005'' and inserting ''$215,000,000 for each of fiscal years 2006 through 2010''.

(b) PURPOSE AREA ENHANCEMENTS.—Section 2001(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(b)) is amended—

(1) by striking '', and specifically, for the purposes of—'' and inserting '', including collaborating with and informing public officials and agencies in order to develop and implement policies to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking, and specifically only for the purposes of—'';

(2) in paragraph (5), by inserting after ''protection orders are granted,'' the following: ''supporting nonprofit nongovernmental victim services programs and tribal organizations in working with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking,'';

(3) in paragraph (10), by striking ''and'' after the semicolon; and

(4) by adding at the end the following:

''(12) maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families; and

''(13) supporting the placement of special victim assistants (to be known as 'Jessica Gonzales Victim Assistants') in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities—

''(A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized;

''(B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;

''(C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and

''(D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order.''.

(c) CLARIFICATION OF ACTIVITIES REGARDING UNDERSERVED POPULATIONS.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1) is amended—

(1) in subsection (c)(2), by inserting before the semicolon the following: ''and describe how the State will address the needs of racial and ethnic minorities and other underserved populations''; and

(2) in subsection (e)(2), by striking subparagraph (D) and inserting the following:

''(D) recognize and meaningfully respond to the needs of racial and ethnic and other underserved populations and ensure that monies set aside to fund services and activities for racial and ethnic and other underserved populations are distributed equitably among those populations.''.

(d) TRIBAL AND TERRITORIAL SETASIDES.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1), as amended by subsection (c), is further amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''5 percent'' and inserting ''10 percent'';

(B) in paragraph (2), by striking ''1/54'' and inserting ''1/56'';

(C) in paragraph (3), by striking ''and the coalition for the combined Territories of the United States, each receiving an amount equal to 1/54'' and inserting ''Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each receiving an amount equal to 1/56'';

(D) in paragraph (4), by striking ''1/54'' and inserting ''1/56'';

(E) in paragraph (5), by striking ''and'' after the semicolon;

(F) in paragraph (6), by striking the period and inserting ''; and''; and

(G) by adding at the end:

''(7) such funds shall remain available until expended.'';

(2) in subsection (c)(3)(B), by inserting after ''victim services'' the following: '', of which at least 10 percent shall be distributed to culturally specific community-based organizations''; and

(3) in subsection (d)—

(A) in paragraph (2), by striking ''and'' after the semicolon;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) a memorandum of understanding showing that tribal, territorial, State, or local prosecution, law enforcement, and court and victim service provider subgrantees have consulted with tribal, territorial, State, or local victim services programs during the course of developing their grant applications in order to ensure that proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking, and dating violence.''.

(e) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1), as amended by this section, is further amended by adding at the end the following:

''(i) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—

''(1) IN GENERAL.—Of the total amounts appropriated under this part, not less than 3 percent and up to 8 percent shall be available for providing training, technical assistance, and data collection relating to the purpose areas of this part to improve the capacity of grantees, subgrantees, and other entities to offer services and assistance to victims of domestic violence, sexual assault, stalking, and dating violence.

''(2) INDIAN TRAINING.—The Director of the Violence Against Women Office shall ensure that training, technical assistance, and data collection regarding violence against Indian women will be developed and provided by entities having expertise in tribal law and culture.

''(j) LIMITS ON INTERNET PUBLICATION OF REGISTRATION INFORMATION.—As a condition of receiving grant amounts under this part, the recipient shall not make available publicly on the Internet any information regarding the registration or filing of a protection order, restraining order, or injunction in either the issuing or enforcing State, tribal, or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated law enforcement generated information contained in secure, governmental registries for protection order enforcement purposes.''.

(f) AVAILABILITY OF FORENSIC MEDICAL EXAMS.—Section 2010 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4) is amended by adding at the end the following:

''(c) USE OF FUNDS.—A State or Indian tribal government may use Federal grant funds under this part to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any State or Indian tribal government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit a State to require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.''.

(g) POLYGRAPH TESTING PROHIBITION.—Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding at the end the following new section:

''SEC. 2012. POLYGRAPH TESTING PROHIBITION.

''In order to be eligible for grants under this part, a State, Indian tribal government, or unit of local government must certify within three years of enactment of the Violence Against Women Reauthorization Act of 2005 that their laws, policies, or practices ensure that no law enforcement officer, prosecuting officer, or other government official shall ask or require an adult, youth, or minor victim of a sex offense as defined under Federal, tribal, State, territorial or local law to submit to a polygraph examination or similar truth-telling device or method as a condition for proceeding with the investigation, charging or prosecution of such an offense. A victim's refusal to submit to the aforementioned shall not prevent the investigation, charging or prosecution of the pending case.''.

(h) NO MATCHING REQUIREMENT.—Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is further amended by adding at the end the following new section:

''SEC. 2013. NO MATCHING REQUIREMENT FOR CERTAIN GRANTEES.

''No matching funds shall be required for a grant or subgrant made under this part, if made—

''(1) to a law enforcement agency having fewer than 20 officers;

''(2) to a victim service provider having an annual operating budget of less than $5,000,000; or

''(3) to any entity that the Attorney General determines has adequately demonstrated financial need.''.

SEC. 502. GRANTS TO ENCOURAGE ARREST AND ENFORCE PROTECTION ORDERS IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(19) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(19)) is amended by striking ''$65,000,000

for each of fiscal years 2001 through 2005.'' and inserting ''$65,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this paragraph shall remain available until expended.''.

(b) GRANTEE REQUIREMENTS.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended—

(1) in subsection (a), by striking ''to treat domestic violence as a serious violation'' and inserting ''to treat domestic violence, dating violence, sexual assault, and stalking as serious violations'';

(2) in subsection (b)—

(A) in the matter before paragraph (1), by inserting after ''State'' the following: '', tribal, territorial,'';

(B) in paragraph (1), by striking ''mandatory arrest or'';

(C) in paragraph (2), by—

(i) inserting after ''educational programs,'' the following: ''protection order registries,''; and

(ii) striking ''domestic violence and dating violence.'' and inserting ''domestic violence, dating violence, sexual assault, and stalking. Such policies, educational programs, registries, and training shall incorporate confidentiality and privacy protections for victims of domestic violence, dating violence, sexual assault, and stalking.'';

(D) in paragraph (3), by—

(i) striking ''domestic violence cases'' and inserting ''domestic violence, dating violence, sexual assault, and stalking cases''; and

(ii) striking ''groups'' and inserting ''teams'';

(E) in paragraph (5), by striking ''domestic violence and dating violence'' and inserting ''domestic violence, dating violence, sexual assault, and stalking'';

(F) in paragraph (6), by—

(i) striking ''other'' and inserting ''civil''; and

(ii) inserting after ''domestic violence'' the following: '', dating violence, sexual assault, and stalking''; and

(G) by adding at the end the following:

''(9) To enhance and support the capacity of victims services programs to collaborate with and inform efforts by State and local jurisdictions and public officials and agencies to develop best practices and policies regarding arrest of domestic violence, dating violence, sexual assault, and stalking offenders and to strengthen protection order enforcement and to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.

''(10) To develop State, tribal, territorial, or local policies, procedures, and protocols for preventing dual arrests and prosecutions in cases of domestic violence, dating violence, sexual assault, and stalking and to develop effective methods for identifying the pattern and history of abuse that indicates which party is the actual perpetrator of abuse.

''(11) To plan, develop and establish comprehensive victim service and support centers, such as family justice centers, designed to bring together victim advocates from non-profit, nongovernmental victim services organizations, law enforcement officers, prosecutors, probation officers, governmental victim assistants, forensic medical professionals, civil legal attorneys, chaplains, legal advocates, representatives from community-based organizations and other relevant public or private agencies or organizations into one centralized location, in order to improve safety, access to services, and confidentiality for victims and families.

''(12) To develop and implement policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of sexual assault, with an emphasis on recognizing the threat to the community for repeat crime perpetration by such individuals.'';

(3) in subsection (c)—

(A) in paragraph (3), by striking ''and'' after the semicolon;

(B) in paragraph (4), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(5) certify within three years of enactment of the Violence Against Women Reauthorization Act of 2005 that their laws, policies, or practices ensure that—

''(A) no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or minor victim of a sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation, charging or prosecution of such an offense; and

''(B) the refusal of a victim to submit to an examination described in subparagraph (A) shall not prevent the investigation, charging or prosecution of the offense.''; and

(4) by striking subsections (d) and (e) and inserting the following:

''(d) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for grants under this section for each fiscal year shall be available for grants to Indian tribal governments.''.

(c) APPLICATIONS.—Section 2102(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh–1(b)) is amended in each of paragraphs (1) and (2) by inserting after ''involving domestic violence'' the following: '', dating violence, sexual assault, or stalking''.

(d) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Part U of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh et seq.) is amended by adding at the end the following:

''SEC. 2106. TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.

''Of the total amounts appropriated under this part, not less than 5 percent and up to 8 percent shall be available for providing training, technical assistance, and data collection relating to the purpose areas of this part to improve the capacity of grantees, subgrantees, and other entities to offer services and assistance to victims of domestic violence and dating violence.''.

SEC. 503. LEGAL ASSISTANCE FOR VICTIMS IMPROVEMENTS.

Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6) is amended—

(1) in subsection (a), by—

(A) inserting before ''legal assistance'' the following: ''civil and criminal'';

(B) inserting after ''effective aid to'' the following: ''adult, youth, and minor''; and

(C) striking ''domestic violence, dating violence, stalking, or sexual assault'' and inserting ''domestic violence, dating violence, sexual assault, or stalking'';

(2) in subsection (c), by striking ''private nonprofit entities, Indian tribal governments,'' and inserting ''nonprofit, nongovernmental organizations, Indian tribal governments and tribal organizations, territorial organizations,'';

(3) in each of paragraphs (1), (2), and (3) of subsection (c), by striking ''victims of domestic violence, stalking, and sexual assault'' and inserting ''victims of domestic violence, dating violence, sexual assault, and stalking'';

(4) in subsection (d)—

(A) in paragraph (1), by striking ''domestic violence, dating violence, or sexual assault'' and inserting ''domestic violence, dating violence, sexual assault, or stalking''; and

(B) by striking paragraphs (2) and (3) and inserting the following:

''(2) any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organization or coalition, as well as appropriate tribal, State, territorial, and local law enforcement officials;

''(3) any person or organization providing legal assistance through a program funded under subsection (c) has informed and will continue to inform tribal, State, territorial, or local domestic violence, dating violence, sexual assault or stalking organizations and coalitions, as well as appropriate tribal, State, territorial, and local law enforcement officials of their work; and''; and

(5) in subsection (f)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $55,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended and may be used only for the specific programs and activities described in this section. Funds appropriated under this section may not be used for advocacy.''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by—

(I) striking ''5 percent'' and inserting ''10 percent'';

(II) striking ''programs'' and inserting ''tribal governments or tribal organizations'';

(III) inserting ''adult, youth, and minor'' after ''that assist''; and

(IV) striking ''domestic violence, dating violence, stalking, and sexual assault'' and inserting ''domestic violence, dating violence, sexual assault, and stalking''; and

(ii) in subparagraph (B), by striking ''technical assistance to support projects focused solely or primarily on providing legal assistance to victims of sexual assault'' and inserting ''technical assistance in civil and crime victim matters to adult, youth, and minor victims of sexual assault''.

SEC. 504. COURT TRAINING AND IMPROVEMENTS.

The Violence Against Women Act of 1994 is amended by adding after subtitle I (42 U.S.C. 14042) the following:

''Subtitle J—Violence Against Women Act Court Training and Improvements

''SEC. 41001. SHORT TITLE.

''This subtitle may be cited as the 'Violence Against Women Act Court Training and Improvements Act of 2005'.

''SEC. 41002. GRANTS FOR COURT TRAINING AND IMPROVEMENTS.

''(a) PURPOSE.—The purpose of this section is to enable the Attorney General, though the Director of the Office on Violence Against Women, to award grants to improve court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking to be used for the following purposes—

''(1) improved internal civil and criminal court functions, responses, practices, and procedures;

''(2) education for court-based and court-related personnel on issues relating to victims' needs, including safety, security, privacy, confidentiality and economic independence, as well as information about perpetrator behavior and best practices for holding perpetrators accountable;

''(3) collaboration and training with Federal, State, and local public agencies and officials and nonprofit, non-governmental organizations to improve implementation and enforcement of relevant Federal, State, tribal, territorial and local law;

''(4) to enable courts or court-based or court-related programs to develop new or enhance current—

''(A) court infrastructure (such as specialized courts, dockets, intake centers, or interpreter services and linguistically and culturally specific services, or a court system dedicated to the adjudication of domestic violence cases);

''(B) community-based initiatives within the court system (such as court watch programs, victim advocates, or community-based supplementary services);

''(C) offender management, monitoring, and accountability programs;

''(D) safe and confidential information-storage and -sharing databases within and between court systems;

''(E) education and outreach programs (such as interpreters) to improve community access,

including enhanced access for racial and ethnic communities and racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968); and

''(F) other projects likely to improve court responses to domestic violence, dating violence, sexual assault, and stalking;

''(5) to provide training, technical assistance, and data collection to tribal, Federal, State, territorial or local courts wishing to improve their practices and procedures or to develop new programs; and

''(6) to provide training for specialized service providers, such as interpreters.

''(b) GRANT REQUIREMENTS.—Grants awarded under this section shall be subject to the following conditions:

''(1) ELIGIBLE GRANTEES.—Eligible grantees may include—

''(A) tribal, Federal, State, territorial or local courts or court-based programs, provided that the court's internal organizational policies, procedures, or rules do not require mediation or counseling between offenders and victims physically together in cases where domestic violence, dating violence, sexual assault, or stalking is an issue; and

''(B) national, tribal, State, or local private, nonprofit organizations with demonstrated expertise in developing and providing judicial education about domestic violence, dating violence, sexual assault, or stalking.

''(2) CONDITIONS OF ELIGIBILITY FOR CERTAIN GRANTS.—

''(A) COURT PROGRAMS.—To be eligible for a grant under subsection (a)(4), applicants shall certify in writing that any courts or court-based personnel working directly with or making decisions about adult, youth, or minor parties experiencing domestic violence, dating violence, sexual assault, and stalking have completed or will complete education about domestic violence, dating violence, sexual assault, and stalking.

''(B) EDUCATION PROGRAMS.—To be eligible for a grant under subsection (a)(2), applicants shall certify in writing that any education program developed under subsection (a)(2) has been or will be developed with significant input from and in collaboration with a national, tribal, State, territorial, or local victim services provider or coalition.

''(c) EVALUATION.—

''(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, may evaluate the grants funded under this section.

''(2) TRIBAL GRANTEES.—Evaluation of tribal grantees under this section shall be conducted by entities with expertise in Federal Indian law and tribal court practice.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2006 to 2010.

''(2) SET ASIDE.—Of the amounts made available under this section in each fiscal year, not less than 10 percent shall be used for grants to tribes.

''SEC. 41003. NATIONAL AND TRIBAL EDUCATIONAL CURRICULA.

''(a) NATIONAL CURRICULA.—

''(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women, shall fund efforts to develop a national education curriculum for use by State and national judicial educators to ensure that all courts and court personnel have access to information about relevant Federal, State, territorial, or local law, promising practices, procedures, and policies regarding court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking.

''(2) ELIGIBLE ENTITIES.—Any curricula developed under this subsection—

''(A) shall be developed by an entity or entities having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; or

''(B) if the primary grantee does not have demonstrated expertise such issues, the curricula shall be developed by the primary grantee in partnership with an organization having such expertise.

''(b) TRIBAL CURRICULA.—

''(1) IN GENERAL.—The Attorney General, through the Office on Violence Against Women, shall fund efforts to develop education curricula for tribal court judges to ensure that all tribal courts have relevant information about promising practices, procedures, policies, and law regarding tribal court responses to adult, youth, and minor domestic violence, dating violence, sexual assault, and stalking.

''(2) ELIGIBLE ENTITIES.—Any curricula developed under this subsection—

''(A) shall be developed by a tribal organization having demonstrated expertise in developing judicial education curricula on issues relating to domestic violence, dating violence, sexual assault, and stalking; and

''(B) if the primary grantee does not have such expertise, the curricula shall be developed by the primary grantee through partnership with organizations having such expertise.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 to 2010.

''(2) AVAILABILITY.—Funds appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this section.

''(3) SET ASIDE.—Of the amounts made available under this section in each fiscal year, not less than 10 percent shall be used for grants to tribes.

''SEC. 41004. ACCESS TO JUSTICE FOR TEENS.

''(a) PURPOSE.—It is the purpose of this section to encourage cross training and collaboration between the courts, domestic violence and sexual assault service providers, youth organizations and service providers, violence prevention programs, and law enforcement agencies, so that communities can establish and implement policies, procedures, and practices to protect and more comprehensively and effectively serve youth victims of dating violence, domestic violence, sexual assault, and stalking between the ages of 12 and 24, and to engage, where necessary, other entities addressing the safety, health, mental health, social service, housing, and economic needs of youth victims of domestic violence, dating violence, sexual assault, and stalking.

''(b) GRANT AUTHORITY.—

''(1) IN GENERAL.—The Attorney General, through the Director of the Office on Violence Against Women (in this section referred to as the 'Director'), shall make grants to eligible entities to enable entities to jointly carry out cross training and other collaborative initiatives that seek to carry out the purposes of this section. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

''(2) GRANT PERIODS.—Grants shall be awarded under this section for a period of 3 fiscal years.

''(3) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, a grant applicant shall establish a collaboration that shall include—

''(A) a Tribal, State, Territorial or local juvenile, family, civil, criminal or other trial court with jurisdiction over domestic violence, dating violence, sexual assault or stalking cases (hereinafter referred to as 'courts'); and

''(B) a victim service provider that has experience in working on domestic violence, dating violence, sexual assault, or stalking and the effect that those forms of abuse have on young people.

''(c) USES OF FUNDS.—An entity that receives a grant under this section shall use the funds made available through the grant for cross-training and collaborative efforts to—

''(1) assess and analyze currently available services for youth victims of domestic violence, dating violence, sexual assault, and stalking, determine relevant barriers to such services in a particular locality;

''(2) establish and enhance linkages and collaboration between courts, domestic violence or sexual assault service providers, and, where applicable, law enforcement agencies, and other entities addressing the safety, health, mental health, social service, housing, and economic needs of youth victims of domestic violence, dating violence, sexual assault or stalking, including community-based supports such as schools, local health centers, community action groups, and neighborhood coalitions to identify, assess, and respond appropriately to the varying needs of youth victims of dating violence, domestic violence, sexual assault or stalking;

''(3) educate the staff of courts, domestic violence and sexual assault service providers, and, as applicable, the staff of law enforcement agencies, youth organizations, schools, healthcare providers and other community prevention and intervention programs to responsibly address youth victims and perpetrators of domestic violence, dating violence, sexual assault and stalking, and to understand relevant laws, court procedures and policies; and

''(4) provide appropriate resources in juvenile court matters to respond to dating violence, domestic violence, sexual assault and stalking and assure necessary services dealing with the health and mental health of youth victims are available.

''(d) GRANT APPLICATIONS.—To be eligible for a grant under this section, the entities that are members of the applicant collaboration described in subsection (b)(3) shall jointly submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

''(e) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with law enforcement agencies and religious and community organizations and service providers that work primarily with youth, especially teens, and who have demonstrated a commitment to coalition building and cooperative problem solving in dealing with problems of dating violence, domestic violence, sexual assault, and stalking in teen populations.

''(f) DISTRIBUTION.—In awarding grants under this section—

''(1) not less than 10 percent of funds appropriated under this section in any year shall be available for grants to collaborations involving tribal courts, tribal coalitions, tribal organizations, or domestic violence or sexual assault service providers the primary purpose of which is to provide culturally relevant services to American Indian or Alaska Native women or youth;

''(2) the Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for monitoring and evaluation of grants made available under this section;

''(3) the Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration of grants made available under this section; and

''(4) up to 8 percent of funds appropriated under this section in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

''(g) REPORTS.—

''(1) REPORTS.—Each of the entities that are members of the applicant collaboration described in subsection (b)(3) and that receive a grant under this section shall jointly prepare and submit a report to the Attorney General every 18 months detailing the activities that the entities have undertaken under the grant and such additional information as the Attorney General

may require. Each such report shall contain information on—

''(A) the activities implemented by the recipients of the grants awarded under this section; and

''(B) related initiatives undertaken by the Director to promote attention to dating violence, domestic violence, sexual assault, and stalking and their impact on young victims by—

''(i) the staffs of courts;

''(ii) domestic violence, dating violence, sexual assault, and stalking service providers; and

''(iii) law enforcement agencies and community organizations.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 505. FULL FAITH AND CREDIT IMPROVEMENTS.

(a) ENFORCEMENT OF PROTECTION ORDERS ISSUED BY TERRITORIES.—Section 2265 of title 18, United States Code, is amended—

(1) by striking ''State or Indian tribe'' each place it appears and inserting ''State, Indian tribe, or territory'';

(2) by striking ''State or tribal'' each place it appears and inserting ''State, tribal, or territorial''; and

(3) in subsection (a) by striking ''State or tribe'' and inserting ''State, Indian tribe, or territory''.

(b) CLARIFICATION OF ENTITIES HAVING ENFORCEMENT AUTHORITY AND RESPONSIBILITIES.—Section 2265(a) of title 18, United States Code, is amended by striking ''and enforced as if it were'' and inserting ''and enforced by the court and law enforcement personnel of the other State, Indian tribal government, or Territory as if it were''.

(c) PROTECTION ORDERS.—Sections 2265 and 2266 of title 18, United States Code, are both amended by striking ''protection order'' each place it appears and inserting ''protection order, restraining order, or injunction''.

(d) DEFINITIONS.—Section 2266 of title 18, United States Code, is amended by striking paragraph (5) and inserting the following:

''(5) PROTECTION ORDER, RESTRAINING ORDER, OR INJUNCTION.—The term 'protection order, restraining order, or injunction' includes—

''(A) any injunction or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

''(B) any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.''.

SEC. 506. PRIVACY PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL VIOLENCE, AND STALKING.

The Violence Against Women Act of 1994, as amended by this Act, is further amended by adding after subtitle J (as added by section 504) the following:

''Subtitle K—Privacy Protections for Victims of Domestic Violence, Dating Violence, Sexual Violence, and Stalking

''SEC. 41101. TASK FORCE.

''The Attorney General shall establish a task force to review and report on policies, procedures, and technological issues that may affect the privacy and confidentiality of victims of domestic violence, dating violence, stalking and sexual assault. The Attorney General shall include representatives from States, tribes, territories, law enforcement, court personnel, and private nonprofit organizations whose mission is to help develop a best practices model to prevent personally identifying information of adult, youth, and minor victims of domestic violence, dating violence, stalking and sexual assault from being released to the detriment of such victimized persons. The Attorney General shall designate one staff member to work with the task force. The Attorney General is authorized to make grants to develop a demonstration project to implement the best practices identified by the Task Force.

''SEC. 41102. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle $1,000,000 for each of fiscal years 2006 through 2010.

''(b) AVAILABILITY.—Amounts appropriated under this section shall remain available until expended and may only be used for the specific programs and activities described in this subtitle.''.

SEC. 507. STALKER DATABASE.

Section 40603 of the Violence Against Women Act of 1994 (42 U.S.C. 14032) is amended—

(1) by striking ''2001'' and inserting ''2006''; and

(2) by striking ''2005'' and inserting ''2010''.

SEC. 508. VICTIM ASSISTANTS FOR DISTRICT OF COLUMBIA.

Section 40114 of the Violence Against Women Act of 1994 is amended to read as follows:

''SEC. 40114. AUTHORIZATION FOR FEDERAL VICTIM ASSISTANTS.

''There are authorized to be appropriated to the Attorney General for the purpose of appointing victim assistants for the prosecution of sex crimes and domestic violence crimes where applicable (such as the District of Columbia), $1,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 509. PREVENTING CYBERSTALKING.

Section 2261A of title 18, United States Code, is amended—

(1) in paragaph (1)—

(A) by inserting after ''intimidate'' the following: '', or places under surveillance with the intent to kill, injure, haras, or intimidate,''; and

(B) by inserting after ''or serious bodily injury to,'' the following: ''or causes substantial emotional harm to,'';

(2) in paragraph (2)(A), by striking ''to kill or injure'' and inserting ''to kill, injure, harass, or intimidate, or places under surveillance with the intent to kill, injure, harass, or intimidate, or to cause substantial emtional harm to,''; and

(3) in paragraph (2), in the matter following clause (iii) of subparagraph (B)—

(A) by inserting after ''uses the mail'' the following: '', any interactive computer service,''; and

(B) by inserting after ''course of conduct that'' the following: ''causes substantial emotional harm to that person or''.

SEC. 510. REPEAT OFFENDER PROVISION.

Chapter 110A of title 18, United States Code, is amended by adding after section 2265 the following:

''§ 2265A. Repeat offender provision

''The maximum term of imprisonment for a violation of this chapter after a prior interstate domestic violence offense (as defined in section 2261) or interstate violation of protection order (as defined in section 2262) or interstate stalking (as defined in sections 2261A(a) and 2261A(b)) shall be twice the term otherwise provided for the violation.''.

SEC. 511. PROHIBITING DATING VIOLENCE.

Section 2261(a) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking ''or intimate partner'' both places such term appears and inserting '', intimate partner, or dating partner''; and

(2) in paragraph (2), by striking ''or intimate partner'' both places such term appears and inserting '', intimate partner, or dating partner''.

SEC. 512. GAO STUDY AND REPORT.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to establish the extent to which men, women, youth, and children are victims of domestic violence, dating violence, sexual assault, and stalking and the availability to all victims of shelter, counseling, legal representation, and other services commonly provided to victims of domestic violence.

(b) ACTIVITIES UNDER STUDY.—In conducting the study, the following shall apply:

(1) CRIME STATISTICS.—The Comptroller General shall not rely only on crime statistics, but may also use existing research available, including public health studies and academic studies.

(2) SURVEY.—The Comptroller General shall survey the Department of Justice, as well as any recipients of Federal funding for any purpose or an appropriate sampling of recipients, to determine—

(A) what services are provided to victims of domestic violence, dating violence, sexual assault, and stalking;

(B) whether those services are made available to youth, child, female, and male victims; and

(C) the number, age, and gender of victims receiving each available service.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the activities carried out under this section.

TITLE VI—IMPROVING SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

SEC. 601. TECHNICAL AMENDMENT TO VIOLENCE AGAINST WOMEN ACT.

Section 2001 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended by adding at the end the following:

''(e) USE OF FUNDS.—Funds appropriated for grants under this part may be used only for the specific programs and activities expressly described in this part.''.

SEC. 602. SEXUAL ASSAULT SERVICES PROGRAM.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding after section 2013 (as added by section 501 of this Act) the following:

''SEC. 2014. SEXUAL ASSAULT SERVICES PROGRAM.

''(a) PURPOSE.—The purposes of this section are—

''(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

''(A) adult, youth, and minor victims of sexual assault;

''(B) family and household members of such victims; and

''(C) those collaterally affected by the victimization except for the perpetrator of such victimization; and

''(2) to provide training and technical assistance to, and to support data collection relating to sexual assault by—

''(A) Federal, State, tribal, territorial, and local governments, law enforcement agencies, and courts;

''(B) professionals working in legal, social service, and health care settings;

''(C) nonprofit organizations;

''(D) faith-based organizations; and

''(E) other individuals and organizations seeking such assistance.

''(b) GRANTS TO STATES, TERRITORIES AND TRIBAL ENTITIES.—

''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States, territories and

Indian tribes, tribal organizations, and nonprofit tribal organizations within Indian country and Alaskan native villages for the establishment, maintenance and expansion of rape crisis centers or other programs and projects to assist those victimized by sexual assault.

''(2) SPECIAL EMPHASIS.—States, territories and tribal entities will give special emphasis to the support of community-based organizations with a demonstrated history of providing intervention and related assistance to victims of sexual assault.

''(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to any culturally specific community-based organization that—

''(A) is a private, nonprofit organization that focuses primarily on racial and ethnic communities;

''(B) must have documented organizational experience in the area of sexual assault intervention or have entered into partnership with an organization having such expertise;

''(C) has expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific racial and ethnic communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of racial and ethnic populations; and

''(D) has an advisory board or steering committee and staffing which is reflective of the targeted racial and ethnic community.

''(2) AWARD BASIS.—The Attorney General shall award grants under this subsection on a competitive basis for a period of no less than 3 fiscal years.

''(d) SERVICES AUTHORIZED.—For grants under subsection (b) and (c) the following services and activities may include—

''(1) 24 hour hotline services providing crisis intervention services and referrals;

''(2) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

''(3) crisis intervention, short-term individual and group support services, and comprehensive service coordination, and supervision to assist sexual assault victims and family or household members;

''(4) support mechanisms that are culturally relevant to the community;

''(5) information and referral to assist the sexual assault victim and family or household members;

''(6) community-based, linguistically and culturally-specific services including outreach activities for racial and ethnic and other underserved populations and linkages to existing services in these populations;

''(7) collaborating with and informing public officials and agencies in order to develop and implement policies to reduce or eliminate sexual assault; and

''(8) the development and distribution of educational materials on issues related to sexual assault and the services described in clauses (A) through (G).

''(e) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

''(1) GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Attorney General shall award grants to State, territorial and tribal sexual assault coalitions to assist in supporting the establishment, maintenance and expansion of such coalitions as determined by the National Center for Injury Prevention and Control Office in collaboration with the Violence Against Women Office of the Department of Justice.

''(B) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this subsection because such entity has not previously applied or received funding under this subsection.

''(f) COALITION ACTIVITIES AUTHORIZED.—Grant funds received under subsection (e) may be used to—

''(1) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or Indian tribe;

''(2) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

''(3) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

''(4) design and conduct public education campaigns;

''(5) plan and monitor the distribution and use of grants and grant funds to their State, territory, or Indian tribe; and

''(6) collaborate with and inform Federal, State, Tribal, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

''(g) APPLICATION.—

''(1) Each eligible entity desiring a grant under subsections (c) and (e) shall submit an application to the Attorney General at such time, in such manner and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

''(2) Each eligible entity desiring a grant under subsection (b) shall include—

''(A) demonstration of meaningful involvement of the State or territorial coalitions, or Tribal coalition, where applicable, in the development of the application and implementation of the plans;

''(B) a plan for an equitable distribution of grants and grant funds within the State, territory or tribal area and between urban and rural areas within such State or territory;

''(C) the State, territorial or Tribal entity that is responsible for the administration of grants; and

''(D) any other information the Attorney General reasonably determines to be necessary to carry out the purposes and provisions of this section.

''(h) REPORTING.—

''(1) Each entity receiving a grant under subsection (b), (c) and (e) shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

''(i) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated $55,000,000 for each of the fiscal years 2006 through 2010 to carry out this section. Any amounts so appropriated shall remain available until expended.

''(2) ALLOCATIONS.—Of the total amount appropriated for each fiscal year to carry out this section—

''(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring and administrative costs under this section;

''(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section, except that in subsection (c) up to 5 percent of funds appropriated under that subsection may be available for technical assistance to be provided by a national organization or organizations whose primary purpose and expertise is in sexual assault within racial and ethnic communities;

''(C) not less than 75 percent shall be used for making grants to states and territories and tribal entities under subsection (b) of which not less than 10 percent of this amount shall be allocated for grants to tribal entities. State, territorial and tribal governmental agencies shall use no more than 5 percent for administrative costs;

''(D) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c); and

''(E) not less than 10 percent shall be used for making grants to state, territorial and tribal coalitions under subsection (e) of which not less than 10 percent shall be allocated for grants to tribal coalitions.

The remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/56 of the amounts so appropriated to each of the several States, the District of Columbia, and the territories.

''(3) MINIMUM AMOUNT.—Of the amount appropriated under section (i)(2)(C), the Attorney General, not including the set aside for tribal entities, shall allocate not less than 1.50 percent to each State and not less than 0.125 percent to each of the territories. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of the combined States, or for territories, the population of the combined territories.''.

SEC. 603. AMENDMENTS TO THE RURAL DOMESTIC VIOLENCE AND CHILD ABUSE ENFORCEMENT ASSISTANCE PROGRAM.

Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971) is amended to read as follows:

''SEC. 40295. RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND CHILD ABUSE ENFORCEMENT ASSISTANCE.

''(a) PURPOSES.—The purposes of this section are—

''(1) to identify, assess, and appropriately respond to adult, youth, and minor domestic violence, sexual assault, dating violence, and stalking in rural communities, by encouraging collaboration between—

''(A) domestic violence, dating violence, sexual assault, and stalking victim service providers;

''(B) law enforcement agencies;

''(C) prosecutors;

''(D) courts;

''(E) other criminal justice service providers;

''(F) human and community service providers;

''(G) educational institutions; and

''(H) health care providers;

''(2) to establish and expand nonprofit, nongovernmental, State, tribal, and local government services in rural communities to adult, youth, and minor victims; and

''(3) to increase the safety and well-being of women and children in rural communities, by—

''(A) dealing directly and immediately with domestic violence, sexual assault, dating violence, and stalking occurring in rural communities; and

''(B) creating and implementing strategies to increase awareness and prevent domestic violence, sexual assault, dating violence, and stalking.

''(b) GRANTS AUTHORIZED.—The Attorney General, acting through the Director of the Office on Violence Against Women (referred to in this section as the 'Director'), may award 3-year grants, with a possible extension for an additional 3 years, to States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities that address domestic violence, dating violence, sexual assault, and stalking by—

''(1) implementing, expanding, and establishing cooperative efforts and projects between law enforcement officers, prosecutors, victim advocacy groups, and other related parties to investigate and prosecute incidents of domestic violence, dating violence, sexual assault, and stalking;

''(2) providing treatment, counseling, and other long- and short-term assistance to adult, youth, and minor victims of domestic violence, dating violence, sexual assault, and stalking in rural communities; and

''(3) working in cooperation with the community to develop education and prevention strategies directed toward such issues.

''(c) USE OF FUNDS.—Funds appropriated pursuant to this section shall be used only for specific programs and activities expressly described in subsection (a).

''(d) ALLOTMENTS AND PRIORITIES.—

''(1) ALLOTMENT FOR INDIAN TRIBES.—Not less than 10 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants to Indian tribes or tribal organizations.

''(2) ALLOTMENT FOR SEXUAL ASSAULT SERVICES.—

''(A) IN GENERAL.—Not less than 25 percent of the total amount made available for each fiscal year to carry out this section shall be allocated for grants that meaningfully address sexual assault in rural communities, except as provided in subparagraph (B).

''(B) ESCALATION.—The percentage required by subparagraph (A) shall be—

''(i) 30 percent, for any fiscal year for which $45,000,000 or more is made available to carry out this section;

''(ii) 35 percent, for any fiscal year for which $50,000,000 or more is made available to carry out this section; or

''(iii) 40 percent, for any fiscal year for which $55,000,000 or more is made available to carry out this section.

''(C) SAVINGS CLAUSE.—Nothing in this paragraph shall prohibit an applicant from applying for funding to address domestic violence, dating violence, sexual assault, or stalking, separately or in combination, in the same application.

''(D) REPORT TO CONGRESS.—The Attorney General shall, on an annual basis, submit to Congress a report on the effectiveness of the set-aside for sexual assault services. The report shall include any recommendations of the Attorney General with respect to the rural grant program.

''(3) ALLOTMENT FOR TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Of the amounts appropriated for each fiscal year to carry out this section, not more than 8 percent may be used by the Director for training, technical assistance, and data collection costs. Of the amounts so used, not less than 25 percent shall be available to nonprofit, nongovernmental organizations whose focus and expertise is in addressing sexual assault to provide training, technical assistance, and data collection with respect to sexual assault grantees.

''(4) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Director shall give priority to the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968).

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 2006 through 2010 to carry out this section.

''(2) ADDITIONAL FUNDING.—In addition to funds received through a grant under subsection (b), a law enforcement agency may use funds received through a grant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.) to accomplish the objectives of this section.''.

SEC. 604. ASSISTANCE FOR VICTIMS OF ABUSE.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) is amended by adding after section 2014 (as added by section 602 of this Act) the following:

''SEC. 2015. ASSISTANCE FOR VICTIMS OF ABUSE.

''(a) GRANTS AUTHORIZED.—The Attorney General may award grants to appropriate entities—

''(1) to provide services for victims of domestic violence, abuse by caregivers, and sexual assault who are 50 years of age or older;

''(2) to improve the physical accessibility of existing buildings in which services are or will be rendered for victims of domestic violence and sexual assault who are 50 years of age or older;

''(3) to provide training, consultation, and information on abuse by caregivers, domestic violence, dating violence, stalking, and sexual assault against individuals with disabilities (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)), and to enhance direct services to such individuals;

''(4) for training programs to assist law enforcement officers, prosecutors, governmental agencies, victim assistants, and relevant officers of Federal, State, tribal, territorial, and local courts in recognizing, addressing, investigating, and prosecuting instances of adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, elder abuse, and violence against individuals with disabilities, including domestic violence and sexual assault, against older or disabled individuals; and

''(5) for multidisciplinary collaborative community responses to victims.

''(b) USE OF FUNDS.—Grant funds under this section may be used—

''(1) to implement or expand programs or services to respond to the needs of persons 50 years of age or older who are victims of domestic violence, dating violence, sexual assault, stalking, or elder abuse;

''(2) to provide personnel, training, technical assistance, data collection, advocacy, intervention, risk reduction and prevention of domestic violence, dating violence, stalking, and sexual assault against disabled individuals;

''(3) to conduct outreach activities to ensure that disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault receive appropriate assistance;

''(4) to conduct cross-training for victim service organizations, governmental agencies, and nonprofit, nongovernmental organizations serving individuals with disabilities; about risk reduction, intervention, prevention and the nature of dynamic of domestic violence, dating violence, stalking, and sexual assault for disabled individuals;

''(5) to provide training, technical assistance, and data collection to assist with modifications to existing policies, protocols, and procedures to ensure equal access to the services, programs, and activities of victim service organizations for disabled individuals;

''(6) to provide training, technical assistance, and data collection on the requirements of shelters and victim services organizations under Federal antidiscrimination laws, including—

''(A) the Americans with Disabilities Act of 1990; and

''(B) section 504 of the Rehabilitation Act of 1973;

''(7) to purchase equipment, and provide personnel so that shelters and victim service organizations can accommodate the needs of disabled individuals;

''(8) to provide advocacy and intervention services for disabled individuals who are victims of domestic violence, dating violence, stalking, or sexual assault through collaborative partnerships between—

''(A) nonprofit, nongovernmental agencies;

''(B) governmental agencies serving individuals with disabilities; and

''(C) victim service organizations; or

''(9) to develop model programs providing advocacy and intervention services within organizations serving disabled individuals who are victims of domestic violence, dating violence, sexual assault, or stalking.

''(c) ELIGIBLE ENTITIES.—

''(1) IN GENERAL.—An entity shall be eligible to receive a grant under this section if the entity is—

''(A) a State;

''(B) a unit of local government;

''(C) a nonprofit, nongovernmental organization such as a victim services organization, an organization serving individuals with disabilities or a community-based organization; and

''(D) a religious organization.

''(2) LIMITATION.—A grant awarded for the purposes described in subsection (b)(9) shall be awarded only to an eligible agency (as defined in section 410 of the Rehabilitation Act of 1973 (29 U.S.C. 796f–5)).

''(d) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require.

''(e) REPORTING.—Not later than 1 year after the last day of the first fiscal year commencing on or after the date of enactment of this Act, and not later than 180 days after the last day of each fiscal year thereafter, the Attorney General shall submit to Congress a report evaluating the effectiveness of programs administered and operated pursuant to this section.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $20,500,000 for each of the fiscal years 2006 through 2010 to carry out this section.''.

SEC. 605. GAO STUDY OF NATIONAL DOMESTIC VIOLENCE HOTLINE.

(a) STUDY REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall conduct a study of the National Domestic Violence Hotline to determine the effectiveness of the Hotline in assisting victims of domestic violence.

(b) ISSUES TO BE STUDIED.—In conducting the study under subsection (a), the Comptroller General shall—

(1) compile statistical and substantive information about calls received by the Hotline since its inception, or a representative sample of such calls, while maintaining the confidentiality of Hotline callers;

(2) interpret the data compiled under paragraph (1)—

(A) to determine the trends, gaps in services, and geographical areas of need; and

(B) to assess the trends and gaps in services to underserved populations and the military community; and

(3) gather other important information about domestic violence.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 606. GRANTS FOR OUTREACH TO UNDERSERVED POPULATIONS.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants to eligible entities described in subsection (b) to carry out local, regional, or national public information campaigns focused on addressing adult, youth, or minor domestic violence, dating violence, sexual assault, stalking, or trafficking within tribal, racial, and ethnic populations and immigrant communities, including information on services available to victims and ways to prevent or reduce domestic violence, dating violence, sexual assault, and stalking.

(2) TERM.—The Attorney General shall award grants under this section for a period of 1 fiscal year.

(b) ELIGIBLE ENTITIES.—Eligible entities under this section are—

(1) nonprofit, nongovernmental organizations or coalitions that represent the targeted tribal, racial, and ethnic populations or immigrant community that—

(A) have a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(B) work in partnership with an organization that has a documented history of creating and administering effective public awareness campaigns addressing domestic violence, dating violence, sexual assault, and stalking; or

(2) a governmental entity that demonstrates a partnership with organizations described in paragraph (1).

(c) ALLOCATION OF FUNDS.—Of the amounts appropriated for grants under this section—

(1) not more than 20 percent shall be used for national model campaign materials targeted to specific tribal, racial, or ethnic populations or immigrant community, including American Indian tribes and Alaskan native villages for the purposes of research, testing, message development, and preparation of materials; and

(2) the balance shall be used for not less than 10 State, regional, territorial, tribal, or local campaigns targeting specific communities with information and materials developed through the national campaign or, if appropriate, new materials to reach an underserved population or a particularly isolated community.

(d) USE OF FUNDS.—Funds appropriated under this section shall be used to conduct a public information campaign and build the capacity and develop leadership of racial, ethnic populations, or immigrant community members to address domestic violence, dating violence, sexual assault, and stalking.

(e) APPLICATION.—An eligible entity desiring a grant under this section shall submit an application to the Director of the Office on Violence Against Women at such time, in such form, and in such manner as the Director may prescribe.

(f) CRITERIA.—In awarding grants under this section, the Attorney General shall ensure—

(1) reasonable distribution among eligible grantees representing various racial, ethnic, and immigrant communities;

(2) reasonable distribution among State, regional, territorial, tribal, and local campaigns; and

(3) that not more than 8 percent of the total amount appropriated under this section for each fiscal year is set aside for training, technical assistance, and data collection.

(g) REPORTS.—Each eligible entity receiving a grant under this section shall submit to the Director of the Office of Violence Against Women, every 18 months, a report that describes the activities carried out with grant funds.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2006 through 2010.

TITLE VII—SERVICES, PROTECTION, AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE

SEC. 701. SERVICES AND JUSTICE FOR YOUNG VICTIMS OF VIOLENCE.

The Violence Against Women Act of 1994 is amended by adding after subtitle K (as added by section 506) the following:

"Subtitle L—Services, Education, Protection and Justice for Young Victims of Violence

"SEC. 41201. GRANTS FOR TRAINING AND COLLABORATION ON THE INTERSECTION BETWEEN DOMESTIC VIOLENCE AND CHILD MALTREATMENT.

''(a) PURPOSE.—The purpose of this section is to support efforts by domestic violence or dating violence victim services providers, courts, law enforcement, child welfare agencies, and other related professionals and community organizations to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence.

''(b) GRANTS AUTHORIZED.—The Attorney General, through the Violence Against Women Office, shall award grants on a competitive basis to eligible entities for the purposes and in the manner described in this section.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended. Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

''(1) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section;

''(2) set aside not more than 10 percent for grants to programs addressing child maltreatment and domestic violence or dating violence that are operated by, or in partnership with, a tribal organization; and

''(3) set aside up to 8 percent for training and technical assistance, to be provided—

''(A) to organizations that are establishing or have established collaborative responses and services; and

''(B) by organizations having demonstrated expertise in developing collaborative community and system responses to families in which there is both child maltreatment and domestic violence or dating violence, whether or not they are receiving funds under this section.

''(d) UNDERSERVED POPULATIONS.—In awarding grants under this section, the Attorney General shall consider the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968).

''(e) GRANT AWARDS.—The Attorney General shall award grants under this section for periods of not more than 3 fiscal years.

''(f) USES OF FUNDS.—Entities receiving grants under this section shall use amounts provided to develop collaborative responses and services and provide cross-training to enhance community responses to families where there is both child maltreatment and domestic violence or dating violence. Amounts distributed under this section may only be used for programs and activities described in subsection (g).

''(g) PROGRAMS AND ACTIVITIES.—The programs and activities developed under this section shall—

''(1) encourage cross training, education, service development, and collaboration among child welfare agencies, domestic violence victim service providers, and courts, law enforcement agencies, community-based programs, and other entities, in order to ensure that such entities have the capacity to and will identify, assess, and respond appropriately to—

''(A) domestic violence or dating violence in homes where children are present and may be exposed to the violence;

''(B) domestic violence or dating violence in child protection cases; and

''(C) the needs of both the child and non-abusing parent;

''(2) establish and implement policies, procedures, programs, and practices for child welfare agencies, domestic violence victim service providers, courts, law enforcement agencies, and other entities, that are consistent with the principles of protecting and increasing the immediate and long-term safety and well being of children and non-abusing parents and caretakers by—

''(A) increasing the safety, autonomy, capacity, and financial security of non-abusing parents or caretakers, including developing service plans and utilizing community-based services that provide resources and support to non-abusing parents;

''(B) protecting the safety, security, and well-being of children by preventing their unnecessary removal from a non-abusing parent, or, in cases where removal of the child is necessary to protect the child's safety, taking the necessary steps to provide appropriate and community-based services to the child and the non-abusing parent to promote the safe and appropriately prompt reunification of the child with the non-abusing parent;

''(C) recognizing the relationship between child maltreatment and domestic violence or dating violence in a family, as well as the impact of and danger posed by the perpetrators' behavior on adult, youth, and minor victims; and

''(D) holding adult, youth, and minor perpetrators of domestic violence or dating violence, not adult, youth, and minor victims of abuse or neglect, accountable for stopping the perpetrators' abusive behaviors, including the development of separate service plans, court filings, or community-based interventions where appropriate;

''(3) increase cooperation and enhance linkages between child welfare agencies, domestic violence victim service providers, courts (including family, criminal, juvenile courts, or tribal courts), law enforcement agencies, and other entities to provide more comprehensive community-based services (including health, mental health, social service, housing, and neighborhood resources) to protect and to serve adult, youth, and minor victims;

''(4) identify, assess, and respond appropriately to domestic violence or dating violence in child protection cases and to child maltreatment when it co-occurs with domestic violence or dating violence;

''(5) analyze and change policies, procedures, and protocols that contribute to overrepresentation of racial and ethnic minorities in the court and child welfare system; and

''(6) provide appropriate referrals to community-based programs and resources, such as health and mental health services, shelter and housing assistance for adult, youth, and minor victims and their children, legal assistance and advocacy for adult, youth, and minor victims, assistance for parents to help their children cope with the impact of exposure to domestic violence or dating violence and child maltreatment, appropriate intervention and treatment for adult perpetrators of domestic violence or dating violence whose children are the subjects of child protection cases, programs providing support and assistance to racial and ethnic populations, and other necessary supportive services.

''(h) GRANTEE REQUIREMENTS.—

''(1) APPLICATIONS.—Under this section, an entity shall prepare and submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may require, consistent with the requirements described herein. The application shall—

''(A) ensure that communities impacted by these systems or organizations are adequately represented in the development of the application, the programs and activities to be undertaken, and that they have a significant role in evaluating the success of the project;

''(B) describe how the training and collaboration activities will enhance or ensure the safety and economic security of families where both child maltreatment and domestic violence or dating violence occurs by providing appropriate resources, protection, and support to the victimized parents of such children and to the children themselves; and

''(C) outline methods and means participating entities will use to ensure that all services are provided in a developmentally, linguistically and culturally competent manner and will utilize community-based supports and resources.

''(2) ELIGIBLE ENTITIES.—To be eligible for a grant under this section, an entity shall be a collaboration that—

''(A) shall include a State or local child welfare agency or Indian Tribe;

''(B) shall include a domestic violence or dating violence victim service provider;

''(C) may include a court;

''(D) may include a law enforcement agency, or Bureau of Indian Affairs providing tribal law enforcement; and

''(E) may include any other such agencies or private nonprofit organizations, including community-based organizations, with the capacity to provide effective help to the adult, youth, and minor victims served by the collaboration.

''(3) REPORTS.—Each entity receiving a grant under this section shall report to the Attorney General every 18 months, detailing how the funds have been used.

"SEC. 41202. SERVICES TO ADVOCATE FOR AND RESPOND TO TEENS.

''(a) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to conduct programs to serve youth between the ages of 12 and 24 of domestic violence, dating violence, sexual assault, and stalking. Amounts appropriated under this section may only be used for programs and activities described under subsection (c).

''(b) ELIGIBLE GRANTEES.—To be eligible to receive a grant under this section, an entity shall be—

''(1) a nonprofit, nongovernmental entity, the primary purpose of which is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking;

''(2) a religious or community-based organization that specializes in working with youth victims of domestic violence, dating violence, sexual assault, or stalking;

''(3) an Indian Tribe or tribal organization providing services primarily to tribal youth or tribal victims of domestic violence, dating violence, sexual assault or stalking; or

''(4) a nonprofit, nongovernmental entity providing services for runaway or homeless youth.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—An entity that receives a grant under this section shall use amounts provided under the grant to design or replicate, and implement, programs and services, using domestic violence, dating violence, sexual assault, and stalking intervention models to respond to the needs of youth who are victims of domestic violence, dating violence, sexual assault or stalking.

''(2) TYPES OF PROGRAMS.—Such a program—

''(A) shall provide direct counseling and advocacy for teens and young adults, who have experienced domestic violence, dating violence, sexual assault or stalking;

''(B) shall include linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations or linkages to existing services in the community tailored to the needs of racial and ethnic and other underserved populations;

''(C) may include mental health services;

''(D) may include legal advocacy efforts on behalf of minors and young adults with respect to domestic violence, dating violence, sexual assault or stalking;

''(E) may work with public officials and agencies to develop and implement policies, rules, and procedures in order to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking against youth and young adults; and

''(F) may use not more than 25 percent of the grant funds to provide additional services and resources for youth, including childcare, transportation, educational support, and respite care.

''(d) AWARDS BASIS.—

''(1) GRANTS TO INDIAN TRIBES.—Not less than 10 percent of funds appropriated under this section in any year shall be available for grants to Indian Tribes or tribal organizations.

''(2) ADMINISTRATION.—The Attorney General shall not use more than 2.5 percent of funds appropriated under this section in any year for administration, monitoring, and evaluation of grants made available under this section.

''(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under this section in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

''(e) TERM.—The Attorney General shall make the grants under this section for a period of 3 fiscal years.

''(f) REPORTS.—An entity receiving a grant under this section shall submit to the Attorney General every 18 months a report of how grant funds have been used.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2006 through 2010.''.

SEC. 702. GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Attorney General is authorized to make grants to institutions of higher education, for use by such institutions or consortia consisting of campus personnel, student organizations, campus administrators, security personnel, and regional crisis centers affiliated with the institution, to develop and strengthen effective security and investigation strategies to combat domestic violence, dating violence, sexual assault, and stalking on campuses, and to develop and strengthen victim services in cases involving such crimes against women on campuses, which may include partnerships with local criminal justice authorities and community-based victim services agencies.

(2) AWARD BASIS.—The Attorney General shall award grants and contracts under this section on a competitive basis for a period of 3 years. The Attorney General, through the Director of the Office on Violence Against Women, shall award the grants in amounts of not more than $500,000 for individual institutions of higher education and not more than $1,000,000 for consortia of such institutions.

(3) EQUITABLE PARTICIPATION.—The Attorney General shall make every effort to ensure—

(A) the equitable participation of private and public institutions of higher education in the activities assisted under this section;

(B) the equitable geographic distribution of grants under this section among the various regions of the United States; and

(C) the equitable distribution of grants under this section to tribal colleges and universities and traditionally black colleges and universities.

(b) USE OF GRANT FUNDS.—Grant funds awarded under this section may be used for the following purposes:

(1) To provide personnel, training, technical assistance, data collection, and other equipment with respect to the increased apprehension, investigation, and adjudication of persons committing domestic violence, dating violence, sexual assault, and stalking on campus.

(2) To train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards to develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes domestic violence, dating violence, sexual assault, and stalking. Within 90 days after the date of enactment of this Act, the Attorney General shall issue and make available minimum standards of training relating to domestic violence, dating violence, sexual assault, and stalking on campus, for all campus security personnel and personnel serving on campus disciplinary or judicial boards.

(3) To implement and operate education programs for the prevention of domestic violence, dating violence, sexual assault and stalking.

(4) To develop, enlarge, or strengthen victim services programs on the campuses of the institutions involved, including programs providing legal, medical, or psychological counseling, for victims of domestic violence, dating violence, sexual assault, and stalking, and to improve delivery of victim assistance on campus. To the extent practicable, such an institution shall collaborate with any entities carrying out nonprofit and other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located. If appropriate victim services programs are not available in the community or are not accessible to students, the institution shall, to the extent practicable, provide a victim services program on campus or create a victim services program in collaboration with a community-based organization. The institution shall use not less than 20 percent of the funds made available through the grant for a victim services program provided in accordance with this paragraph.

(5) To create, disseminate, or otherwise provide assistance and information about victims' options on and off campus to bring disciplinary or other legal action, including assistance to victims in immigration matters.

(6) To develop, install, or expand data collection and communication systems, including computerized systems, linking campus security to the local law enforcement for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions with respect to the crimes of domestic violence, dating violence, sexual assault, and stalking on campus.

(7) To provide capital improvements (including improved lighting and communications facilities but not including the construction of buildings) on campuses to address the crimes of domestic violence, dating violence, sexual assault, and stalking.

(8) To support improved coordination among campus administrators, campus security personnel, and local law enforcement to reduce domestic violence, dating violence, sexual assault, and stalking on campus.

(c) APPLICATIONS.—

(1) IN GENERAL.—In order to be eligible to be awarded a grant under this section for any fiscal year, an institution of higher education shall submit an application to the Attorney General at such time and in such manner as the Attorney General shall prescribe.

(2) CONTENTS.—Each application submitted under paragraph (1) shall—

(A) describe the need for grant funds and the plan for implementation for any of the purposes described in subsection (b);

(B) include proof that the institution of higher education collaborated with any non-profit, nongovernmental entities carrying out other victim services programs, including domestic violence, dating violence, sexual assault, and stalking victim services programs in the community in which the institution is located;

(C) describe the characteristics of the population being served, including type of campus, demographics of the population, and number of students;

(D) provide measurable goals and expected results from the use of the grant funds;

(E) provide assurances that the Federal funds made available under this section shall be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of Federal funds, be made available by the institution for the purposes described in subsection (b); and

(F) include such other information and assurances as the Attorney General reasonably determines to be necessary.

(3) COMPLIANCE WITH CAMPUS CRIME REPORTING REQUIRED.—No institution of higher education shall be eligible for a grant under this section unless such institution is in compliance with the requirements of section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)). Up to $200,000 of the total amount of grant funds appropriated under this section for fiscal years 2006 through 2010 may be used to provide technical assistance in complying with the mandatory reporting requirements of section 485(f) of such Act.

(d) GENERAL TERMS AND CONDITIONS.—

(1) NONMONETARY ASSISTANCE.—In addition to the assistance provided under this section, the Attorney General may request any Federal agency to use the agency's authorities and the resources granted to the agency under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of campus security, and investigation and victim service efforts.

(2) CONFIDENTIALITY.—

(A) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the

safety of adult and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and sub-grantees under this section shall reasonably—

(i) protect the confidentiality and privacy of persons receiving services under the grants and subgrants; and

(ii) not disclose and personally identifying information, or individual client information, collected in connection with services requested, utilized, or denied through programs provided by such grantees and subgrantees under this section.

(B) CONSENT.—A grantee or subgrantee under this section shall not reveal personally any identifying information or individual client information collected as described in subparagraph (A) without the informed, written, and reasonably time-limited consent of the person (or, in the case of an unemancipated minor, the minor and the parent or guardian of the minor) about whom information is sought, whether for the program carried out under this section or any other Federal, State, tribal, or territorial assistance program.

(C) COMPELLED RELEASE AND NOTICE.—If a grantee or subgrantee under this section is compelled by statutory or court mandate to disclose information described in subparagraph (A), the grantee or subgrantee—

(i) shall make reasonable attempts to provide notice to individuals affected by the disclosure of information; and

(ii) shall take steps necessary to protect the privacy and safety of the individual affected by the disclosure.

(D) PERMISSIVE SHARING.—Grantees and subgrantees under this section may share with each other, in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements—

(i) aggregate data, that is not personally identifying information, regarding services provided to their clients; and

(ii) demographic information that is not personally identifying information.

(E) COURT-GENERATED AND LAW ENFORCEMENT-GENERATED INFORMATION.—Grantees and subgrantees under this section may share with each other—

(i) court-generated information contained in secure, governmental registries for protection order enforcement purposes; and

(ii) law enforcement-generated information.

(F) DEFINITION.—As used in this paragraph, the term ''personally identifying information'' means individually identifying information from or about an individual, including—

(i) first and last name;

(ii) home or other physical address, including street name and name of city or town;

(iii) email address or other online contact information, such as an instant-messaging user identifier or a screen name that reveals an individual's email address;

(iv) telephone number;

(v) social security number;

(vi) Internet Protocol (''IP'') address or host name that identifies an individual;

(vii) persistent identifier, such as a customer number held in a ''cookie'' or processor serial number, that is combined with other available data that identifies an individual; or

(viii) information that, in combination with the information in any of the clauses (i) through (vii), would serve to identify any individual, including—

(I) grade point average;

(II) date of birth;

(III) academic or occupational interests;

(IV) athletic or extracurricular interests;

(V) racial or ethnic background; or

(VI) religious affiliation.

(3) GRANTEE REPORTING.—

(A) ANNUAL REPORT.—Each institution of higher education receiving a grant under this section shall submit a biennial performance report to the Attorney General. The Attorney General shall suspend funding under this section for an institution of higher education if the institution fails to submit such a report.

(B) FINAL REPORT.—Upon completion of the grant period under this section, the institution shall file a performance report with the Attorney General and the Secretary of Education explaining the activities carried out under this section together with an assessment of the effectiveness of those activities in achieving the purposes described in subsection (b).

(4) REPORT TO CONGRESS.—Not later than 180 days after the end of the fiscal year for which grants are awarded under this section, the Attorney General shall submit to Congress a report that includes—

(A) the number of grants, and the amount of funds, distributed under this section;

(B) a summary of the purposes for which the grants were provided and an evaluation of the progress made under the grant;

(C) a statistical summary of the persons served, detailing the nature of victimization, and providing data on age, sex, race, ethnicity, language, disability, relationship to offender, geographic distribution, and type of campus; and

(D) an evaluation of the effectiveness of programs funded under this part.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for each of fiscal years 2006 through 2010.

SEC. 703. SAFE HAVENS.

Section 1301 of the Victims of Trafficking and Violence Protection Act of 2000 (42 U.S.C. 10420) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 1301. SAFE HAVENS FOR CHILDREN.'';

(2) in subsection (a)—

(A) by inserting '', through the Director of the Office on Violence Against Women,'' after ''Attorney General'';

(B) by inserting ''public or nonprofit nongovernmental entities, and to'' after ''may award grants to'';

(C) by inserting ''dating violence,'' after ''domestic violence,'';

(D) by striking ''to provide'' and inserting the following:

''(1) to provide'';

(E) by striking the period at the end and inserting a semicolon; and

(F) by adding at the end the following:

''(2) to protect children from the trauma of witnessing domestic or dating violence or experiencing abduction, injury, or death during parent and child visitation exchanges;

''(3) to protect parents or caretakers who are victims of domestic and dating violence from experiencing further violence, abuse, and threats during child visitation exchanges; and

''(4) to protect children from the trauma of experiencing sexual assault or other forms of physical assault or abuse during parent and child visitation and visitation exchanges.''; and

(3) by striking subsection (e) and inserting the following:

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $20,000,000 for each of fiscal years 2006 through 2010. Funds appropriated under this section shall remain available until expended.

''(2) USE OF FUNDS.—Of the amounts appropriated to carry out this section for each fiscal year, the Attorney General shall—

''(A) set aside not less than 5 percent for grants to Indian tribal governments or tribal organizations;

''(B) use not more than 3 percent for evaluation, monitoring, site visits, grantee conferences, and other administrative costs associated with conducting activities under this section; and

''(C) set aside not more than 8 percent for training, technical assistance, and data collection to be provided by organizations having nationally recognized expertise in the design of safe and secure supervised visitation programs and visitation exchange of children in situations involving domestic violence, dating violence, sexual assault, or stalking.''.

SEC. 704. GRANTS TO COMBAT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING IN MIDDLE AND HIGH SCHOOLS.

(a) SHORT TITLE.—This section may be cited as the ''Supporting Teens through Education and Protection Act of 2005'' or the ''STEP Act''.

(b) GRANTS AUTHORIZED.—The Attorney General, through the Director of the Office on Violence Against Women, is authorized to award grants to middle schools and high schools that work with domestic violence and sexual assault experts to enable the schools—

(1) to provide training to school administrators, faculty, counselors, coaches, healthcare providers, security personnel, and other staff on the needs and concerns of students who experience domestic violence, dating violence, sexual assault, or stalking, and the impact of such violence on students;

(2) to develop and implement policies in middle and high schools regarding appropriate, safe responses to, and identification and referral procedures for, students who are experiencing or perpetrating domestic violence, dating violence, sexual assault, or stalking, including procedures for handling the requirements of court protective orders issued to or against students or school personnel, in a manner that ensures the safety of the victim and holds the perpetrator accountable;

(3) to provide support services for students and school personnel, such as a resource person who is either on-site or on-call, and who is an expert described in subsections (i)(2) and (i)(3), for the purpose of developing and strengthening effective prevention and intervention strategies for students and school personnel experiencing domestic violence, dating violence, sexual assault or stalking;

(4) to provide developmentally appropriate educational programming to students regarding domestic violence, dating violence, sexual assault, and stalking, and the impact of experiencing domestic violence, dating violence, sexual assault, and stalking on children and youth by adapting existing curricula activities to the relevant student population;

(5) to work with existing mentoring programs and develop strong mentoring programs for students, including student athletes, to help them understand and recognize violence and violent behavior, how to prevent it and how to appropriately address their feelings; and

(6) to conduct evaluations to assess the impact of programs and policies assisted under this section in order to enhance the development of the programs.

(c) AWARD BASIS.—The Director shall award grants and contracts under this section on a competitive basis.

(d) POLICY DISSEMINATION.—The Director shall disseminate to middle and high schools any existing Department of Justice, Department of Health and Human Services, and Department of Education policy guidance and curricula regarding the prevention of domestic violence, dating violence, sexual assault, and stalking, and the impact of the violence on children and youth.

(e) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—In order to ensure the safety of adult, youth, and minor victims of domestic violence, dating violence, sexual assault, or stalking and their families, grantees and subgrantees shall protect the confidentiality and privacy of persons receiving services. Grantees and subgrantees pursuant to this section shall

not disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs. Grantees and subgrantees shall not reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of unemancipated minor, the minor and the parent or guardian) about whom information is sought, whether for this program or any other Tribal, Federal, State or Territorial grant program. If release of such information is compelled by statutory or court mandate, grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information. If such personally identifying information is or will be revealed, grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information. Grantees may share non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with Tribal, Federal, State or Territorial reporting, evaluation, or data collection requirements. Grantees and subgrantees may share court-generated information contained in secure, governmental registries for protection order enforcement purposes.

(f) GRANT TERM AND ALLOCATION.—

(1) TERM.—The Director shall make the grants under this section for a period of 3 fiscal years.

(2) ALLOCATION.—Not more than 15 percent of the funds available to a grantee in a given year shall be used for the purposes described in subsection (b)(4)(D), (b),(5), and (b)(6).

(g) DISTRIBUTION.—

(1) IN GENERAL.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available for grants to tribal schools, schools on tribal lands or schools whose student population is more than 25 percent native American.

(2) ADMINISTRATION.—The Director shall not use more than 5 percent of funds appropriated under subsection (l) in any year for administration, monitoring and evaluation of grants made available under this section.

(3) TRAINING, TECHNICAL ASSISTANCE, AND DATA COLLECTION.—Not less than 5 percent of funds appropriated under subsection (l) in any year shall be available to provide training, technical assistance, and data collection for programs funded under this section.

(h) APPLICATION.—To be eligible to be awarded a grant or contract under this section for any fiscal year, a middle or secondary school, in consultation with an expert as described in subsections (i)(2) and (i)(3), shall submit an application to the Director at such time and in such manner as the Director shall prescribe.

(i) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a partnership that—

(1) shall include a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense under 10 U.S.C. 2164 or 20 U.S.C. 921, a group of schools, or a school district;

(2) shall include a domestic violence victim service provider that has a history of working on domestic violence and the impact that domestic violence and dating violence have on children and youth;

(3) shall include a sexual assault victim service provider, such as a rape crisis center, program serving tribal victims of sexual assault, or coalition or other nonprofit nongovernmental organization carrying out a community-based sexual assault program, that has a history of effective work concerning sexual assault and the impact that sexual assault has on children and youth; and

(4) may include a law enforcement agency, the State, Tribal, Territorial or local court, nonprofit nongovernmental organizations and service providers addressing sexual harassment, bullying or gang-related violence in schools, and any other such agencies or nonprofit nongovernmental organizations with the capacity to provide effective assistance to the adult, youth, and minor victims served by the partnership.

(j) PRIORITY.—In awarding grants under this section, the Director shall give priority to entities that have submitted applications in partnership with relevant courts or law enforcement agencies.

(k) REPORTING AND DISSEMINATION OF INFORMATION.—

(1) REPORTING.—Each of the entities that are members of the applicant partnership described in subsection (i), that receive a grant under this section shall jointly prepare and submit to the Director every 18 months a report detailing the activities that the entities have undertaken under the grant and such additional information as the Director shall require.

(2) DISSEMINATION OF INFORMATION.—Within 9 months of the completion of the first full grant cycle, the Director shall publicly disseminate, including through electronic means, model policies and procedures developed and implemented in middle and high schools by the grantees, including information on the impact the policies have had on their respective schools and communities.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2006 through 2010.

(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.

TITLE VIII—STRENGTHENING AMERICA'S FAMILIES BY PREVENTING VIOLENCE IN THE HOME

SEC. 801. PREVENTING VIOLENCE IN THE HOME.

The Violence Against Women Act of 1994 is amended by adding after subtitle L (as added by section 701) the following:

"Subtitle M—Strengthening America's Families by Preventing Violence in the Home

"SEC. 41301. PURPOSE.

''The purpose of this subtitle is to—

''(1) prevent crimes involving domestic violence, dating violence, sexual assault, and stalking, including when committed against children and youth;

''(2) increase the resources and services available to prevent domestic violence, dating violence, sexual assault, and stalking, including when committed against children and youth;

''(3) reduce the impact of exposure to violence in the lives of children and youth so that the intergenerational cycle of violence is interrupted;

''(4) develop and implement education and services programs to prevent children in vulnerable families from becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking;

''(5) promote programs to ensure that children and youth receive the assistance they need to end the cycle of violence and develop mutually respectful, nonviolent relationships; and

''(6) encourage collaboration among community-based organizations and governmental agencies serving children and youth, providers of health and mental health services and providers of domestic violence, dating violence, sexual assault, and stalking victim services to prevent violence.

"SEC. 41302. GRANTS TO ASSIST CHILDREN AND YOUTH EXPOSED TO VIOLENCE.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in consultation with the Secretary of Health and Human Services, is authorized to award grants on a competitive basis to eligible entities for the purpose of mitigating the effects of domestic violence, dating violence, sexual assault, and stalking on children exposed to such violence, and reducing the risk of future victimization or perpetration of domestic violence, dating violence, sexual assault, and stalking.

''(2) TERM.—The Director shall make grants under this section for a period of 3 fiscal years.

''(3) AWARD BASIS.—The Director shall award grants—

''(A) considering the needs of racial and ethnic and other underserved populations, as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968;

''(B) awarding not less than 10 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year;

''(C) awarding up to 8 percent for the funding of training, technical assistance, and data collection programs from the amounts made available under this section for a fiscal year; and

''(D) awarding not less than 66 percent to programs described in subsection (c)(1) from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2006 through 2010.

''(c) USE OF FUNDS.—The funds appropriated under this section shall be used for—

''(1) programs that provide services for children exposed to domestic violence, dating violence, sexual assault, or stalking, which may include direct counseling, advocacy, or mentoring, and must include support for the nonabusing parent or the child's caretaker;

''(2) training and coordination for programs that serve children and youth (such as Head Start, child care, and after-school programs) on how to safely and confidentially identify children and families experiencing domestic violence and properly refer them to programs that can provide direct services to the family and children, and coordination with other domestic violence or other programs serving children exposed to domestic violence, dating violence, sexual assault, or stalking that can provide the training and direct services referenced in this subsection; or

''(3) advocacy within the systems that serve children to improve the system's understanding of and response to children who have been exposed to domestic violence and the needs of the nonabusing parent.

''(d) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—

''(1) a victim service provider, tribal nonprofit organization or community-based organization that has a documented history of effective work concerning children or youth exposed to domestic violence, dating violence, sexual assault, or stalking, including programs that provide culturally specific services, Head Start, child care, after school programs, and health and mental health providers; or

''(2) a State, territorial, tribal, or local unit of government agency that is partnered with an organization described in paragraph (1).

''(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) at a minimum, describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children who have been exposed to violence and their nonabusing parent, enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking; and

''(B) ensure linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations.

''(f) REPORTS.—An entity receiving a grant under this section shall prepare and submit to the Director every 18 months a report detailing the activities undertaken with grant funds, providing additional information as the Director shall require.

"SEC. 41303. BUILDING ALLIANCES AMONG MEN, WOMEN, AND YOUTH TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, and in collaboration with the Secretary of Health and Human Services, shall award grants on a competitive basis to eligible entities for the purpose of developing or enhancing programs related to building alliances among men, women, and youth to prevent domestic violence, dating violence, sexual assault, and stalking by helping them to develop mutually respectful, nonviolent relationships.

''(2) TERM.—The Director shall make grants under this section for a period of 3 fiscal years.

''(3) AWARD BASIS.—The Director shall award grants—

''(A) considering the needs of racial and ethnic and other underserved populations (as defined in section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968);

''(B) with respect to gender-specific programs described under subsection (c)(1)(A), ensuring reasonable distribution of funds to programs for boys and programs for girls;

''(C) awarding not less than 10 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

''(D) awarding up to 8 percent for the funding of training, technical assistance, and data collection for grantees and non-grantees working in this area and evaluation programs from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006 through 2010.

''(c) USE OF FUNDS.—

''(1) PROGRAMS.—The funds appropriated under this section shall be used by eligible entities for—

''(A) public education and community based programs, including gender-specific programs in accordance with applicable laws—

''(i) to encourage children and youth to pursue only mutually respectful, nonviolent relationships and empower them to reduce their risk of becoming victims or perpetrators of domestic violence, dating violence, sexual assault, or stalking; and

''(ii) that include at a minimum—

''(I) information on domestic violence, dating violence, sexual assault, stalking, or child sexual abuse and how they affect children and youth; and

''(II) strategies to help participants be as safe as possible; or

''(B) public education campaigns and community organizing to encourage men and boys to work as allies with women and girls to prevent domestic violence, dating violence, stalking, and sexual assault conducted by entities that have experience in conducting public education campaigns that address domestic violence, dating violence, sexual assault, or stalking.

''(2) MEDIA LIMITS.—No more than 25 percent of funds received by a grantee under this section may be used to create and distribute media materials.

''(d) ELIGIBLE ENTITIES.—

''(1) RELATIONSHIPS.—Eligible entities under subsection (c)(1)(A) are—

''(A) nonprofit, nongovernmental domestic violence, dating violence, sexual assault, or stalking victim service providers or coalitions;

''(B) community-based child or youth services organizations with demonstrated experience and expertise in addressing the needs and concerns of young people;

''(C) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A) or (B); or

''(D) a program that provides culturally specific services.

''(2) AWARENESS CAMPAIGN.—Eligible entities under subsection (c)(1)(B) are—

''(A) nonprofit, nongovernmental organizations or coalitions that have a documented history of creating and administering effective public education campaigns addressing the prevention of domestic violence, dating violence, sexual assault or stalking; or

''(B) a State, territorial, tribal, or unit of local governmental entity that is partnered with an organization described in subparagraph (A).

''(e) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) for a grant under subsection (c)(1)(A), describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children and youth already experiencing domestic violence, dating violence, sexual assault, or stalking in their lives;

''(B) provide, where appropriate, linguistically, culturally, and community relevant services for racial and ethnic and other underserved populations;

''(C) inform participants about laws, services, and resources in the community, and make referrals as appropriate; and

''(D) ensure that State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section.

''(f) REPORTS.—An entity receiving a grant under this section shall prepare and submit to the Director every 18 months a report detailing the activities undertaken with grant funds, including an evaluation of funded programs and providing additional information as the Director shall require.

"SEC. 41304. DEVELOPMENT OF CURRICULA AND PILOT PROGRAMS FOR HOME VISITATION PROJECTS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall award grants on a competitive basis to home visitation programs, in collaboration with law enforcement, victim service providers, for the purposes of developing and implementing model policies and procedures to train home visitation service providers on addressing domestic violence, dating violence, sexual assault, and stalking in families experiencing violence, or at risk of violence, to reduce the impact of that violence on children, maintain safety, improve parenting skills, and break intergenerational cycles of violence.

''(2) TERM.—The Director shall make the grants under this section for a period of 2 fiscal years.

''(3) AWARD BASIS.—The Director shall—

''(A) consider the needs of underserved populations;

''(B) award not less than 7 percent of such amounts for the funding of tribal projects from the amounts made available under this section for a fiscal year; and

''(C) award up to 8 percent for the funding of technical assistance programs from the amounts made available under this section for a fiscal year.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.

''(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a national, Federal, State, local, territorial, or tribal—

''(1) home visitation program that provides services to pregnant women and to young children and their parent or primary caregiver that are provided in the permanent or temporary residence or in other familiar surroundings of the individual or family receiving such services; or

''(2) victim services organization or agency in collaboration with an organization or organizations listed in paragraph (1).

''(d) GRANTEE REQUIREMENTS.—Under this section, an entity shall—

''(1) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

''(2) describe in the application the policies and procedures that the entity has or will adopt to—

''(A) enhance or ensure the safety and security of children and their nonabusing parent in homes already experiencing domestic violence, dating violence, sexual assault, or stalking;

''(B) ensure linguistically, culturally, and community relevant services for racial ethnic and other underserved communities;

''(C) ensure the adequate training by domestic violence, dating violence, sexual assault or stalking victim service providers of home visitation grantee program staff to—

''(i) safely screen for or recognize (or both) domestic violence, dating violence, sexual assault, and stalking;

''(ii) understand the impact of domestic violence or sexual assault on children and protective actions taken by a nonabusing parent or caretaker in response to violence against anyone in the household; and

''(iii) link new parents with existing community resources in communities where resources exist; and

''(D) ensure that relevant State and local domestic violence, dating violence, sexual assault, and stalking victim service providers and coalitions are aware of the efforts of organizations receiving grants under this section, and are included as training partners, where possible.''.

TITLE IX—PROTECTION FOR IMMIGRANT VICTIMS OF VIOLENCE

SEC. 900. SHORT TITLE; REFERENCES TO VAWA–2000; REGULATIONS.

(a) SHORT TITLE.—This title may be cited as ''Immigrant Victims of Violence Protection Act of 2005''.

(b) REFERENCES TO VAWA–2000.—In this title, the term ''VAWA–2000'' means the Violence Against Women Act of 2000 (division B of Public Law 106–386).

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, the Secretary of Homeland Security, and Secretary of State shall promulgate regulations to implement the provisions contained in the Battered Immigrant Women Protection Act of 2000 (title V of VAWA–2000) and the amendments made by (and the provisions of) this title. In applying such regulations, in the case of petitions, applications, or certifications filed on or before the effective date of publication of such regulations for relief covered by such regulations, there shall be no requirement to submit an additional petition, application, or certification and any priority or similar date with respect to such a petition or application shall relate back to the date of the filing of the petition or application.

Subtitle A—Victims of Crime

SEC. 901. CONDITIONS APPLICABLE TO U AND T VISAS.

(a) TREATMENT OF SPOUSE AND CHILDREN OF VICTIMS OF TRAFFICKING.—Clause (ii) of section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended to read as follows:

''(ii) if accompanying, or following to join, the alien described in clause (i)—

''(I) in the case of an alien so described who is under 21 years of age, the spouse, children, unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause, and parents of such alien; or

''(II) in the case of an alien described in clause (i) who is 21 years of age or older, the spouse and children of such alien;''.

(b) DURATION OF U AND T VISAS.—

(1) U VISAS.—Section 214(p) of such Act (8 U.S.C. 1184(p)) is amended by adding at the end the following new paragraph:

''(6) DURATION OF STATUS.—The authorized period of status of an alien as a nonimmigrant under section 101(a)(15)(U) shall be 4 years, but—

''(A) shall be extended on a year-by-year basis upon certification from a Federal, State or local law enforcement official, prosecutor, judge, or other Federal, State or local authority investigating or prosecuting criminal activity described in section 101(a)(15)(U)(iii) that the alien's ongoing presence in the United States is required to assist in the investigation or prosecution of such criminal activity; and

''(B) shall be extended if the alien files an application for adjustment of status under section 245(m), until final adjudication of such application.''.

(2) T VISAS.—Section 214(o) of such Act (8 U.S.C. 1184(o)), as redesignated by section 8(a)(3) of the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193), is amended by adding at the end the following:

''(7) The authorized period of status of an alien as a nonimmigrant status under section 101(a)(15)(T) shall be 4 years, but—

''(A) shall be extended on a year-by-year basis upon certification from a Federal, State or local law enforcement official, prosecutor, judge, or other Federal, State or local authority investigating or prosecuting criminal activity relating to human trafficking that the alien's ongoing presence in the United States is required to assist in the investigation or prosecution of such criminal activity; and

''(B) shall be extended if the alien files an application for adjustment of status under section 245(l), until final adjudication of such application.''.

(c) PERMITTING CHANGE OF NONIMMIGRANT STATUS TO U AND T NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Section 248 of such Act (8 U.S.C. 1258) is amended—

(A) by striking ''The Attorney General'' and inserting ''(a) The Secretary of Homeland Security'';

(B) by inserting ''(subject to subsection (b))'' after ''except''; and

(C) by adding at the end the following new subsection:

''(b) The limitation based on inadmissibility under section 212(a)(9)(B) and the exceptions specified in numbered paragraphs of subsection (a) shall not apply to a change of nonimmigrant classification to that of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15), other than from such classification under subparagraph (C) or (D) of such section.''.

(2) CONFORMING AMENDMENT.—Section 214(l)(2)(A) of such Act (8 U.S.C. 1184(l)(2)(A)) is amended by striking ''248(2)'' and inserting ''248(a)(2)''.

(d) CERTIFICATION PROCESS FOR VICTIMS OF TRAFFICKING.—

(1) VICTIM ASSISTANCE IN INVESTIGATION OR PROSECUTION.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(b)(1)(E)) is amended—

(A) in clause (i)(I), by striking ''investigation and prosecution'' and inserting ''investigation or prosecution, by the United States or a State or local government''; and

(B) in clause (iii)—

(i) by striking ''INVESTIGATION AND PROSECUTION'' and ''investigation and prosecution'' and inserting ''INVESTIGATION OR PROSECUTION'' and ''investigation or prosecution'', respectively;

(ii) in subclause (II), by striking ''and'' at the end;

(iii) in subclause (III), by striking the period and inserting ''; or''; and

(iv) by adding at the end the following new subclause:

''(IV) responding to and cooperating with requests for evidence and information.''.

(2) CLARIFYING ROLES OF ATTORNEY GENERAL AND SECRETARY OF HOMELAND SECURITY.—

(A) Section 107 of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105) is amended—

(i) in subsections (b)(1)(E)(i)(II)(bb), (b)(1)(E)(ii), (e)(5), and (g), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears; and

(ii) in subsection (c), by inserting '', Secretary of Homeland Security,'' after ''Attorney General''.

(B) Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears.

(C) Section 212(d)(13) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(13)) is amended—

(i) in subparagraph (A), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) in subparagraph (B), by striking ''Attorney General'' the first place it appears and inserting ''Secretary of Homeland Security''; and

(iii) in subparagraph (B), by striking ''Attorney General, in the Attorney General's discretion'' and inserting ''Secretary, in the Secretary's discretion''.

(D) Section 101(i) of the Immigration and Nationality Act (8 U.S.C. 1101(i)) is amended—

(i) in paragraph (1), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security, the Attorney General,''; and

(ii) in paragraph (2), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''.

(E) Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' the first place it appears in paragraphs (1) and (2) and in paragraph (5);

(ii) by striking ''Attorney General'' and inserting ''Secretary'' the second place it appears in paragraphs (1) and (2); and

(iii) in paragraph (2), by striking ''Attorney General's'' and inserting ''Secretary's''.

(3) REQUEST BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.—Section 107(c)(3) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(c)(3)) is amended by adding at the end the following: ''State or local law enforcement officials may request that such Federal law enforcement officials permit the continued presence of trafficking victims. If such a request contains a certification that a trafficking victim is a victim of a severe form of trafficking, such Federal law enforcement officials may permit the continued presence of the trafficking victim in accordance with this paragraph.''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b)(1), (c), and (d)(3) shall take effect on the date of the enactment of this Act.

(2) TRANSITION FOR DURATION OF T VISAS.—In the case of an alien who is classified as a nonimmigrant under section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) before the the date of implementation of the amendment made by subsection (b)(2) and whose period of authorized stay was less than 4 years, the authorized period of status of the alien as such a nonimmigrant shall be extended to be 4 years and shall be further extended on a year-by-year basis as provided in section 214(o)(7) of such Act, as added by such amendment.

(3) CERTIFICATION PROCESS.—(A) The amendments made by subsection (d)(1) shall be effective as if included in the enactment of VAWA–2000.

(B) The amendments made by subsection (d)(2) shall be effective as of the applicable date of transfer of authority from the Attorney General to the Secretary of Homeland Security under the Homeland Security Act of 2002 (Public Law 107–296).

SEC. 902. CLARIFICATION OF BASIS FOR RELIEF UNDER HARDSHIP WAIVERS FOR CONDITIONAL PERMANENT RESIDENCE.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended by adding at the end the following: ''An application for relief under this paragraph may be based on one or more grounds specified in subparagraphs (A) through (D) and may be amended at any time to change the ground or grounds for such relief without the application being resubmitted.''.

(b) APPEALS.—Such section is further amended by adding at the end the following: ''Such an application may not be considered if there is a final removal order in effect with respect to the alien.''.

(c) CONFORMING AMENDMENT.—Section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by inserting before the period at the end the following: ''or qualifies for a waiver under section 216(c)(4)''.

(d) EFFECTIVE DATES.—

(1) The amendment made by subsection (a) shall apply to applications for relief pending or filed on or after April 10, 2003.

(2) The amendment made by subsection (b) shall apply to applications for relief filed on or after the date of the enactment of this Act.

SEC. 903. ADJUSTMENT OF STATUS FOR VICTIMS OF TRAFFICKING.

(a) REDUCTION IN REQUIRED PERIOD OF PRESENCE AUTHORIZED.—

(1) IN GENERAL.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) is amended—

(A) in paragraph (1)(A), by inserting ''subject to paragraph (6),'' after ''(A)'';

(B) in paragraph (1)(A), by inserting after ''since'' the following: ''the earlier of (i) the date the alien was granted continued presence under section 107(c)(3) of the Trafficking Victims Protection Act of 2000, or (ii)''; and

(C) by adding at the end the following new paragraph:

''(6) The Secretary of Homeland Security may waive or reduce the period of physical presence required under paragraph (1)(A) for an alien's adjustment of status under this subsection if a Federal, State, or local law enforcement official investigating or prosecuting trafficking described in section 101(a)(15)(T)(i) in relation to the alien or the alien's spouse, child, parent, or sibling certifies that the official has no objection to such waiver or reduction.''.

(2) CONFORMING AMENDMENT.—Section 107(c) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(c)) is amended by adding at the end the following new paragraph:

''(5) CERTIFICATION OF NO OBJECTION FOR WAIVER OR REDUCTION OF PERIOD OF REQUIRED PHYSICAL PRESENCE FOR ADJUSTMENT OF STATUS.—In order for an alien to have the required period of physical presence under paragraph (1)(A) of section 245(l) of the Immigration and Nationality Act waived or reduced under paragraph (6) of such section, a Federal, State, and local law enforcement official investigating or prosecuting trafficking described in section 101(a)(15)(T)(i) in relation to the alien or the alien's spouse, child, parent, or sibling may provide for a certification of having no objection to such waiver or reduction.''.

(b) TREATMENT OF GOOD MORAL CHARACTER.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)), as amended by subsection (a)(1), is amended—

(1) in paragraph (1)(B), by inserting ''subject to paragraph (7),'' after ''(B)''; and

(2) by adding at the end the following new paragraph:

''(7) For purposes of paragraph (1)(B), the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may waive consideration of a disqualification from good moral character described in section 101(f) with respect to an alien if there is a connection between the disqualification and the trafficking with respect to the alien described in section 101(a)(15)(T)(i).''.

(c) ANNUAL REPORT ON TRAINING OF LAW ENFORCEMENT.—

(1) IN GENERAL.—Section 107(g) of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 22 U.S.C. 7105(g)) is amended by adding at the end the following: ''Each such report shall also include statistics regarding the number of law enforcement officials who have been trained in the identification and protection of trafficking victims and certification for assistance as nonimmigrants under section 101(a)(15)(T) of such Act.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to annual reports beginning with the report for fiscal year 2006.

Subtitle B—VAWA Petitioners

SEC. 911. DEFINITION OF VAWA PETITIONER.

(a) IN GENERAL.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraph:

''(51) The term 'VAWA petitioner' means an alien whose application or petition for classification or relief under any of the following provisions (whether as a principal or as a derivative) has been filed and has not been denied after exhaustion of administrative appeals:

''(A) Clause (iii), (iv), or (vii) of section 204(a)(1)(A).

''(B) Clause (ii) or (iii) of section 204(a)(1)(B).

''(C) Subparagraph (C) or (D) of section 216(c)(4).

''(D) The first section of Public Law 89–732 (commonly known as the Cuban Adjustment Act) as a child or spouse who has been battered or subjected to extreme cruelty.

''(E) Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277).

''(F) Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100).

''(G) Section 309(c)(5) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 212(a)(6)(A)(ii)(I) of such Act (8 U.S.C. 1182(a)(6)(A)(ii)(I)) is amended by striking ''qualifies for immigrant status under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1)'' and inserting ''is a VAWA petitioner''.

(2) Section 212(a)(9)(C)(ii) of such Act (8 U.S.C. 1182(a)(9)(C)(ii)) is amended by striking ''to whom the Attorney General has granted classification under clause (iii), (iv), or (v) of section 204(a)(1)(A), or classification under clause (ii), (iii), or (iv) of section 204(a)(1)(B)'' and inserting ''is a VAWA petitioner''.

(3) Subsections (h)(1)(C) and (g)(1)(C) of section 212 (8 U.S.C. 1182) is amended by striking ''qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or classification under clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''is a VAWA petitioner''.

(4) Section 212(i)(1) of such Act (8 U.S.C. 1182(i)(1)) is amended by striking ''an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''a VAWA petitioner''.

(5) Section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by striking ''is an alien who qualifies for classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''is a VAWA petitioner''.

(6) Section 240A(b)(4)(B) of such Act (8 U.S.C. 1229b(b)(4)(B)) is amended by striking ''they were applications filed under section 204(a)(1)(A)(iii), (A)(iv), (B)(ii), or (B)(iii)'' and inserting ''the applicants were VAWA petitioners''.

(7) Section 245(a) of such Act (8 U.S.C. 1255(a)) is amended by striking ''under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or'' and inserting ''as a VAWA petitioner''.

(8) Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended by striking ''under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1)'' and inserting ''as a VAWA petitioner''.

(9) For additional conforming amendments to sections 212(a)(4)(C)(i) and 240(c)(7)(C)(iv)(I) of the Immigration and Nationality Act, see sections 832(b)(2) and 817(a) of this Act.

SEC. 912. SELF-PETITIONING FOR CHILDREN.

(a) SELF-PETITIONING BY CHILDREN OF PARENT-ABUSERS UPON DEATH OR OTHER TERMINATION OF PARENT-CHILD RELATIONSHIP.—

(1) CITIZEN PARENTS.—Section 204(a)(1)(A)(iv) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iv)) is amended—

(A) by striking ''or who'' and inserting ''who''; and

(B) by inserting after ''domestic violence,'' the following: ''or who was a child of a United States citizen parent who within the past 2 years (or, if later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)),''.

(2) LAWFUL PERMANENT RESIDENT PARENTS.—

(A) IN GENERAL.—Section 204(a)(1)(B)(iii) of such Act (8 U.S.C. 1154(a)(1)(B)(iii)) is amended—

(i) by striking ''or who'' and inserting ''who''; and

(ii) by inserting after ''domestic violence,'' the following: ''or who was a child of a lawful permanent resident resident who within the past 2 years (or, if later, two years after the date the child attains 18 years of age) died or otherwise terminated the parent-child relationship (as defined under section 101(b)),''.

(B) CONFORMING TREATMENT OF DECEASED SPOUSES.—Section 204(a)(1)(B)(ii)(II)(aa)(CC) of such Act (8 U.S.C. 1154(a)(1)(B)(ii)(II)(aa)(CC)) is amended—

(i) by redesignating subitems (aaa) and (bbb) as subitems (bbb) and (ccc), respectively; and

(ii) by inserting before subitem (bbb), as so redesignated, the following:

''(aaa) whose spouse died within the past 2 years;''.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendment made by paragraphs (1) and (2) shall take effect on the date of the enactment of this Act.

(B) TRANSITION IN CASE OF CITIZEN PARENTS WHO DIED BEFORE ENACTMENT.—In applying the amendments made by paragraphs (1) and (2)(A) in the case of an alien whose citizen parent or lawful permanent resident parent died or whose parent-child relationship with such parent terminated during the period beginning on October 28, 1998, and ending on the date of the enactment of this Act, the following rules apply:

(i) The reference to ''within the past 2 years'' in section 204(a)(1)(A)(iv) or 204(a)(1)(B)(iii), respectively, of the Immigration and Nationality Act in the matter inserted by such paragraph is deemed to be a reference to such period.

(ii) The petition must be filed under such section within 2 years after the date of the enactment of this Act (or, if later, 2 years after the alien's 18th birthday).

(iii) The determination of eligibility for benefits as a child under such section (including under section 204(a)(1)(D) of the Immigration and Nationality Act by reason of a petition authorized under such section) shall be determined as of the date of the death of the citizen parent or lawful permanent resident parent or the termination of the parent-child relationship.

(b) PROTECTING VICTIMS OF CHILD ABUSE FROM AGING OUT.—

(1) CLARIFICATION REGARDING CONTINUATION OF IMMEDIATE RELATIVE STATUS FOR CHILDREN OF CITIZENS.—Section 204(a)(1)(D)(i)(I) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)(i)(I)) is amended—

(A) by striking ''clause (iv) of section 204(a)(1)(A)'' and inserting ''subparagraph (A)(iv)'' each place it appears; and

(B) by striking ''a petitioner for preference status under paragraph (1), (2), or (3) of section 203(a), whichever paragraph is applicable'' and inserting ''to continue to be treated as an immediate relative under section 201(b)(2)(A)(i), or a petitioner for preference status under section 203(a)(3) if subsequently married''.

(2) CLARIFICATION REGARDING APPLICATION TO CHILDREN OF LAWFUL PERMANENT RESIDENTS.—Section 204(a)(1)(D) of such Act (8 U.S.C. 1154(a)(1)(D)) is amended—

(A) in clause (i)(I)—

(i) by inserting after the first sentence the following new sentence: ''Any child who attains 21 years of age who has filed a petition under subparagraph (B)(iii) that was filed or approved before the date on which the child attained 21 year of age shall be considered (if the child has not been admitted or approved for lawful permanent residence by the date the child attained 21 years of age) a petitioner for preference status under section 203(a)(2)(A), with the same priority date assigned to the self-petition filed under such subparagraph.''; and

(ii) in the last sentence, by inserting ''in either such case'' after ''shall be required to be filed'';

(B) in clause (i)(III), by striking ''paragraph (1), (2), or (3) of section 203(a)'' and inserting ''section 203(a)(2)(A)''; and

(C) in clause (ii), by striking ''(A)(iii), (A)(iv),''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed before, on, or after the date of the enactment of VAWA–2000.

(c) CLARIFICATION OF NO SEPARATE ADJUSTMENT APPLICATION FOR DERIVATIVE CHILDREN.—

(1) IN GENERAL.—Section 245(a) of the Immigration and Nationality Act (8 U.S.C. 1255(a)) is amended by adding at the end the following: ''In the case of a petition under clause (ii), (iii), or (iv) of section 204(a)(1)(A) that includes an individual as a derivative child of a principal alien, no adjustment application other than the adjustment application of the principal alien shall be required for adjustment of status of the individual under this subsection or subsection (c).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

(d) LATE PETITION PERMITTED FOR ADULTS ABUSED AS CHILDREN.—

(1) IN GENERAL.—Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)), is amended by adding at the end the following new clause:

''(iv) In the case of an alien who qualified to petition under subparagraph (A)(iv) or (B)(iii) as of the date the individual attained 21 years of age, the alien may file a petition under such respective subparagraph notwithstanding that the alien has attained such age or been married so long as the petition is filed before the date the individual attains 25 years of age. In the case of such a petition, the alien shall remain eligible for adjustment of status as a child notwithstanding that the alien has attained 21 years of age or has married, or both.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of

the enactment of this Act and shall apply to individuals who attain 21 years of age on or after the date of the enactment of VAWA–2000.

SEC. 913. SELF-PETITIONING PARENTS.

(a) IN GENERAL.—Section 204(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) is amended by adding at the end the following new clause:

''(vii) An alien who—

''(I) is the parent of a citizen of the United States or was a parent of a citizen of the United States who within the past 2 years lost or renounced citizenship status related to battering or extreme cruelty by the United States citizen son or daughter or who within the past two years died;

''(II) is a person of good moral character;

''(III) is eligible to be classified as an immediate relative under section 201(b)(2)(A)(i) by virtue of the alien's relationship to the son or daughter referred to in subclause (I); and

''(IV) resides, or has resided in the past, with the citizen daughter or son;

may file a petition with the Secretary of Homeland Security under this subparagraph for classification of the alien under such section if the alien demonstrates that the alien has been battered by or has been the subject of extreme cruelty perpetrated by the alien's citizen son or daughter.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 914. PROMOTING CONSISTENCY IN VAWA ADJUDICATIONS.

(a) IN GENERAL.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)(iii)(II)(aa)(CC)(bbb), by striking ''an incident of domestic violence'' and inserting ''battering or extreme cruelty by the United States citizen spouse'';

(2) in subparagraph (A)(iv), by striking ''an incident of domestic violence'' and inserting ''battering or extreme cruelty by such parent'';

(3) in subparagraph (B)(ii)(II)(aa)(CC)(bbb), as redesignated by section 912(a)(2)(B)(i), by striking ''due to an incident of domestic violence'' and inserting ''related to battering or extreme cruelty by the lawful permanent resident spouse''; and

(4) in subparagraph (B)(iii), by striking ''due to an incident of domestic violence'' and inserting ''related to battering or extreme cruelty by such parent''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of VAWA–2000.

SEC. 915. RELIEF FOR CERTAIN VICTIMS PENDING ACTIONS ON PETITIONS AND APPLICATIONS FOR RELIEF.

(a) RELIEF.—

(1) LIMITATION ON REMOVAL OR DEPORTATION.—Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended by adding at the end the following new subsection:

''(d)(1) In the case of an alien in the United States for whom a petition as a VAWA petitioner has been filed, if the petition sets forth a prima facie case for approval, the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may grant the alien deferred action until the petition is approved or the petition is denied after exhaustion of administrative appeals. In the case of the approval of such petition, such deferred action may be extended until a final determination is made on an application for adjustment of status.

''(2) In the case of an alien in the United States for whom an application for nonimmigrant status (whether as a principal or derivative child) under subparagraph (T) or (U) of section 101(a)(15) has been filed, if the application sets forth a prima facie case for approval, the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, may grant the alien deferred action until the application is approved or the application is denied after exhaustion of administrative appeals.

''(3) During a period in which an alien is provided deferred action under this subsection, the alien shall not be removed or deported. ''.

(2) LIMITATION ON DETENTION.—Section 236 of such Act (8 U.S.C. 1226) is amended by adding at the end the following new subsection:

''(f) LIMITATION ON DETENTION OF CERTAIN VICTIMS OF VIOLENCE.—(1) An alien for whom a petition as a VAWA petitioner has been approved or for whom an application for nonimmigrant status (whether as a principal or derivative child) under subparagraph (T) or (U) of section 101(a)(15) has been approved, subject to paragraph (2), the alien shall not be detained if the only basis for detention is a ground for which—

''(A) a waiver is provided under section 212(h), 212(d)(13), 212(d)(14), 237(a)(7), or 237(a)(2)(a)(V); or

''(B) there is an exception under section 204(a)(1)(C).

''(2) Paragraph (1) shall not apply in the case of detention that is required under subsection (c) or section 236A.''.

(3) EMPLOYMENT AUTHORIZATION.—

(A) FOR VAWA PETITIONERS.—Section 204(a)(1) of such Act (8 U.S.C. 1154(a)(1)) is amended by adding at the end the following:

''(K)(i) In the case of an alien for whom a petition as a VAWA petitioner is approved, the alien is eligible for work authorization and shall be provided an 'employment authorized' endorsement or other appropriate work permit.''.

(B) FOR ALIENS WITH APPROVED T VISAS.—Section 214(o) of such Act (8 U.S.C. 1184(o)), as amended by section 901(b)(2), is amended by adding at the end the following new paragraph:

''(8) In the case of an alien for whom an application for nonimmigrant status (whether as a principal or derivative) under section 101(a)(15)(T) has been approved, the alien is eligible for work authorization and shall be provided an 'employment authorized' endorsement or other appropriate work permit.''.

(4) PROCESSING OF APPLICATIONS.—Section 204(a)(1)(K) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(K)), as added by paragraph (3)(A), is amended by adding at the end the following:

''(ii) A petition as a VAWA petitioner shall be processed without regard to whether a proceeding to remove or deport such alien is brought or pending.''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to petitions and applications filed before, on, or after such date.

(b) APPLICANTS FOR CANCELLATION OF REMOVAL OR SUSPENSION OF DEPORTATION.—

(1) IN GENERAL.—Section 240A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)) is amended by adding at the end the following new subparagraph:

''(E) RELIEF WHILE APPLICATION PENDING.—In the case of an alien who has applied for relief under this paragraph and whose application sets forth a prima facie case for such relief or who has filed an application for relief under section 244(a)(3) (as in effect on March 31, 1997) that sets forth a prima facie case for such relief—

''(i) the alien shall not be removed or deported until the application has been approved or, in the case it is denied, until all opportunities for appeal of the denial have been exhausted; and

''(ii) such an application shall be processed without regard to whether a proceeding to remove or deport such alien is brought or pending.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date.

SEC. 916. ACCESS TO VAWA PROTECTION REGARDLESS OF MANNER OF ENTRY.

(a) FIANCEES.—

(1) SELF-PETITIONING.—Section 204(a)(1)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(iii)) is amended—

(A) in subclause (I)(bb), by inserting after ''during the marriage'' the following: ''or relationship intended by the alien to be legally a marriage or to conclude in a valid marriage'';

(B) in subclause (II)(aa)—

(i) by striking ''or'' at the end of subitem (BB);

(ii) by inserting ''or'' at the end of subitem (CC); and

(iii) by adding at the end the following new subitem:

''(DD) who entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or child of the alien) was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section;'';

(C) in subclause (II)(cc), by striking ''or who'' and inserting '', who'' and by inserting before the semicolon at the end the following: '', or who is described in subitem (aa)(DD)''; and

(D) in subclause (II)(dd), by inserting ''or who is described in subitem (aa)(DD)'' before the period at the end.

(2) EXCEPTION FROM REQUIREMENT TO DEPART.—Section 214(d) of such Act (8 U.S.C. 1184(d)) is amended by inserting before the period at the end the following: ''unless the alien (and the child of the alien) entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien or child was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to aliens admitted before, on, or after such date.

(b) SPOUSES WHO ARE CONDITIONAL PERMANENT RESIDENTS.—

(1) IN GENERAL.—Section 245(d) of the Immigration and Nationality Act (8 U.S.C. 1255(d)) is amended—

(A) by inserting ''(1)'' after ''(d)''; and

(B) by adding at the end the following new paragraph:

''(2) Paragraph (1) shall not apply to an alien who seeks adjustment of status on the basis of an approved petition for classification as a VAWA petitioner.''.

(2) CONFORMING APPLICATION IN CANCELLATION OF REMOVAL.—Section 240A(b)(2)(A)(i) of such Act (8 U.S.C. 1229b(b)(2)(A)(i)) is amended—

(A) by striking ''or'' at the end of subclause (II);

(B) by adding ''or'' at the end of subclause (III); and

(C) by adding at the end the following new subclause:

''(IV) the alien entered the United States as an alien described in section 101(a)(15)(K) with the intent to enter into a valid marriage and the alien (or the child of the alien who is described in such section) was battered or subject to extreme cruelty in the United States by the United States citizen who filed the petition to accord status under such section;''.

(3) EXCEPTION TO RESTRICTION ON ADJUSTMENT OF STATUS.—The second sentence of section 245(d)(1) of such Act (8 U.S.C. 1255(d)(1)), as designated by paragraph (1)(A), is amended by inserting ''who is not described in section 204(a)(1)(A)(iii)(II)(aa)(DD)'' after ''alien described in section 101(a)(15)(K)''.

(4) APPLICATION UNDER SUSPENSION OF DEPORTATION.—Section 244(a)(3) of such Act (as in effect on March 31, 1997) shall be applied (as if in effect on such date) as if the phrase ''is described in section 240A(b)(2)(A)(i)(IV) or'' were inserted before ''has been battered'' the first place it appears.

(5) EFFECTIVE DATE.—The amendments made by this subsection, and the provisions of paragraph (4), shall take effect on the date of the enactment of this Act and shall apply to applications for adjustment of status, for cancellation of removal, or for suspension of deportation filed before, on, or after such date.

(c) INFORMATION ON CERTAIN CONVICTIONS AND LIMITATION ON PETITIONS FOR K NONIMMIGRANT PETITIONERS.—Section 214(d) of the Immigration and Nationality Act (8 U.S.C. 1184(d)) is amended—

(1) by striking ''(d)'' and inserting ''(d)(1)'';

(2) by inserting after the second sentence the following: ''Such information shall include information on any criminal convictions of the petitioner for domestic violence, sexual assault, or child abuse.''; and

(3) by adding at the end the following:

''(2)(A) Subject to subparagraph (B), a consular officer may not approve a petition under paragraph (1) unless the officer has verified that—

''(i) the petitioner has not, previous to the pending petition, petitioned under paragraph (1) with respect to more than 2 applying aliens; and

''(ii) if the petitioner has had such a petition previously approved, 2 years have elapsed since the filing of such previously approved petition.

''(B) The Secretary of Homeland Security may, in the discretion of the Secretary, waive the limitation in subparagraph (A), if justification exists for such a waiver.

''(3) For purposes of this subsection—

''(A) the term 'child abuse' means a felony or misdemeanor crime, as defined by Federal or State law, committed by an offender who is a stranger to the victim, or committed by an offender who is known by, or related by blood or marriage to, the victim, against a victim who has not attained the lesser of—

''(i) 18 years of age; or

''(ii) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides; and

''(B) the terms 'domestic violence' and 'sexual assault' have the meaning given such terms in section 2003 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–2).''.

(d) SPOUSES AND CHILDREN OF ASYLUM APPLICANTS UNDER ADJUSTMENT PROVISIONS.—

(1) IN GENERAL.—Section 209(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1159(b)(3)) is amended—

(A) by inserting ''(A)'' after ''(3)''; and

(B) by adding at the end the following:

''(B) was the spouse of a refugee within the meaning of section 101(a)(42)(A) at the time the asylum application was granted and who was battered or was the subject of extreme cruelty perpetrated by such refugee or whose child was battered or subjected to extreme cruelty by such refugee (without the active participation of such spouse in the battery or cruelty), or

''(C) was the child of a refugee within the meaning of section 101(a)(42)(A) at the time of the filing of the asylum application and who was battered or was the subject of extreme cruelty perpetrated by such refugee,''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and—

(A) section 209(b)(3)(B) of the Immigration and Nationality Act, as added by paragraph (1)(B), shall apply to spouses of refugees for whom an asylum application is granted before, on, or after such date; and

(B) section 209(b)(3)(C) of such Act, as so added, shall apply with respect to the child of a refugee for whom an asylum application is filed before, on, or after such date.

(e) VISA WAIVER ENTRANTS.—

(1) IN GENERAL.—Section 217(b)(2) of such Act (8 U.S.C. 1187(b)(2)) is amended by inserting after ''asylum,'' the following: ''as a VAWA petitioner, or for relief under subparagraph (T) or (U) of section 101(a)(15), under section 240A(b)(2), or under section 244(a)(3) (as in effect on March 31, 1997),''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to waivers provided under section 217(b)(2) of the Immigration and Nationality Act before, on, or after such date as if it had been included in such waivers.

(f) EXCEPTION FROM FOREIGN RESIDENCE REQUIREMENT FOR EDUCATIONAL VISITORS.—

(1) IN GENERAL.—Section 212(e) of such Act (8 U.S.C. 1182(e)) is amended, in the matter before the first proviso, by inserting ''unless the alien is a VAWA petitioner or an applicant for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15)'' after ''for an aggregate of a least two years following departure from the United States''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply to aliens regardless of whether the foreign residence requirement under section 212(e) of the Immigration and Nationality Act arises out of an admission or acquisition of status under section 101(a)(15)(J) of such Act before, on, or after the date of the enactment of this Act.

SEC. 917. ELIMINATING ABUSERS' CONTROL OVER APPLICATIONS FOR ADJUSTMENTS OF STATUS.

(a) APPLICATION OF MOTIONS TO REOPEN FOR ALL VAWA PETITIONERS.—Section 240(c)(7)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1230(c)(7)(C)(iv)), as redesignated by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended—

(1) in subclause (I), by striking ''under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''as a VAWA petitioner''; and

(2) in subclause (II), by inserting ''or adjustment of status'' after ''cancellation of removal''.

(b) APPLICATION OF VAWA DEPORTATION PROTECTIONS FOR TRANSITIONAL RELIEF TO ALL VAWA PETITIONERS.—Section 1506(c)(2) of the Violence Against Women Act of 2000 (8 U.S.C. 1229a note) is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

''(i) if the basis of the motion is to apply for relief as a VAWA petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)) or under section 244(a)(3) of such Act (8 U.S.C. 1254(a)(3)); and''; and

(B) in clause (ii), by inserting ''or adjustment of status'' after ''suspension of deportation''; and

(2) in subparagraph (B)(ii), by striking ''for relief'' and all that follows through ''1101 note))'' and inserting ''for relief described in subparagraph (A)(i)''.

(c) APPLICATION OF VAWA-RELATED RELIEF UNDER SECTION 202 OF NACARA.—Section 202(d)(1) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100) is amended—

(1) in subparagraph (B)(ii), by inserting '', or was eligible for adjustment,'' after ''whose status is adjusted''; and

(2) in subparagraph (E), by inserting after ''April 1, 2000'' the following: '', or, in the case of an alien who qualifies under subparagraph (B)(ii), applies for such adjustment during the 18-month period beginning on the date of enactment of the Violence Against Women Act of 2005'' .

(d) PETITIONING RIGHTS OF CERTAIN FORMER SPOUSES UNDER CUBAN ADJUSTMENT.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) is amended by adding at the end the following: ''An alien who was the spouse of any Cuban alien described in this section and has resided with such spouse shall continue to be treated as such a spouse for 2 years after the date on which the Cuban alien dies (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005), or for 2 years after the date of termination of the marriage (or, if later, 2 years after the date of enactment of Violence Against Women Act of 2005) if the alien demonstrates a connection between the termination of the marriage and the battering or extreme cruelty by the Cuban alien.''.

(e) SELF-PETITIONING RIGHTS OF HRIFA APPLICANTS.—Section 902(d)(1)(B) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538; 8 U.S.C. 1255 note), as amended by section 1511(a) of VAWA–2000, is amended—

(1) in clause (i), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification''; and

(2) in clause (ii), by striking ''whose status is adjusted to that of an alien lawfully admitted for permanent residence'' and inserting ''who is or was eligible for classification''.

(f) SELF-PETITIONING RIGHTS UNDER SECTION 203 OF NACARA.—Section 309 of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note), as amended by section 203(a) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100), is amended—

(1) in subsection (c)(5)(C)(i)(VII)(aa), as amended by section 1510(b) of VAWA–2000—

(A) by striking ''or'' at the end of subitem (BB);

(B) by striking ''and'' at the end of subitem (CC) and inserting ''or''; and

(C) by adding at the end the following new subitem:

''(DD) at the time at which the spouse or child files an application for suspension of deportation or cancellation of removal; and''; and

(2) in subsection (g)—

(A) by inserting ''(1)'' before ''Notwithstanding'';

(B) by inserting ''subject to paragraph (2),'' after ''section 101(a) of the Immigration and Nationality Act)),''; and

(C) by adding at the end the following new paragraph:

''(2) There shall be no limitation on a motion to reopen removal or deportation proceedings in the case of an alien who is described in subclause (VI) or (VII) of subsection (c)(5)(C)(i). Motions to reopen removal or deportation proceedings in the case of such an alien shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii) of the Immigration and Nationality Act.''.

(g) LIMITATION ON PETITIONING FOR ABUSER.—Section 204(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)), as amended by section 915(a)(3)(A), is amended by adding at the end the following new subparagraph:

''(L) Notwithstanding the previous provisions of this paragraph, an individual who was a VAWA petitioner or who had the status of a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15) may not file a petition for classification under this section or section 214 to classify any person who committed the battery or extreme cruelty or trafficking against the individual (or the individual's child) which established the individual's (or individual's child's) eligibility as a VAWA petitioner or for such nonimmigrant status.''.

(h) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 918. PAROLE FOR VAWA PETITIONERS AND FOR DERIVATIVES OF TRAFFICKING VICTIMS.

(a) IN GENERAL.—Section 240A(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(4)) is amended—

(1) in the heading, by striking ''CHILDREN OF BATTERED ALIENS'' and inserting ''BATTERED ALIENS, CHILDREN OF BATTERED ALIENS, AND DERIVATIVE FAMILY MEMBERS OF TRAFFICKING VICTIMS,'';

(2) in subparagraph (A)—

(A) by striking ''or'' at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting a semicolon; and

(C) by adding at the end the following new clauses:

''(iii) VAWA petitioner whose petition was approved based on having been battered or subjected to extreme cruelty by a United States citizen spouse, parent, or son or daughter and who is admissible and eligible for an immigrant visa;

''(iv) VAWA petitioner whose petition was approved based on having been battered or subjected to extreme cruelty by a lawful permanent resident spouse or parent, who is admissible and would be eligible for an immigrant visa but for the fact that an immigrant visa is not immediately available to the alien, and who filed a petition for classification under section 204(a)(1)(B), if at least 3 years has elapsed since the petitioner's priority date; or

''(v) an alien whom the Secretary of State determines would, but for an application or approval, meet the conditions for approval as a nonimmigrant described in section 101(a)(15)(T)(ii).''; and

(3) in subparagraph (B)—

(A) in the first sentence, by striking ''The grant of parole'' and inserting ''(i) The grant of parole under subparagraph (A)(i) or (A)(ii)'';

(B) in the second sentence, by striking ''covered under this paragraph'' and inserting ''covered under such subparagraphs'';

(C) in the last sentence, by inserting ''of subparagraph (A)'' after ''clause (i) or (ii)''; and

(D) by adding at the end the following new clauses:

''(ii) The grant of parole under subparagraph (A)(iii) or (A)(iv) shall extend from the date of approval of the applicable petition to the time the application for adjustment of status filed by aliens covered under such subparagraphs has been finally adjudicated. Applications for adjustment of status filed by aliens covered under such subparagraphs shall be treated as if they were applications filed under section 204(a)(1)(A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c).

''(iii) The grant of parole under subparagraph (A)(v) shall extend from the date of the determination of the Secretary of State described in such subparagraph to the time the application for status under section 101(a)(15)(T)(ii) has been finally adjudicated. Failure by such an alien to exercise due diligence in filing a visa petition on the alien's behalf may result in revocation of parole.''.

(b) CONFORMING REFERENCE.—Section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)) is amended by adding at the end the following new subparagraph:

''(C) Parole is provided for certain battered aliens, children of battered aliens, and parents of battered alien children under section 240A(b)(4).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 919. EXEMPTION OF VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND TRAFFICKING FROM SANCTIONS FOR FAILURE TO DEPART VOLUNTARILY.

(a) IN GENERAL.—Section 240B(d) of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended—

(1) by striking ''If'' and inserting ''(1) Subject to paragraph (2), if''; and

(2) by adding at the end the following new paragraph:

''(2) The ineligibility for relief under paragraph (1) shall not apply to an alien who is a VAWA petitioner, who is seeking status as a nonimmigrant under subparagraph (T) or (U) of section 101(a)(15), or who is an applicant for relief under section 240A(b)(2) or under section 244(a)(3) (as in effect on March 31, 1997), if there is a connection between the failure to voluntarily depart and the battery or extreme cruelty, trafficking, or criminal activity, referred to in the respective provision.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if included in the enactment of the Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) and shall apply to failures to depart voluntarily occurring before, on, or after the date of the enactment of this Act.

SEC. 920. CLARIFICATION OF ACCESS TO NATURALIZATION FOR VICTIMS OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended by inserting after ''extreme cruelty by a United States citizen spouse or parent'' the following: '', regardless of whether the lawful permanent resident status was obtained on the basis of such battery or cruelty''.

(b) USE OF CREDIBLE EVIDENCE.—Such section is further amended by adding at the end the following: ''The provisions of section 204(a)(1)(J) shall apply in acting on an application under this subsection in the same manner as they apply in acting on petitions referred to in such section.''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications for naturalization filed before, on, or after the date of the enactment of this Act.

SEC. 921. PROHIBITION OF ADVERSE DETERMINATIONS OF ADMISSIBILITY OR DEPORTABILITY BASED ON PROTECTED INFORMATION.

(a) APPLICATION OF RESTRICTIONS ON ADDITIONAL DEPARTMENTS.—Section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1367) is amended—

(1) in subsection (a), as amended by section 1513(d) of VAWA–2000—

(A) in the matter before paragraph (1), by striking ''(including any bureau or agency of such Department)'' and inserting '', or the Secretary of Homeland Security, the Secretary of State, the Secretary of Health and Human Services, or the Secretary of Labor or any other official or employee of the Department of Homeland Security, the Department of State, the Department of Health and Human Services, or the Department of Labor (including any bureau or agency of any such Department)''; and

(B) in paragraph (2), by striking ''of the Department,'' and inserting ''of any such Department,''; and

(2) in subsection (b)—

(A) in paragraphs (1), by striking ''The Attorney General may provide, in the Attorney General's discretion'' and inserting ''The Attorney General, Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and Secretary of Labor may provide, in each's discretion'';

(B) in paragraph (2), by striking ''The Attorney General may provide in the discretion of the Attorney General'' and inserting ''The Attorney General, Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and the Secretary of Labor may provide, in each's discretion''; and

(C) in paragraph (5), by striking ''is authorized to disclose'' and inserting '', Secretary of Homeland Security, Secretary of State, Secretary of Health and Human Services, and Secretary of Labor, or Attorney General may disclose''.

(b) INCREASING SCOPE OF ALIENS AND INFORMATION PROTECTED.—Subsection (a) of such section is amended—

(1) in paragraph (1)—

(A) in the matter before subparagraph (A), by striking ''furnished solely by'' and inserting ''furnished by or derived from information provided solely by'';

(B) by striking ''or'' at the end of subparagraph (D);

(C) by adding ''or'' at the end of subparagraph (E); and

(D) by inserting after subparagraph (E) the following new subparagraph:

''(F) in the case of an alien applying for continued presence as a victim of trafficking under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Protection Act of 2000 or status under section 101(a)(15)(T) of the Immigration and Nationality Act, the trafficker or perpetrator,''; and

(2) in paragraph (2)—

(A) by striking ''under clause (iii) or (iv) of section 204(a)(1)(A), clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''as a VAWA petitioner (as defined in section 101(a)(51) of the Immigration and Nationality Act), or under''; and

(B) by striking ''or section 244(a)(3) of such Act as an alien (or the parent of a child) who has been battered or subjected to extreme cruelty.'' and inserting the following: '', section 101(a)(15)(T), section 214(c)(15), or section 240A(b)(2) of such Act, or section 244(a)(3) of such Act (as in effect on March 31, 1997), or for continued presence as a victim of trafficking under section 107(b)(1)(E)(i)(II)(bb) of the Trafficking Protection Act of 2000, or any derivative of the alien;''.

(c) PROVIDING FOR CONGRESSIONAL REVIEW.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

''(6) Subsection (a) shall not apply to prevent the Attorney General and the Secretary of Homeland Security from disclosing to the chairmen and ranking members of the Judiciary Committees of the House of Representatives and of the Senate in the exercise of Congressional oversight authority information on closed cases under this section in a manner that protects the confidentiality of such information and that omits personally identifying information (including locational information about individuals).''.

(d) APPLICATION TO JUVENILE SPECIAL IMMIGRANTS.—Subsection (a) of such section, as amended by subsection (b)(2)(B), is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by adding ''or'' at the end of paragraph (2); and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) in the case of an alien described in section 101(a)(27)(J) of the Immigration and Nationality Act who has been abused, neglected, or abandoned, contact the alleged abuser (or family member of the alleged abuser) at any stage of applying for special immigrant juvenile status, including after a request for the consent of the Secretary of Homeland Security under clause (iii)(I) of such section.''.

(e) IMPROVED ENFORCEMENT.—Subsection (c) of such section is amended by adding at the end the following: ''The Office of Professional Responsibility in the Department of Justice shall be responsible for carrying out enforcement under the previous sentence.''.

(f) CERTIFICATION OF COMPLIANCE IN REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 239 of the Immigration and Nationality Act (8 U.S.C. 1229) is amended by adding at the end the following new subsection:

''(e) CERTIFICATION OF COMPLIANCE WITH RESTRICTIONS ON DISCLOSURE.—Removal proceedings shall not be initiated against an alien unless there is a certification of either of the following:

''(1) No enforcement action was taken leading to such proceedings against the alien—

''(A) at a domestic violence shelter, a victims services organization or program (as described in section 2003(8) of the Omnibus Crime Control and Safe Streets Act of 1968), a rape crisis center, a family justice center, or a supervised visitation center; or

''(B) at a courthouse (or in connection with the appearance of the alien at a courthouse) if the alien is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or if the alien is described in subparagraph (T) or (U) of section 101(a)(15).

''(2) Such an enforcement action was taken, but the provisions of section 384(a)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 have been complied with.''.

(2) COMPLIANCE.—Section 384(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1367(c)) is amended by inserting ''or who knowingly makes a false certification under section 239(e) of the Immigration and Nationality Act'' after ''in violation of this section''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations or disclosures made on or after such date.

SEC. 922. INFORMATION FOR K NONIMMIGRANTS ABOUT LEGAL RIGHTS AND RESOURCES FOR IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop consistent and accurate materials, including an information pamphlet described in subsection (b), on legal rights and resources for immigrant victims of domestic violence for dissemination to applicants for K nonimmigrant visas. In preparing such materials, the Secretary shall consult with non-governmental organizations with expertise on the legal rights of immigrant victims of battery, extreme cruelty, sexual assault and other crimes.

(b) INFORMATION PAMPHLET.—The information pamphlet developed under subsection (a) shall include information on the following:

(1) The K nonimmigrant visa application process and the marriage-based immigration process, including conditional residence and adjustment of status.

(2) The illegality of domestic violence, sexual assault, and child abuse in the United States and the dynamics of domestic violence.

(3) Domestic violence and sexual assault services in the United States, including the National Domestic Violence Hotline and the National Sexual Assault Hotline.

(4) The legal rights of immigrant victims of abuse and other crimes in immigration, criminal justice, family law, and other matters.

(5) The obligations of parents to provide child support for children.

(6) Marriage fraud under United States immigration laws and the penalties for committing such fraud.

(7) A warning concerning the potential use of K nonimmigrant visas by individuals who have a history of committing domestic violence, sexual assault, or child abuse.

(c) SUMMARIES.—The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall develop summaries of the pamphlet developed under subsection (a) that shall be used by consular officers when reviewing the pamphlet in interviews under section (e)(2).

(d) TRANSLATION.—

(1) IN GENERAL.—In order to best serve the language groups having the greatest concentration of K nonimmigrant visa applicants, the information pamphlet under subsection (b) shall, subject to paragraph (2), be translated by the Secretary of State into the following languages: Russian, Spanish, Tagalog, Vietnamese, Chinese, Ukrainian, Thai, Korean, Polish, Japanese, French, Arabic, Portuguese, and Hindi.

(2) REVISION.—Every two years, the Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, shall determine the specific languages into which the information pamphlet is translated based on the languages spoken by the greatest concentrations of K nonimmigrant visa applicants.

(e) AVAILABILITY AND DISTRIBUTION.—The information pamphlet developed under subsection (a) shall be made available and distributed as follows:

(1) MAILINGS TO K NONIMMIGRANT VISA APPLICANTS.—

(A) The pamphlet shall be mailed by the Secretary of State to each applicant for a K nonimmigrant visa at the same time that the instruction packet regarding the visa application process is mailed to such applicant. The pamphlet so mailed shall be in the primary language of the applicant, or in English if no translation into the applicant's primary language is available.

(B) In addition, in the case of an applicant for a nonimmigrant visa under section 101(a)(15)(K)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)) the Secretary of Homeland Security shall provide to the Secretary of State, for inclusion in the mailing under subparagraph (A), a copy of the petition submitted by the petitioner for such applicant under section 214(d) of such Act (8 U.S.C. 1184(d)).

(C) The Secretary of Homeland Security shall provide to the Secretary of State any criminal background information the Secretary of Homeland Security possesses with respect to a petitioner under such section 214(d). The Secretary of State, in turn, shall share any such criminal background information that is in the public record with the nonimmigrant visa applicant who is the beneficiary of the petition. The visa applicant shall be informed that such criminal background information is based on available records and may not be complete. The Secretary of State also shall provide for the disclosure of such criminal background information to the visa applicant at the consular interview in the primary language of the visa applicant. Nothing in this subparagraph shall be construed to authorize the Secretary of Homeland Security to conduct any new or additional criminal background check that is not otherwise conducted in the course of adjudicating such petitions.

(2) CONSULAR INTERVIEWS.—The pamphlet shall be distributed directly to K nonimmigrant visa applicants at all consular interviews for such visas. The consular officer conducting the visa interview shall review the pamphlet and summary with the applicant orally in the applicant's primary language, in addition to distributing the pamphlet to the applicant in English.

(3) CONSULAR ACCESS.—The pamphlet shall be made available to the public at all consular posts. Summaries of the pamphlets under subsection (c) shall be made available to foreign service officers at all consular posts.

(4) POSTING ON STATE DEPARTMENT WEBSITE.—The pamphlet shall be posted on the website of the Department of State as well as on the websites of all consular posts processing K nonimmigrant visa applications.

(f) K NONIMMIGRANT DEFINED.—For purposes of this section, the term ''K nonimmigrant visa'' means a nonimmigrant visa under clause (i) or (ii) of section 101(a)(15)(K) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)).

SEC. 923. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to provide for adjudication of petitions and adjustment applications of VAWA petitioners (as defined in section 101(a)(51) of the Immigration and Nationality Act, as added by section 911(a)) and of aliens seeking status as nonimmigrants under subparagraph (T) or (U) of section 101(a)(15) of such Act.

Subtitle C—Miscellaneous Provisions

SEC. 931. REMOVING 2 YEAR CUSTODY AND RESIDENCY REQUIREMENT FOR BATTERED ADOPTED CHILDREN.

(a) IN GENERAL.—Section 101(b)(1)(E)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(E)(i)) is amended by inserting after ''at least two years'' the following: ''or if the child has been battered or subject to extreme cruelty by the adopting parent or by a family member of the adopting parent residing in the same household''.

(b) CONFORMING NATURALIZATION AMENDMENT.—Section 320(a)(3) of such Act (8 U.S.C. 1431(a)(3)) is amended by inserting before the period at the end the following: ''or the child is residing in the United States pursuant to a lawful admission for permanent residence and has been battered or subject to extreme cruelty by the citizen parent or by a family member of the citizen parent residing in the same household ''

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications pending or filed on or after such date.

SEC. 932. WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY FOR VAWA PETITIONERS.

(a) WAIVER OF FALSE CLAIM OF U.S. CITIZENSHIP.—

(1) IN GENERAL.—Section 212(i)(1) of such Act (8 U.S.C. 1182(i)(1)) is amended by inserting ''(and, in the case of a VAWA petitioner who demonstrates a connection between the false claim of United States citizenship and the petitioner being subjected to battery or extreme cruelty, clause (ii))'' after ''clause (i)''.

(2) CONFORMING REFERENCE.—Section 212(a)(6)(C)(iii) of such Act (8 U.S.C. 1182(a)(6)(C)(iii)) is amended by striking ''clause (i)'' and inserting ''clauses (i) and (ii)''.

(b) EXEMPTION FROM PUBLIC CHARGE GROUND.—

(1) IN GENERAL.—Section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) is amended by adding at the end the following new subparagraph:

''(E) SPECIAL RULE FOR BATTERED ALIENS.—Subparagraphs (A) through (C) shall not apply to an alien who is a VAWA petitioner or is a qualified alien described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.''.

(2) CONFORMING AMENDMENT.—Section 212(a)(4)(C)(i) of such Act (8 U.S.C. 1182(a)(4)(C)(i)) is amended to read as follows:

''(i) the alien is described in subparagraph (E); or''.

(c) EFFECTIVE DATE.—Except as provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply regardless of whether the conviction was entered, crime, or disqualifying event occurred before, on, or after such date.

SEC. 933. EMPLOYMENT AUTHORIZATION FOR BATTERED SPOUSES OF CERTAIN NONIMMIGRANTS.

(a) IN GENERAL.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)), as amended by sections 403(a) and 404(a) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended by adding at the end the following new paragraph:

''(15) In the case of an alien spouse admitted under subparagraph (A), (E)(iii), (G), or (H) of section 101(a)(15) who is accompanying or following to join a principal alien admitted under subparagraph (A), (E)(iii), (G), or (H)(i) of such section, respectively, the Secretary of Homeland Security shall authorize the alien spouse to engage in employment in the United States and provide the spouse with an 'employment authorized' endorsement or other appropriate work permit if the alien spouse demonstrates that during the marriage the alien spouse or a child of the alien spouse has been battered or has been the subject to extreme cruelty perpetrated by the spouse of the alien spouse. Requests for

relief under this paragraph shall be handled under the procedures that apply to aliens seeking relief under section 204(a)(1)(A)(iii).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to aliens who obtained the status of an alien spouse before, on, or after such date.

SEC. 934. GROUNDS FOR HARDSHIP WAIVER FOR CONDITIONAL PERMANENT RESIDENCE FOR INTENDED SPOUSES.

(a) IN GENERAL.—Section 216(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1186a(c)(4)) is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting '', or''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) the alien meets the requirements under section 204(a)(1)(A)(iii)(II)(aa)(BB) and following the marriage ceremony has been battered by or was subject to extreme cruelty perpetrated by his or her intended spouse and was not at fault in failing to meet the requirements of paragraph (1).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if included in the enactment of VAWA–2000.

SEC. 935. CANCELLATION OF REMOVAL.

(a) CLARIFYING APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY IN CANCELLATION OF REMOVAL.—

(1) IN GENERAL.—Section 240A(b) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)) is amended—

(A) in paragraph (1)(C)—

(i) by inserting ''subject to paragraph (5),'' after ''(C)''; and

(ii) by striking ''(except in a case described in section 237(a)(7) where the Attorney General exercises discretion to grant a waiver)'';

(B) in paragraph (2)(A), by amending clause (iv) to read as follows:

''(iv) subject to paragraph (5), the alien is not inadmissible under paragraph (2) or (3) of section 212(a), is not removable under paragraph (2), (3)(D), or (4) of section 237(a), and is not removable under section 237(a)(1)(G) (except if there was a connection between the marriage fraud described in such section and the battery or extreme cruelty described in clause (i)); and''; and

(C) by adding at the end the following new paragraph:

''(5) APPLICATION OF DOMESTIC VIOLENCE WAIVER AUTHORITY.—The provisions of section 237(a)(7) shall apply in the application of paragraphs (1)(C) and (2)(A)(iv) (including waiving grounds of deportability) in the same manner as they apply under section 237(a). In addition, for purposes of such paragraphs and in the case of an alien who has been battered or subjected to extreme cruelty and if there was a connection between the inadmissibility or deportability and such battery or cruelty with respect to the activity involved, the Attorney General may waive, in the sole unreviewable discretion of the Attorney General, any other ground of inadmissibility or deportability for which a waiver is authorized under section 212(h), 212(d)(13), 212(d)(14), or 237(a)(2)(A)(v), and the exception described in section 204(a)(1)(C) shall apply.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply as if included in the enactment of section 1504(a) of VAWA–2000.

(b) CLARIFYING NONAPPLICATION OF CANCELLATION CAP.—

(1) IN GENERAL.—Section 240A(e)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(e)(3)) is amended by adding at the end the following new subparagraph:

''(C) Aliens with respect to their cancellation of removal under subsection (b)(2).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to cancellations of removal occurring on or after October 1, 2004.

SEC. 936. MOTIONS TO REOPEN.

(a) REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 240(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1230(c)(7)), as redesignated by section 101(d)(1) of the REAL ID Act of 2005 (division B of Public Law 109–13), is amended—

(A) in subparagraph (A), by inserting '', except that this limitation shall not apply so as to prevent the filing of one motion to reopen described in subparagraph (C)(iv)'' before the period at the end; and

(B) in subparagraph (C)—

(i) in the heading of clause (iv), by striking ''SPOUSES AND CHILDREN'' and inserting ''SPOUSES, CHILDREN, AND PARENTS'';

(ii) in the matter before subclause (I) of clause (iv), by striking ''The deadline specified in subsection (b)(5)(C) for filing a motion to reopen does not apply'' and inserting ''Any limitation under this section on the deadlines for filing such motions shall not apply'';

(iii) in clause (iv)(I), by inserting ''or section 244(a)(3) (as in effect on March 31, 1997)'' after ''section 240A(b)(2)'';

(iv) by striking ''and'' at the end of clause (iv)(II);

(v) by striking the period at the end of clause (iv)(III) and inserting ''; and''; and

(vi) by adding at the end the following:

''(IV) if the alien is physically present in the United States at the time of filing the motion.

The filing of a motion to reopen under this clause shall stay the removal of the alien pending final disposition of the motion including exhaustion of all appeals if the motion establishes a prima facie case for the relief applied for.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) DEPORTATION AND EXCLUSION PROCEEDINGS.—

(1) IN GENERAL.—Section 1506(c)(2) of VAWA–2000 is amended—

(A) in the matter before clause (i) of subparagraph (A), by striking ''Notwithstanding any limitation imposed by law on motions to reopen or rescind deportation'' inserting ''Notwithstanding any limitation on the number of motions, or the deadlines for filing motions (including the deadline specified in section 242B(c)(3) of the Immigration and Nationality Act before the title III–A effective date), to reopen or rescind deportation or exclusion'';

(B) in the matter before clause (i) of subparagraph (A), by striking ''there is no time limit on the filing of a motion'' and all that follows through ''does not apply'' and inserting ''such limitations shall not apply to the filing of a single motion under this subparagraph to reopen such proceedings'';

(C) by adding at the end of subparagraph (A) the following:

''The filing of a motion under this subparagraph shall stay the removal of the alien pending a final disposition of the motion including the exhaustion of all appeals if the motion establishes a prima facie case for the relief applied for.'';

(D) in subparagraph (B), by inserting ''who are physically present in the United States and'' after ''filed by aliens''; and

(E) in subparagraph (B)(i), by inserting ''or exclusion'' after ''deportation''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 937. REMOVAL PROCEEDINGS.

(a) TREATMENT OF BATTERY OR EXTREME CRUELTY AS EXCEPTIONAL CIRCUMSTANCES.—Section 240(e)(1) of such Act (8 U.S.C. 1230(e)(1)) is amended by inserting ''battery or extreme cruelty of the alien or any child or parent of the alien or'' after ''exceptional circumstances (such as''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to a failure to appear that occurs before, on, or after such date.

SEC. 938. CONFORMING RELIEF IN SUSPENSION OF DEPORTATION PARALLEL TO THE RELIEF AVAILABLE IN VAWA–2000 CANCELLATION FOR BIGAMY.

Section 244(a)(3) of the Immigration and Nationality Act (as in effect before the title III–A effective date in section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996) shall be applied as if ''or by a United States citizen or lawful permanent resident whom the alien intended to marry, but whose marriage is not legitimate because of that United States citizen's or permanent resident's bigamy'' were inserted after ''by a spouse or parent who is a United States citizen or lawful permanent resident''.

SEC. 939. CORRECTION OF CROSS-REFERENCE TO CREDIBLE EVIDENCE PROVISIONS.

(a) CUBAN ADJUSTMENT PROVISION.—The last sentence of the first section of Public Law 89–732 (November 2, 1966; 8 U.S.C. 1255 note), as amended by section 1509(a) of VAWA–2000, is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(b) NACARA.—Section 202(d)(3) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1255 note; Public Law 105–100), as amended by section 1510(a)(2) of VAWA–2000, is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(c) IIARAIRA.—Section 309(c)(5)(C)(iii) of the Illegal Immigration and Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1101 note), as amended by section 1510(b)(2) of VAWA–2000, is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(d) HRIFA.—Section 902(d)(1)(B)(iii) of the Haitian Refugee Immigration Fairness Act of 1998 (division A of section 101(h) of Public Law 105–277; 112 Stat. 2681–538), as amended by section 1511(a) of VAWA–2000, is amended by striking ''204(a)(1)(H)'' and inserting ''204(a)(1)(J)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of VAWA–2000.

SEC. 940. TECHNICAL CORRECTIONS.

(a) TECHNICAL CORRECTIONS TO REFERENCES IN APPLICATION OF SPECIAL PHYSICAL PRESENCE AND GOOD MORAL CHARACTER RULES.—

(1) PHYSICAL PRESENCE RULES.—Section 240A(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1229b(b)(2)(B)) is amended—

(A) in the first sentence, by striking ''(A)(i)(II)'' and inserting ''(A)(ii)''; and

(B) in the fourth sentence, by striking ''section 240A(b)(2)(B)'' and inserting ''this subparagraph, subparagraph (A)(ii),''.

(2) MORAL CHARACTER RULES.—Section 240A(b)(2)(C) of such Act (8 U.S.C. 1229b(b)(2)(C)) is amended by striking ''(A)(i)(III)'' and inserting ''(A)(iii)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective as if included in the enactment of section 1504(a) of VAWA (114 Stat. 1522).

(b) CORRECTION OF CROSS-REFERENCE ERROR IN APPLYING GOOD MORAL CHARACTER.—

(1) IN GENERAL.—Section 101(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(f)(3)) is amended by striking ''(9)(A)'' and inserting ''(10)(A)''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the enactment of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208).

(c) PUNCTUATION CORRECTION.—Effective as if included in the enactment of section 5(c)(2) of VAWA–2000, section 237(a)(1)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended by striking the period at the end and inserting ''; or''.

(d) CORRECTION OF DESIGNATION AND INDENTATION.—The last sentence of section

212(a)(9)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(C)(ii)), as added by section 1505(a) of VAWA–2000, is amended—

(1) by striking ''section 212(a)(9)(C)(i)'' and inserting ''clause (i)'';

(2) by redesignating paragraphs (1) and (2), and subparagraphs (A) through (D) of paragraph (2), as subclauses (I) and (II), and items (aa) through (dd) of subclause (II), respectively; and

(3) by moving the margins of each of such paragraphs and subparagraphs 6 ems to the right.

(e) ADDITIONAL TECHNICAL CORRECTIONS.—(1) Section 237(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1227(a)(7)(A)(i)(I)) is amended by striking ''is self-defense'' and inserting ''in self-defense''.

(2) Section 245(l)(2)(B) of such Act (8 U.S.C. 1255(l)(2)(B)) is amended by striking ''(10(E))'' and inserting ''(10)(E))''.

TITLE X—SAFETY ON TRIBAL LANDS

SEC. 1001. PURPOSES.

The purposes of this title are—

(1) to decrease the incidence of domestic violence, dating violence, sexual assault, and stalking on Tribal lands;

(2) to strengthen the capacity of Indian tribes to exercise their sovereign authority to respond to domestic violence, dating violence, sexual assault, and stalking on Tribal lands under their jurisdiction; and

(3) to ensure that perpetrators of domestic violence, dating violence, sexual assault, and stalking on Tribal lands are held accountable for their criminal behavior.

SEC. 1002. CONSULTATION.

(a) IN GENERAL.—The Secretary of the Interior and the Attorney General shall each conduct annual consultations with Indian tribal governments concerning the Federal administration of tribal funds and programs established under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) and the Violence Against Women Act of 2000 (division B of Public Law 106–386), including consultation concerning—

(1) the timeliness of the Federal grant application and award processes;

(2) the amounts awarded under each program directly to tribal governments, tribal organizations, and tribal nonprofit organizations;

(3) determinations not to award grant funds;

(4) grant awards made in violation of the eligibility guidelines to a nontribal entity; and

(5) training, technical assistance, and data collection grants for tribal grant programs or programs addressing the safety of Indian women.

(b) RECOMMENDATIONS.—During consultations under subsection (a), the Secretary and the Attorney General shall solicit recommendations from Indian tribes concerning—

(1) administering tribal funds and programs;

(2) enhancing the safety of Indian women from domestic violence, dating violence, sexual assault, and stalking; and

(3) strengthening the Federal response to such violent crimes.

SEC. 1003. ANALYSIS AND RESEARCH ON VIOLENCE ON TRIBAL LANDS.

(a) NATIONAL BASELINE STUDY.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall conduct a national baseline study to examine violence against Indian women.

(b) SCOPE.—

(1) IN GENERAL.—The study shall examine violence committed against Indian women, including—

(A) domestic violence;

(B) dating violence;

(C) sexual assault;

(D) stalking; and

(E) murder.

(2) EVALUATION.—The study shall evaluate the effectiveness of Federal, State, tribal, and local responses to the violations described in paragraph (1) committed against Indian women.

(c) TASK FORCE.—

(1) IN GENERAL.—The Attorney General, acting through the Director of the Office on Violence Against Women, shall establish a task force to assist in the development and implementation of the study under subsection (a).

(2) MEMBERS.—The Director shall appoint to the task force representatives from—

(A) national tribal domestic violence and sexual assault nonprofit organizations;

(B) tribal governments; and

(C) the National Congress of American Indians.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to Congress a report that describes the findings made in the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 and 2007, to remain available until expended.

SEC. 1004. TRACKING OF VIOLENCE ON TRIBAL LANDS.

(a) ACCESS TO FEDERAL CRIMINAL INFORMATION DATABASES.—Section 534 of title 28, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsection (e) and (f); and

(2) by inserting after subsection (c) the following:

''(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases, including information relating to—

''(1) identification records;

''(2) criminal history records;

''(3) protection orders; and

''(4) wanted person records.''.

(b) TRIBAL REGISTRY.—

(1) ESTABLISHMENT.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

(A) a national tribal sex offender registry; and

(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2006 through 2010, to remain available until expended.

SEC. 1005. TRIBAL DIVISION OF THE OFFICE ON VIOLENCE AGAINST WOMEN.

Part T of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding after section 2015 (as added by section 604 of this Act) the following:

''SEC. 2016. TRIBAL DIVISION.

''(a) IN GENERAL.—The Director of the Office on Violence Against Women shall designate one or more employees, each of whom shall have demonstrated expertise in tribal law and practice regarding domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes, to be responsible for—

''(1) overseeing and managing the administration of grants to and contracts with Indian tribes, tribal courts, tribal organizations, tribal nonprofit organizations and the territories;

''(2) ensuring that, if a grant or a contract pursuant to such a grant is made to an organization to perform services that benefit more than one Indian tribe, the approval of each Indian tribe to be benefited shall be a prerequisite to the making of the grant or letting of the contract;

''(3) assisting in the development of Federal policy, protocols, and guidelines on matters relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

''(4) advising the Director of the Office on Violence Against Women concerning policies, legislation, implementation of laws, and other issues relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

''(5) representing the Office on Violence Against Women in the annual consultations under section 1002 of the Violence Against Women Reauthorization Act of 2005;

''(6) providing assistance to the Department of Justice to develop policy and to enforce Federal law relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes;

''(7) maintaining a liaison with the judicial branches of Federal, State and tribal governments on matters relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes; and

''(8) ensuring that adequate tribal training, technical assistance, and data collection is made available to Indian tribes, tribal courts, tribal organizations, and tribal nonprofit organizations for all programs relating to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes.

''(b) AUTHORITY.—

''(1) IN GENERAL.—The Director shall ensure that a portion of the tribal set-aside funds from any grant awarded under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) or the Violence Against Women Act of 2000 (division B of Public Law 106–386) is used to enhance the capacity of Indian tribes to address the safety of members of Indian tribes.

''(2) ACCOUNTABILITY.—The Director shall ensure that some portion of the tribal set-aside funds from any grant made under this part is used to hold offenders accountable through—

''(A) enhancement to the response of Indian tribes to crimes of domestic violence, dating violence, sexual assault, and stalking against Indian women, including legal services for victims and Indian-specific offender programs;

''(B) development and maintenance of tribal domestic violence shelters or programs for battered members of Indian tribes, including sexual assault services, that are based upon the unique circumstances of the members of Indian tribes to be served;

''(C) development of tribal educational awareness programs and materials;

''(D) support for customary tribal activities to strengthen the intolerance of an Indian tribe to violence against memberes of Indian tribes; and

''(E) development, implementation, and maintenance of tribal electronic databases for tribal protection order registries.

''SEC. 2017. SAFETY FOR INDIAN WOMEN FORMULA GRANTS PROGRAM.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—Of the amounts set aside for Indian tribes and tribal organizations in a program referred to in paragraph (2), the Attorney General, through the Director of the Office of Violence Against Women (referred to in this section as the ''Director''), shall take such setasides and combine them to establish the Safety for Indian Women Formula Grants Program, a single formula grant program to enhance the response of Indian tribal governments to address domestic violence, sexual assault, dating violence, and stalking. Grants made under this program shall be administered by the Tribal Division of the Office on Violence Against Women.

''(2) PROGRAMS COVERED.—The programs covered by paragraph (1) are the programs carried out under the following provisions:

''(A) Section 2007 (42 U.S.C. 3796gg–1), Grants to Combat Violent Crimes Against Women.

''(B) Section 2101 (42 U.S.C. 3796hh), Grants to Encourage Arrest Policies.

''(C) Section 1201 of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6), Legal Assistance for Victims.

''(D) Section 1301 of the Violence Against Women Act of 2000 (42 U.S.C. 10420), Safe Havens for Children Pilot Program.

''(E) Section 40295 of the Violence Against Women Act of 1994 (42 U.S.C. 13971), Rural Domestic Violence and Child Abuser Enforcement Assistance.

''(F) Section 41002 of the Violence Against Women Act of 1994, Grants for Court Training and Improvements.

''(G) Section 2014(b), Sexual Assault Services Program, Grants to States, Territories and Indian Tribes.

''(H) Title VII, section 41201, Grants for Training and Collaboration on the Intersection Between Domestic Violence and Child Maltreatment. Section 41202, Services to Advocate For and Respond to Teens.

''(I) Section 704, Grants to Combat Domestic Violence, Dating Violence, Sexual Assault, and Stalking In Middle And High Schools.

''(b) PURPOSE OF PROGRAM AND GRANTS.—

''(1) GENERAL PROGRAM PURPOSE.—The purpose of the program required by this section is to assist Indian tribal governments to develop and enhance effective governmental strategies to curtail violent crimes against and increase the safety of members of Indian tribes consistent with tribal law and custom, specifically the following:

''(A) To increase tribal capacity to respond to domestic violence, dating violence, sexual assault, and stalking crimes against members of Indian tribes.

''(B) To strengthen tribal justice interventions including tribal law enforcement, prosecution, courts, probation, correctional facilities; and enhance services to members of Indian tribes victimized by domestic violence, dating violence, sexual assault, and stalking.

''(2) PURPOSES FOR WHICH GRANTS MAY BE USED.—The Director may make grants to Indian tribes for the purpose of enhancing participating tribes' capacity to address the safety of members of Indian tribes. Each participating tribe shall exercise its right of self-determination and self-governance in allocating and using funds made available under the program. Each participating tribe may use funds under the program to support its specific tribally based response to increasing the safety of members of Indian tribes. Grants under the program shall support the governmental efforts identified by the Indian tribe required according to its distinctive ways of life to increase the safety of members of Indian tribes from crimes of sexual assault, domestic violence, dating violence, stalking, kidnapping, and murder.

''(c) DISBURSEMENT.—Not later than 120 days after the receipt of an application under this section, the Attorney General, through the Director, shall—

''(1) disburse the appropriate sums provided for under this section; or

''(2) inform the Indian tribe why the application does not conform to the terms of the application requirements.

''(d) REQUIRED PROCEDURES.—

''(1) DEADLINE TO PROVIDE NOTICE.—No later than 60 days after receiving an appropriation of funds supporting the program required by this section, Director shall—

''(A) publish in the Federal Register notification of—

''(i) the availability of those funds to Indian tribes;

''(ii) the total amount of funds available; and

''(iii) the process by which tribes may participate in the program; and

''(B) mail each Indian tribe a notification of the matters required by subparagraph (A), together with instructions on the process, copies of application forms, and a notification of the deadline for submission of an application.

''(2) DEADLINE TO MAKE FUNDS AVAILABLE.—No later than 180 days after receiving an appropriation referred to in paragraph (1), the Director shall distribute and make accessible those funds to Indian tribes opting to participate in the program.

''(3) FORMULA.—The Director shall distribute those funds according to the following formula:

''(A) 60 percent of the available funds shall be allocated equally to all Indian tribes who exercise the option to access the funds.

''(B) The remaining 40 percent shall be allocated to the same Indian tribes on a per capita basis, according to the population residing in the respective Indian tribe's service area.

''(4) SET-ASIDE.—No later than 120 days after receiving an appropriation referred to in paragraph (1), the Director shall set aside not less than 5 percent and up to 7 percent of the total amount of those funds for the purpose of entering into a cooperative agreement or contract with one or more tribal organizations with demonstrated expertise in providing training and technical assistance to Indian tribes in addressing domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes, tribal law, and customary pratices. At least one of the cooperative agreements or contracts shall be entered into with a single tribal organization to provide comprehensive technical assistance to participating tribal governments. Such training and technical assistance shall be specifically designed to address the unique legal unique legal status, distinct cultural ways of life, and geographic circumstances of the Indian tribes receiving funds under the program.

''(e) RECIPIENT REQUIREMENTS.—

''(1) IN GENERAL.—Indian tribes may receive funds under the program required by this section as individual tribes or as a consortium of tribes.

''(2) SUBGRANTS AND OTHER ARRANGEMENTS.—Participating tribes may make subgrants or enter into contracts or cooperative agreements with the funds under the program to enhance the safety of, and end domestic violence, dating violence, sexual assault, and stalking against, members of Indian tribes.

''(3) SET ASIDE.—Participating tribes must set aside no less than 50 percent of their total allocation under this section for tribally specific domestic violence, dating violence, sexual assault, or stalking victim services and advocacy for members of Indian tribes. The services supported with funds under the program must be designed to address the unique circumstances of the individuals to be served, including the customary practices and linguistic needs of the individuals within the tribal community to be served. Tribes shall give preference to tribal organizations or tribal nonprofit organizations providing advocacy services to members of Indian tribes within the community to be served such as a safety center or shelter program for members of Indian tribes. In the case where the above organizations do not exist within the participating tribe, the participation and support from members of Indian tribes in the community to be served is sufficient to meet this requirement.

''(f) ADMINISTRATION REQUIREMENTS.—

''(1) APPLICATION.—To reduce the administrative burden for Indian tribes, the Director shall prepare an expedited application process for Indian tribes participating in the program required by this section. The expedited process shall facilitate participating tribes' submission of information—

''(A) outlining project activities;

''(B) describing how the project activities will enhance the Indian tribe's response to domestic violence, dating violence, sexual assault, and stalking against members of Indian tribes; and

''(C) identifying the tribal partner providing advocacy and related services for members of Indian tribes who are victims of crimes of domestic violence, dating violence, sexual assault, and stalking.

''(2) REPORTING AND EVALUATION.—The Director shall alleviate administrative burdens upon participating Indian tribes by—

''(A) developing a reporting and evaluation process relevant to the distinct governance of Indian tribes;

''(B) requiring only essential data to be collected; and

''(C) limiting reporting to an annual basis.

''(3) GRANT PERIOD.—The Director shall award grants for a two-year period, with a possible extension of another two years to implement projects under the grant.

''(g) PRESUMPTION THAT MATCHING FUNDS NOT REQUIRED.—

''(1) IN GENERAL.—Given the unique political relationship between the United States and Indian tribes differentiates tribes from other entities that deal with or are affected by, the Federal Government, the Director shall not require an Indian tribe to match funds under this section, except as provided in paragraph (2).

''(2) EXCEPTION.—If the Director determines that an Indian tribe has adequate resources to comply with a matching requirement that would otherwise apply but for the operation of paragraph (1), the Director may waive the operation of paragraph (1) for that tribe.

''(h) EVALUATION.—The Director shall award a contract or cooperative agreement to evaluate programs under this section to an entity with the demonstrated expertise in domestic violence, dating violence, sexual assault, and stalking and knowledge and experience in—

''(1) the development and delivery of services to members of Indian tribes who are victimized;

''(2) the development and implementation of tribal governmental responses to such crimes; and

''(3) the traditional and customary practices of Indian tribes to such crimes.''.

SEC. 1006. GAO REPORT TO CONGRESS ON STATUS OF PROSECUTION OF SEXUAL ASSAULT AND DOMESTIC VIOLENCE ON TRIBAL LANDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Comptroller General of the United States shall submit to the Congress a report on the prosecution of sexual assault and domestic violence committed against adult American Indians and Alaska Natives.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include the following:

(1) An assessment of the effectiveness of prosecution of such cases by the United States district attorneys of such cases.

(2) For each district containing Indian country, a summary of the number of sexual assault and domestic violence related cases within Federal criminal jurisdiction and charged according to the following provisions of title 18, United States Code: Sections 1153, 1152, 113, 2261(a)(1)(2), 2261A(1), 2261A(2), and 922(g)(8).

(3) A summary of the number of—

(A) reports received;

(B) investigations conducted;

(C) declinations and basis for declination;

(D) prosecutions, including original charge and final disposition;

(E) sentences imposed upon conviction; and

(F) male victims, female victims, Indian defendants, and non-Indian defendants.

(4) The priority assigned by the district to the prosecution of such cases and the percentage of such cases prosecuted to total cases prosecuted.

(5) Any recommendations by the Comptroller General for improved Federal prosecution of such cases.

(c) YEARS COVERED.—The report required by this section shall cover the years 2000 through 2005.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 109–236. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the

proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 109–236.

AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SENSENBRENNER:

Page 6, line 14, strike ''pardon and''.

Page 10, line 14, strike ''pardon and''.

Page 25, line 1, insert ''(1)'' before ''Any''.

Page 25, line 7, strike the close quotation marks and strike ''; and''.

Page 25, after line 7, insert the following:

''(2) Any reference in a law, regulation, document, paper, or other record of the United States to section 506 of this Act as such section was in effect on the date of the enactment of the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009, shall be deemed to be a reference to section 505(a) of this Act as amended by the Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.''.

Page 27, strike line 23, and insert the following:

''(A) vehicles (excluding police cruisers), vessels (excluding police boats), or aircraft (excluding police helicopters);''.

Page 40, after line 16, insert the following as quoted matter:

SEC. 508. INCLUSION OF INDIAN TRIBES.

In this subpart, the term ''State'' includes an Indian tribal government.

Page 40, line 17, redesignate section 508 as section 509.

Page 43, strike lines 8 through 11 and insert the following:

(ii) by striking ''the application submitted pursuant to section 503 of this title.'' and inserting ''the application submitted pursuant to section 502 of this title. Such report shall include details identifying each applicant that used any funds to purchase any cruiser, boat, or helicopter and, with respect to such applicant, specifying both the amount of funds used by such applicant for each purchase of any cruiser, boat, or helicopter and a justification of each such purchase (and the Bureau of Justice Assistance shall submit to the Committee of the Judiciary of the House of Representatives and the Committee of the Judiciary of the Senate, promptly after preparation of such report a written copy of the portion of such report containing the information required by this sentence).'';

Page 46, line 5, insert ''tribal,'' before ''and local''.

Page 47, beginning on line 1, strike ''National Criminal History Background Check System'' and insert ''National Instant Criminal Background Check System''.

Page 55, line 22, before the close quotation marks, insert the following as quoted matter:

SEC. 105. INCLUSION OF INDIAN TRIBES.

For purposes of sections 103 and 104, the term ''State'' includes an Indian tribal government.

Page 65, strike line 1 and all that follows through line 10.

Page 65, line 11, strike ''(d)'' and insert ''(c)''.

Page 67, line 3, strike ''provisions'' and insert ''provision''.

Page 67, line 4, strike ''are'' and insert ''is''.

Page 67, strike lines 7–8.

Page 74, line 12, strike ''5'' and insert ''3''.

Page 78, line 1, strike ''**OFFICE**'' and insert ''**DIVISION**''.

Page 78, line 4, strike ''an office'' and insert ''of Science and Technology, the Division''.

Page 78, line 5, strike ''a Director'' and insert ''an individual''.

Page 78, line 6, strike ''Office'' and insert ''Division''.

Page 78, beginning on line 10, strike ''Office, the Director'' and insert ''Division, the head of the Division''.

Page 80, line 17, insert '', in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice,'' after ''Programs''.

Page 81, line 2, insert '', in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice,'' after ''General''.

Page 81, line 11, insert '', in coordination with the Chief Information Officer and Chief Financial Officer of the Department of Justice,'' after ''General''.

Page 83, strike line 22 and all that follows through page 84, line 8.

Page 84, line 22, insert ''and'' at the end.

Page 84, line 25, strike the semicolon and all that follows through page 85, line 19, and insert a period.

Page 90, after line 6, insert the following new section:

SEC. 259. REAUTHORIZATION OF MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.

(a) IN GENERAL.—Section 2705 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797e) is amended by striking ''2003'' and inserting ''2009''.

(b) PROGRAM TO REMAIN UNDER COPS OFFICE.—Section 2701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a) is amended in subsection (a) by inserting after ''The Attorney General'' the following: '', acting through the Office of Community Oriented Policing Services,''.

Page 91, strike lines 5 through 9.

Page 91, after line 19, insert the following:

''(c) REPEAL OF PROVISION RELATING TO UNAUTHORIZED PROGRAM.—Section 20301 of Public Law 103–322 is amended by striking subsection (c).''.

Page 91, line 24, strike ''predominately'' and insert ''predominantly''.

Page 96, strike lines 6 through 9, and insert the following:

inserting ''or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General'' after ''in a Federal prison,'':

Page 97, strike lines 3 through 8, and insert the following:

Section 1791(d)(4) of title 18, United States Code, is amended by inserting ''or any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with the Attorney General'' after ''penal facility''.

Page 100, line 24, insert after ''bullying'' the following: '', cyberbullying,''.

Page 104, after line 14, insert the following (and conform the table of contents accordingly):

SEC. 323. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) $7,500,000 for each of fiscal years 2006 through 2010.

SEC. 324. ASSISTANCE TO COURTS.

The chief judge of each United States district court is encouraged to cooperate with requests from State and local authorities whose operations have been significantly disrupted as a result of Hurricane Katrina or Hurricane Rita to provide accommodations in Federal facilities for State and local courts to conduct their proceedings.

Page 116, line 2, insert ''or sexual assault'' after ''violence''.

Page 120, beginning on line 3, strike ''subparagraph (C)'' and insert ''subparagraphs (C) and (D)''.

Page 120, line 19, insert '', except that consent for release may not be given by the abuser of the minor or person with disabilities, or the abuser of the other parent of the minor'' before the period.

Page 121, line 15, strike ''and'' at the end.

Page 121, line 18, insert ''protection order'' after ''governmental''.

Page 121, line 20, strike the period and insert ''; and''.

Page 121, after line 20, insert the following:

''(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.''.

Page 123, line 13, strike ''3793(a)(8)'' and insert ''3793(a)(18)''.

Page 126, lines 1–2, strike ''racial and ethnic minorities and other underserved populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.'' .

Page 126, lines 6–7, strike ''racial and ethnic and other underserved populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,'' .

Page 126, lines 8–9, strike ''racial and ethnic and other underserved'' and insert ''those''.

Page 126, line 24, insert ''coalitions for'' after the open quotation marks.

Page 130, line 4, insert ''or Indian Tribal government'' after ''State''.

Page 130, line 9, insert ''(1)'' before ''Part''.

Page 130, line 17, strike ''that'' and insert ''must certify''.

Page 130, line 18, insert ''will'' after ''practices''.

Page 131, after line 2, insert the following:

(2) COMPLIANCE.—Section 2007(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg-l(d)) is amended—

(1) in paragraph (2) by striking ''and'' at the end;

(2) in paragraph (3) by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (4) the following:

''(4) proof of compliance with the requirements regarding polygraph testing provided in section 2012.''.

Page 134, at the end of line 25, add the following: ''Although funds may be used to support the co-location of project partners, funds may not support construction or major renovation expenses or activities that fall outside of the scope of the other statutory purpose areas.''.

Page 135, line 2, insert ''probation and parole officers,'' after ''prosecutors,''.

Page 135, line 6, strike the close quotation marks and the semicolon at the end.

Page 135, after line 6, insert the following:

''(13) To develop, to enhance, and to maintain protection order registries.'';

Page 135, line 13, insert ''that'' after ''certify''.

Page 135, line 15, strike ''that''.

Page 135, line 15, insert ''will'' after ''practices''.

Page 137, beginning on line 2, strike ''to offer'' and all that follows through ''violence''.

Page 142, lines 8–12, strike ''racial and ethnic communities'' and all that follows through the semicolon on line 12 and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General;'' .

Page 147, lines 22–23, strike ''Office on Violence Against Women'' and insert ''Violence Against Women Office''.

Page 150, line 3, strike ''assure'' and insert ''ensure''.

Page 151, line 23, strike ''every 18 months''.

Page 152, strike lines 2 through 15, and insert the following:

''tain information on the activities implemented by the recipients of the grants awarded under this section.''.

Page 158, line 7, insert ''(a) OFFENSES.—'' before ''Section''.

Page 158, after line 14, insert the following:

(b) DEFINITION.—Section 2216 of title 18, United States Code, is amended by adding at the end the following:

''(c) DEFINITION.—The term 'dating partner' refers to a person who is or has been in an ongoing relationship of a romantic or intimate nature with the abuser. Factors to consider in determining whether the relationship is or was ongoing include, but are not limited to, the length of the relationship and the frequency of interaction between the persons involved in the relationship.''.

Page 161, line 7, strike ''and''.

Page 161, line 19, strike the period and insert ''; and''.

Page 161, after line 19, insert the following:

''(3) to enhance coordinated community responses to sexual assault.''.

Page 162, line 9, insert ''and support coordinated community responses to sexual assault'' before the period at the end.

Page 164, line 11, strike ''and'' at the end.

Page 164, line 14, strike ''clauses (A) through (G).'' insert ''paragraphs (1) through (7);''.

Page 164, after line 14, insert the following:

''(9) sexual assault forensic examinations performed by specially trained examiners, including coordination of examiners with other responders and testimony by examiners; and

''(10) developing and enhancing coordinated community responses to sexual assault, including the development and enhancement of sexual assault response teams.''.

Page 170, line 4, strike ''between'' and insert ''among''.

Page 171, line 14, insert ''(including rural areas or rural communities in United States Territories)'' after ''rural communities''.

Page 171, line 17, strike ''between'' and insert ''among''.

Page 174, lines 10–13, strike ''racial and ethnic and other'' and all that follows through the period on line 13 and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.''.

Page 183, line 3, strike ''Office on Violence Against Women'' and insert ''Violence Against Women Office''.

Page 183, beginning on line 18, strike ''Office on Violence Against Women'' and insert ''Violence Against Women Office''.

Page 186, lines 7–9, strike ''racial and ethnic and other'' and all that follows through the period on line 9 and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General.''.

Page 189, line 14, strike ''racial and ethnic minorities'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,''.

Page 190, line 3, strike ''racial and ethnic populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,''.

Page 191, line 13, strike ''may'' and insert ''shall''.

Page 191, line 24, strike ''every 18 months''.

Page 193, lines 15–16, strike ''racial and ethnic and other underserved populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General,''.

Page 193, lines 18–19, strike ''racial and ethnic and other underserved populations'' and insert ''those populations''.

Page 195, beginning on line 6, strike ''every 18 months''.

Page 205, line 18, strike ''ANNUAL'' and insert ''PERFORMANCE''.

Page 205, line 20, strike ''submit a biennial performance''.

Page 205, line 21, insert ''on activities conducted with grant funds'' before the period.

Page 206, strike lines 9 through 12, and insert the following:

(4) REPORT TO CONGRESS.—Not later than 30 days after the end of each even-numbered fiscal year, the Attorney General shall submit to Congress a report for the period of 2 fiscal years at any time in which grants were made under this section and ending in such even-numbered fiscal year, that includes—

Page 207, line 13, strike ''Office on Violence Against Women'' and insert ''Violence Against Women Office''.

Page 212, line 16, insert '', except that consent for release may not be given by the abuser of the minor or of the other parent of the minor'' after ''guardian''.

Page 213, line 21 strike ''native'' and insert ''Native''.

Page 219, lines 7–10, strike ''racial and ethnic and other'' and all that follows through the semicolon on line 10 and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General;''.

Page 222, lines 4–5, strike ''racial and ethnic and other underserved populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General''.

Page 222, beginning on line 7, strike ''every 18 months''.

Page 223, lines 5–8, strike ''racial and ethnic and other'' and all that follows through the semicolon on line 8 and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General;''.

Page 226, lines 23–24, strike ''racial and ethnic and other underserved populations'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General''.

Page 227, beginning on line 10, strike ''every 18 months''.

Page 229, lines 23–24, strike ''racial ethnic and other underserved communities'' and insert ''populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General''.

Page 306, line 9, insert ''National Institute of Justice in consultation with the'' after ''through the''.

Page 313, beginning on line 5, strike ''Office on Violence Against Women'' and insert ''Violence Against Women Office''.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 4 minutes.

This manager's amendment makes several technical and clarifying changes requested by the Department of Justice. Probably more importantly, because this is the issue of controversy, it clarifies a provision in the legislation that may have been vulnerable to a constitutional challenge.

In its current form, a provision in the legislation could be viewed to prescribe race-based VAWA grant awards by conditioning certain grants upon an applicant's ability to address the needs of ethnic and racial minorities. The amendment addresses this issue by clarifying existing VAWA grant criteria that require applicants to indicate how they intend to meet the needs of populations that are currently underserved by existing VAWA programs. Specifically, the manager's amendment clarifies that such funding should be based on an applicant's ability to address the needs of ''populations underserved by geographic locations, underserved racial and ethnic populations, populations underserved because of special needs, such as language barriers, disabilities, alienage status, or age, and any other population determined to be underserved by the Attorney General.''

The amendment remedies the possible constitutional concerns that effectuates the intent of the committee

when drafting the legislation. Additionally, the amendment reauthorizes the Secure Our Schools grant program and ensures that it is preserved as a stand-alone program; authorizes a program for training prosecutors for child abuse cases; and ensures that Native American Tribes are eligible for certain DOJ grants, including the new Justice Assistance Grants program and the Weed and Seed program grants.

Finally, the amendment includes a provision to encourage cooperation between Federal, State and local courts and communities to ensure that the State and local courts will be able to continue to operate utilizing available Federal facilities in the wake of Hurricane Katrina and Hurricane Rita. I urge my colleagues to support the amendment.

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

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

Mr. Chairman, it is unfortunate that we on the committee can agree with everything, which should be being celebrated; but the one thing that is in disagreement creates the greatest amount of discussion. I regret that, but I think the manager's amendment has to be called into account because it would significantly weaken the bill's emphasis on domestic violence grant funding for communities of color, and I cannot allow this to happen without making the comments that I do.

Let us understand that constitutional law is not some secret body of intelligence that is in the power of the members of the Committee on the Judiciary. This amendment, which is being taken out because it is thought to cause constitutional problems, is the same amendment that is supported by the National Network to End Domestic Violence, the Family Violence Prevention Fund, the National Coalition to End Domestic Violence, Break the Cycle, Legal Momentum, the NAACP, the YWCA and the Sisters of Color Ending Sexual Abuse.

The bill that passed the House and Senate Committees on the Judiciary contain language ensuring that the minorities who are victims of domestic and sexual assault would receive adequate services. That the members of the Committee on the Judiciary agreed upon. This language was necessary because the bureaucrats at the Department of Justice were ignoring communities of color when considering grants from domestic violence, rape prevention and other organizations.

Now this was unfortunately removed, but under current law since the Supreme Court's decision in Adarand and its decision in Grutter, specific set-asides that are race-based have been subject to strict scrutiny. There are no such set asides or quotas in the bill that passed the Committee on the Judiciary. The same provision has passed in the Senate, and we have lists of constitutional scholars to attest to the fact that this language does not require the distribution of money on the basis of race or ethnicity.

I urge my colleagues in a sense of fairness, not making political points, that we reject the manager's amendment.

I rise in strong opposition to the Managers' amendment because it would significantly weaken the bill's emphasis on domestic violence grant funding for communities of color.

This is why the amendment is opposed by the groups that are working so hard to prevent rape and sexual assault—the National Network to End Domestic Violence; the Family Violence Prevention Fund; the National Coalition to End Domestic Violence; Legal Momentum; the NAACP; and the Sisters of Color Ending Sexual Assault.

The bill that passed both the House and Senate Judiciary Committees contains language ensuring that minorities who are victims of domestic violence and sexual assault would receive adequate services. The Members of the Judiciary Committee agreed—on a bipartisan basis—that this language was necessary because the bureaucrats at the Department of Justice were ignoring communities of color when considering grants from domestic violence, rape prevention and other organizations.

This is a serious problem because we know that people of color are far less likely than other groups to report incidents of rape and sexual assault. The only way we can reach out to these individuals is by supporting these non-traditional groups.

Unfortunately, between the Judiciary Committee and the floor, this provision—which has been in the bill since its introduction—suddenly became controversial. Out of the blue, the Administration has attempted to argue that there might, possibly be a constitutional problem with this provision.

Under current law, since the Supreme Court's decision in Adarand v. Pena and Grutter v. Bollinger, specific set asides that are race-based have been subject to strict scrutiny. Clearly, there are no such set asides or quotas in the bill that passed the Judiciary Committee.

The bill simply requires states to ''describe how they will address the needs of racial and ethnic minorities and other underserved populations'' and ''to recognize and meaningfully respond to the needs of racial and ethnic minorities and other underserved populations'' and to ensure that each gets their fair share.

There is no set aside. There is no quota. Considering the needs of certain communities in no way violates the Constitution's Equal Protection Clause, and I would hope that the Members of this body would agree with that very common sense notion.

We have consulted with outside and independent constitutional experts and have confirmed that the Administration's last minute arguments do not pass the legal laugh test. For example, an esteemed constitutional scholar at the University of Texas, Professor Douglas Laycock, said the language does not require distribution of money on the basis of race or ethnicity, but rather requires states to be alert and ensure that underserved racial and ethnic populations are not subject to discrimination. ''A state cannot be confident that funds are being administered and awarded in a non-discriminatory way unless it examines the treatment of racial and ethnic minorities. That is all these provisions require.''

We have also received a letter from several other law professors who are experts in the field, including Professor Joan Meier of the George Washington University Law School, Professor Julie Goldscheid of the City University of New York School of Law, Professor Sally Goldfarb of Rutgers University School of Law, and Professor Martha Davis of the Northeastern School of Law. These professors authoritatively state that ''referencing 'racial and ethnic minorities' meets the standard most recently laid out by the Supreme Court in Grutter v. Bollinger. [T]he Federal Government has a compelling interest in assuring that racial and ethnic minorities receive due consideration in the receipt of services, or grants flowing from the Violence Against Women Act. H.R. 3402 does not create quotas or unduly favor racial and ethnic minorities for government benefits. It simply urges that grantors give due consideration to their needs and interests.''

Let me close by noting that in the last several weeks, some have raised questions about the Administration's and Congress' sensitivity to issues of race. In the aftermath of Hurricane Katrina, many openly wondered whether it was the race of the victims of the Hurricane that led to a sluggish federal response. The Nation watched and asked why we had left so many people of color behind.

Today, we have a chance to respond to this issue, by telling people of color and other minorities that if you are raped or assaulted, we will do our best to make sure that you have support and counseling. We will do our best to make sure that you are not victimized twice—first by the assailant, and second by the federal bureaucracy.

I urge my colleagues on both sides of the aisle to join with me in supporting the common sense idea of supporting these victims of rape and violence and vote down the Manager's amendment.

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

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

Let me say that the gentleman from Michigan correctly states the law that anything that has race-based quotas in it or set-asides is subject to strict scrutiny by the courts.

I am afraid that if the manager's amendment goes down, there will be a lawsuit and a temporary restraining order against disposing of any of these funds to underserved communities, and that would be a shame. What the manager's amendment does is err on the side of caution.

Now I point out that the bill, H.R. 357 of the 106th Congress, which the gentleman from Michigan himself introduced, does exactly what the manager's amendment proposes to do. And in section 651(c)(7), his bill from the 106th Congress says underserved populations include populations underserved because of race, ethnicity, age, disability, sexual orientation, religion, alienage status, geographic location, including rural isolation, language barriers, or any other populations determined to be underserved by the State planning process.

Now the gentleman from Michigan has changed his position. The manager's amendment keeps it the way it is because we know that the money will be flowing and cannot be enjoined as a result of a constitutional challenge irrespective of how that challenge ends up being finally decided by the courts. I urge adoption of the amendment.

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

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

Mr. Chairman, I would like to remind the gentleman that it is not me who changed my position. The gentleman from Wisconsin supported the amendment. The amendment that he is striking in the manager's amendment, the gentleman supported in committee, so how can I be changing my position, please?

I have enjoyed the friendly exchanges we have had over the years, and I look forward to them in the future, but to threaten the House with the fact that an injunction might hold up the entire bill, it should be realized that for an injunction, it must be shown that there is a reasonable chance of passage.

□ 1615

He and I and, I think, probably the court would realize that there is nothing, nothing, in here that would suggest that there would be set-asides or quotas. There is nothing race-based here. He knows it; I know it; the committee knew it. And yet last night we were beset by this last problem. And all of the civil rights groups are arguing the same position.

So I urge that the manager's amendment be turned back.

Ms. SOLIS. Mr. Chairman, I rise today to address the reauthorization of the Violence Against Women Act.

While I am supportive of the underlying bill, the manager's amendment that we will soon consider creates serious problems for women of color who are victims of domestic violence.

This manager's amendment weakens the definition of underserved communities so that groups that work specifically to help women of color who are victims of domestic violence would continue to be ignored by the grants process of the Department of Justice.

After all of the bipartisan work that has been done to produce a balanced VAWA reauthorization, it is an outrage that at the last minute, Republican Leadership is shortchanging women of color who are victims of domestic violence.

When considering VAWA, we must recognize the complex problems facing women of color, particularly immigrant women, who are victims of domestic violence.

Women of color are less likely to report incidents of domestic violence, which means that studies of domestic violence among communities of color do not reflect the reality of these women's lives.

Women of color who are victims of domestic violence are at an even greater risk when their spouses control the immigration status of their family members.

Women of color also face institutional barriers to reporting abuse or seeking help for domestic violence, because of restrictions on public assistance, limited access to immigration relief, lack of translators, scarce educational materials in the woman's native language, and other factors.

By addressing domestic violence in these communities in a way that understands their culture and values, we greatly increase the chance of making a difference for women of color who are being abused.

It is my hope that the reauthorization for the Violence Against Women Act (VAWA) is comprehensive and meets the needs of all women.

I urge my colleagues to oppose the Manager's Amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today in objection to the Manager's Amendment, which would weaken the Violence Against Women Act.

After months of bipartisan negations, H.R. 3402 came out of committee as a balanced bill that sought to help ALL women who are victims of violence.

With the removal of racial and ethnic minorities from the STOP grants section, we will be denying the significant problem of violence in our minority communities.

Unfortunately, domestic violence in our minority population is a substantial problem that is vastly under-reported. If we wish to eradicate violence in our communities we must proceed with policies that address cultural and language barriers.

Our government's commitment to minorities is being questioned by many. Passing this amendment sends a clear message that this Congress does not care about sexual assault and domestic violence in our communities of color.

I strongly urge my colleagues to vote ''no'' on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 225, noes 191, not voting 17, as follows:

[Roll No. 499]

AYES—225

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

NOES—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver

Ortiz	Sánchez, Linda T.	Thompson (CA)
Owens	Sanchez, Loretta	Thompson (MS)
Pallone	Sanders	Tierney
Pascrell	Schakowsky	Towns
Pastor	Schiff	Udall (CO)
Paul	Schwartz (PA)	Udall (NM)
Payne	Scott (GA)	Van Hollen
Pelosi	Scott (VA)	Velázquez
Peterson (MN)	Serrano	Visclosky
Pomeroy	Sherman	Wasserman Schultz
Price (NC)	Slaughter	Waters
Rahall	Smith (WA)	Watson
Rangel	Snyder	Watt
Reyes	Solis	Waxman
Ross	Spratt	Weiner
Roybal-Allard	Stark	Wexler
Rush	Strickland	Woolsey
Ryan (OH)	Stupak	Wu
Sabo	Tanner	Wynn
Salazar		

NOT VOTING—17

Alexander	Culberson	Pickering
Berkley	Davis (FL)	Ruppersberger
Blumenauer	Gutierrez	Skelton
Boswell	Harman	Tancredo
Cleaver	Hunter	Tauscher
Costa	Melancon	

□ 1640

Ms. ESHOO and Mr. GRIJALVA changed their vote from ''aye'' to ''no.''

Mr. NUNES changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. SKELTON. Mr. Chairman, on rollcall No. 499, had I been present, I would have voted "no."

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–236.

AMENDMENT NO. 2 OFFERED BY MR. CUELLAR

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CUELLAR:

Page 23, after line 23, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 106. UNITED STATES-MEXICO BORDER VIOLENCE TASK FORCE.

(a) TASK FORCE.—(1) The Attorney General shall establish the United States-Mexico Border Violence Task Force in Laredo, Texas, to combat drug trafficking, violence, and kidnapping along the border between the United States and Mexico and to provide expertise to the law enforcement and homeland security agencies along the border between the United States and Mexico. The Task Force shall include personnel from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Immigration and Customs Enforcement, the Drug Enforcement Administration, Customs and Border Protection, other Federal agencies (as appropriate), the Texas Department of Public Safety, and local law enforcement agencies.

(2) The Attorney General shall make available funds to provide for the ongoing administrative and technological costs to Federal, State, and local law enforcement agencies participating in the Task Force.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 through 2009, for—

(1) the establishment and operation of the United States-Mexico Border Violence Task Force, and

(2) the investigation, apprehension, and prosecution of individuals engaged in drug trafficking, violence, and kidnapping along the border between the United States and Mexico.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. CUELLAR).

□ 1645

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

Mr. Chairman, I want to thank the chairman of the Committee on the Judiciary and also the ranking member. I believe this amendment is acceptable both to the chairman and the ranking member.

Mr. Chairman, I would like to thank Judiciary Chairman SENSENBRENNER and Ranking Member CONYERS for putting together a good bill that will benefit the justice system in the United States.

Mr. Chairman, my amendment—number 40—to this bill will authorize appropriations for the newly structured Border Violence Task Force in Laredo, Texas.

My amendment will authorize appropriations of $10 million per year for the duration of the bill to provide for equipment, personnel, administrative, and technological costs. This authorization is necessary to provide the Border Violence Task Force the resources it needs to combat border violence.

My amendment will allow the Attorney General to designate the lead on the Border Violence Task Force that is currently being lead by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

This task force is an inter-agency law enforcement effort on the Federal, State, and local level to combat escalating violence on the United States-Mexico border. As the largest land port of entry in the United States, Laredo is a critical component of our Nation's economy. I have been working with officials from both sides of the border to help establish a collaborative solution to the violence, and the Border Violence Task Force is the result of that effort.

Our shared border with Mexico is one of our Nation's greatest cultural and economic assets. Unfortunately, in the past year, the growth and security of the border region has been threatened by a wave of violence. This violence has affected communities on both sides of the border, and has resulted in the highly publicized kidnapping of over 35 American citizens. If we are to restore peace and prosperity to our border communities, we need to act now.

Last May, I organized a Border Violence Task Force in Laredo, TX, to deal with border violence. The group included experts from the FBI; the Alcohol, Tobacco, and Firearms; Customs and Border Protection; Immigration and Customs Enforcement; the U.S. Marshal; the U.S. Attorney, the DEA, the State Department, U.S. Consulate in Nuevo Laredo, the Department of Public Safety-Narcotics, the Department of Public Safety-Intelligence, the local Webb County Sheriff, and the Laredo Chief of Police.

This Task Force has met a few times and the Special Agents-in-Charge in the region have agreed to work in a joint effort to develop a plan of action to address the escalating violence along the Mexico-United States border in Laredo, TX.

The task force will develop initiatives and strategies dealing specifically with the problems in the border region. The group will work in partnership and cooperation with each other maximizing their strengths and expertise.

This authorization represents a critical step forward for law enforcement in the border region, and the increased security and growth it will bring to the border will benefit communities throughout the Nation. I urge you to support the law enforcement officers on the United States-Mexico border who are working to keep our border communities safe.

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

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

Mr. SENSENBRENNER. Mr. Chairman, the gentleman from Texas has a great amendment, and we are happy to accept it.

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

Mr. CUELLAR. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, we are delighted to accept the amendment on this side.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–236.

AMENDMENT NO. 3 OFFERED BY MR. CUELLAR

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CUELLAR:

Page 23, after line 23, insert the following (and conform the table of contents accordingly):

SECTION 106. NATIONAL GANG INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—The Attorney General shall establish a National Gang Intelligence Center and gang information database to be housed at and administered by the Federal Bureau of Investigation to collect, analyze, and disseminate gang activity information from—

(1) the Federal Bureau of Investigation;

(2) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(3) the Drug Enforcement Administration;

(4) the Bureau of Prisons;

(5) the United States Marshals Service;

(6) the Directorate of Border and Transportation Security of the Department of Homeland Security;

(7) the Department of Housing and Urban Development;

(8) State and local law enforcement;

(9) Federal, State, and local prosecutors;

(10) Federal, State, and local probation and parole offices;

(11) Federal, State, and local prisons and jails; and

(12) any other entity as appropriate.

(b) INFORMATION.—The Center established under subsection (a) shall make available

the information referred to in subsection (a) to—

(1) Federal, State, and local law enforcement agencies;

(2) Federal, State, and local corrections agencies and penal institutions;

(3) Federal, State, and local prosecutorial agencies; and

(4) any other entity as appropriate.

(c) ANNUAL REPORT.—The Center established under subsection (a) shall annually submit to Congress a report on gang activity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2006 and for each fiscal year thereafter.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Texas (Mr. CUELLAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. CUELLAR).

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

Mr. Chairman, my amendment to H.R. 3402—number 39—will authorize the Federal Bureau of Investigation National Gang Intelligence Center. This effort builds upon a $10 million appropriation given in fiscal year 2005 for the establishment of such a center, and will permanently ensure the presence and operation of this critical information network.

A version of this amendment was unanimously approved in H.R. 1279, the Gang Deterrence and Community Protection Act of 2005.

My amendment adds $10 million in authorization for the National Gang Intelligence Center for each fiscal year of the bill, which mirrors the $10 million appropriation given for fiscal year 2005.

In order to fully encompass the scope of gang intelligence collection and capabilities, my amendment not only includes collection and dissemination involving law enforcement from Federal, State, and local agencies, but also corrections agencies and penal institutions at the Federal, State and local levels.

The addition of these components will allow for intelligence gathering from entities involved in post-prosecution activities such as community-based corrections and incarceration.

My Congressional District, the 28th of Texas, is both rural and urban, and has the added concerns of the violence and drug trafficking along the U.S.-Mexico border. Along the border there is violence in Nuevo Laredo in Mexico that spills over into Laredo, in my district. For the pervasive gang problem, we definitely need a system of intelligence collection and sharing.

Increasingly, gangs operate on an interstate and even international level. Our law enforcement agencies are often handicapped in their gang enforcement efforts by a lack of clear communication and ready information. What is needed is a central clearinghouse, to coordinate the efforts of various law enforcement and corrections agencies to combat violent gang activity. An information-oriented approach to gang violence has been highly effective in my home State of Texas, and I am confident that it will be effective on a national level as well.

I urge passage of my amendment that will help our Nation's law enforcement professionals keep the tools they need to keep our communities safe.

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

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

Mr. SENSENBRENNER. Mr. Chairman, this is also a very good amendment. The gentleman is batting 1.000 and ought to play for the Red Sox. We are happy to accept it.

Mr. CONYERS. Mr. Chairman, will the gentleman yield.

Mr. CUELLAR. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, is this the amendment that authorizes the FBI National Gang Intelligence Center?

Mr. CUELLAR. That is correct.

Mr. CONYERS. Mr. Chairman, I am happy to accept the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CUELLAR).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109–236.

AMENDMENT NO. 4 OFFERED BY MR. POE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. POE:

Page 57, line 23, insert ''(a) IN GENERAL.—''.

Page 59, after line 6, insert the following new subsections:

(b) ADDITIONAL AMENDMENTS.—

(1) Section 1402 (42 U.S.C. 10601) is amended—

(A) in subsection (b)—

(i) in paragraph (4), by striking ''and'' at the end;

(ii) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(6) Amounts deposited pursuant to section 3612(c)(2), 3663(c)(3)(B), or 3663A(c)(3)(A) of title 18, United States Code.'';

(B) by amending subsection (c) to read as follows:

''(c)(1) Notwithstanding any other provision of law, the total amount to be distributed from the Fund in any fiscal year shall be an amount equal to the sum of the amounts required under subsection (d).

''(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.'';

(C) in subsection (d), by amending paragraph (2) to read as follows:

''(2) $20,000,000 shall be available for grants under section 1404A.'';

(D) in subsection (d)(3), by striking ''Of the sums'' and all that follows through ''such sums'' and inserting ''Such sums'';

(E) in subsection (d)(4)(A), by striking ''47.5 percent shall be available'' and inserting ''such sums as may be necessary'';

(F) in subsection (d)(4)(B), by striking ''47.5 percent shall be available'' and inserting ''such sums as may be necessary'';

(G) in subsection (d)(4)(C), by striking ''5 percent shall be available'' and inserting ''such sums as may be necessary''; and

(H) by adding at the end the following new subsection:

''(f) In any fiscal year in which the amount in the Fund is less than the total amount required under subsection (d), there shall be transferred into the Fund an amount equal to such additional sums as may be required to fully fund grants under subsection (d) from the following:

''(1) Civil or administrative fines, forfeitures or other monetary penalties or assessments collected from persons adjudged to have violated any of the laws or regulations of the United States.

''(2) Penalties and damages obtained and otherwise creditable to miscellaneous receipts of the general fund of the Treasury obtained under sections 3729 through 2722 of title 31 (known as the False Claims Act), other than funds awarded to a relator or for restitution.''.

(2) Section 1403 (42 U.S.C. 10602) is amended—

(A) in subsection (a)(1), by striking ''Except as provided in paragraph (2), the Director'' and inserting ''The Director''; and

(B) in subsection (a), by striking paragraph (2).

(3) Section 1404 (42 U.S.C. 10603) is amended—

(A) in subsection (a)(1) by striking ''Subject to'' and all that follows through the period at the end and inserting ''The Director shall make an annual grant from the Fund to the chief executive of each State for the financial support of eligible crime victim assistance programs. Each grant shall be the average amount of the grants made for this purpose during the previous three fiscal years plus 5 percent.''; and

(B) in subsection (c)(2) by inserting ''The total amount available for grants under this subsection shall be the average amount available for this purpose during the previous three fiscal years plus 5 percent.'' before ''Of the amount''.

(4) Section 1407 (42 U.S.C. 10604) is amended—

(A) in subsection (g), by inserting after ''effectiveness'' the following: '', including measurable results,''; and

(B) by adding at the end the following new subsection:

''(i)(1) Every recipient of funds under this chapter shall submit an annual report to the Director in such fashion as the Director directs. The report shall include the amounts expended, quantitative data on the numbers of victims served, types of services provided and other supported activities, measurable results on the services and activities provided, and such other information as the Director may require. The Director may terminate or suspend current or future payments to recipients of funds under this chapter for failure to provide the Director with complete, accurate and timely information as required under this subsection.

''(2) The Director may request the cooperation and assistance of other Federal agencies in obtaining the information required under this subsection. The other agencies shall comply with all reasonable requests made by the Director, including the submission of information requested under paragraph (1).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 3663 of title 18, United States Code, is amended—

(A) in subsection (c)(1), by striking ''described in'' and all that follows through ''863),'';

(B) in subsection (c)(3)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), and indenting appropriately;

(ii) by inserting before clause (i) (as so redesignated) the following new paragraph:

''(A) If the defendant was convicted of an offense described in section 401, 408(a), 409, 416, 420, or 422(a) of the Controlled Substances Act (21 U.S.C. 841, 848 (a), 849, 856, 861, 863):''; and

(iii) by adding at the end the following new subparagraph:

''(B) For all other offenses, restitution shall be deposited into the fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).''.

(2) Section 3663A of title 18, United States Code, is amended in subsection (c)(3)(A) by inserting before the semicolon the following: '', in which case the court may order restitution to be paid into the fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601)''.

(3) Section 3612 of title 18, United States Code, is amended in subsection (c)(2) by adding at the end the following: ''If, for any reason, the money received from a defendant cannot be disbursed to the person to whom the restitution is ordered to be paid, the amount collected shall be deposited into the fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601). If such person subsequently makes a valid claim for such payment, the payment shall be made from the fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).''.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. POE).

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

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

Mr. POE. Mr. Chairman, I am offering this amendment to bring muchneeded reform to the Crime Victims Fund. The Crime Victims Fund was created as a result of the Victims of Crime Act, called VOCA, that was signed into law during the 1980s.

The purpose of this fund is to make criminals pay for their crime by funding direct services and compensations to victims of crime. This fund is completely paid for by criminal fees and forfeiture. Taxpayer money is not used. As time progressed, Congress began tinkering with VOCA and funding priorities started to shift away from helping victims and toward funding Federal bureaucracies.

All the money collected by the Federal Government from criminal fees goes into the Crime Victims Fund; and each year, that money is distributed to several funding streams to help the victims of crime. The fund sends money to the U.S. Attorney's Office, the FBI, a Federal victim notification system, State victim compensation programs, and direct victim assistance service providers.

Since 2000, the Appropriations Committees have been limiting how much of these funds can be used each year. The U.S. Attorney's, FBI and other bureaucratic programs are paid first, which means that direct victim assistance funding gets whatever is left over. At times, this has resulted in cuts to these critical victims assistance programs. This money pays for the salaries of victim advocates and counselors, domestic violence shelters, children's assessment centers, hospital and attorney fees for underprivileged victims, and other services directly impacting victims.

The Poe amendment seeks to strike a reasonable balance between the needs of the victims' field for stable, assured funding and the realities of the appropriations and budget processes. It seeks to guarantee the original, primary purpose of the Crime Victims Fund—to support state and local victim services. At the very least, this amendment assures we give victims' assistance and compensation programs the same budgeting priority as the federal agencies and bureaucracy.

Mr. Chairman, I want to thank you for your leadership in giving victims a higher priority in Congress. Your leadership helped pass the Child Safety Act that provides greater protections for America's children from Child Predators. You also committed to protecting VOCA from the Administration's plan for rescinding all of the money in the Crime Victims Fund and placing it in the general Treasury—balancing the budget on the backs of crime victims. And I appreciate your willingness to work with me to better prioritize the Crime Victims Fund. It is my goal to bring about reforms to the Victims of Crime Act that restores the original spirit of the law and puts victims ahead of bureaucracy.

Mr. Chairman, I am withdrawing my amendment and look forward to working with you as this bill moves towards Conference.

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

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

Mr. SENSENBRENNER. Mr. Chairman, while I recognize the gentleman's amendment is well intentioned, I have concerns about changing the caps under VOCA, and I want to make sure that there is a reserve fund for victims of crime to ensure that their needs are met.

If the gentleman will withdraw his amendment, I think we can work on this issue down the road to address his concerns.

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

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

There was no objection.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109–236.

AMENDMENT NO. 5 OFFERED BY MR. CAPUANO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. CAPUANO:

Page 61, after line 20, insert the following (and conform the table of contents accordingly):

SEC. 226. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) IN GENERAL.—The Attorney General, acting through the Bureau of Justice Assistance, may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs.

(b) USE OF FUNDS.—Grants made available under this section may be used—

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes—

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and

(E) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(c) DEFINITIONS.—In this section:

(1) The term ''juvenile'' means an individual who is age 17 or younger.

(2) The term ''young adult'' means an individual who is age 21 or younger but not a juvenile.

(3) The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2006 through 2009.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. CAPUANO).

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

This is a very simple amendment that will simply specifically authorize the Attorney General to make grants to State and local prosecutors and law enforcement agencies to help the young witnesses that have the courage and temerity to stand up to crime when they see it, to do the right thing in their community.

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

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

Mr. SENSENBRENNER. Mr. Chairman, this is also a very good amendment. The gentleman from Massachusetts is also batting 1.000. We are happy to accept it, and he should play for the Red Sox, too.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CAPUANO).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 109–236.

AMENDMENT NO. 6 OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KENNEDY of Minnesota:

Page 64, after line 2, insert the following new section (and conform the table of contents accordingly):

SEC. 235. ENHANCED RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM FOR STATE PRISONERS.

(a) ENHANCED DRUG SCREENINGS REQUIREMENT.—Subsection (b) of section 1902 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff—1(b)) is amended to read as follows:

''(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree—

''(1) to implement or continue to require urinalysis or other proven reliable forms of testing, including both periodic and random testing—

''(A) of an individual before the individual enters a residential substance abuse treatment program and during the period in which the individual participates in the treatment program; and

''(B) of an individual released from a residential substance abuse treatment program if the individual remains in the custody of the State; and

''(2) to require, as a condition of participation in the treatment program, that such testing indicate that the individual has not used a controlled substance for at least the three-month period prior to the date the individual receives such testing to enter the treatment program.''.

(b) AFTERCARE SERVICES REQUIREMENT.—Subsection (c) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT'' and inserting ''AFTERCARE SERVICES REQUIREMENT''; and

(2) in paragraph (1), by striking ''To be eligible for a preference under this part'' and inserting ''To be eligible to receive funds under this part''.

(c) PRIORITY FOR PARTNERSHIPS WITH COMMUNITY-BASED DRUG TREATMENT PROGRAMS.—Section 1903 of such Act (42 U.S.C. 3796ff—2) is amended by adding at the end the following new subsection:

''(e) PRIORITY FOR PARTNERSHIPS WITH COMMUNITY-BASED DRUG TREATMENT PROGRAMS.—In considering an application submitted by a State under section 1902, the Attorney General shall give priority to an application that involves a partnership between the State and a community-based drug treatment program within the State.''.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Minnesota (Mr. KENNEDY) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Chairman, I yield myself such time as I may consume.

I have often spoken about the tragic story of a young lady named Megan from a beautiful town in my home State of Minnesota. She got started on meth when she was in the seventh grade at the age of 13 and, like too many other female addicts, she was exploited into becoming a prostitute to pay for her meth that she craved every second of the day.

Megan is managing to pull her life back together now, after the 5 years that meth stole from her, with the help of her family, her friends, and through substance abuse treatment programs.

Mr. Chairman, about one in five of those in treatment for methamphetamine use in the State of Minnesota are 17 years old or younger.

That's a shocking statistic: one in five are younger than 17 years old. That means before they can vote, and just barely after they get their driver's licenses, 20 percent of those seeking help for substance abuse and addiction are our children.

Mr. Chairman, in some parts of Minnesota 80–90 percent of prisoners are meth users. This is a statistic illuminates the crushing pressures meth is putting on our state and local governments.

Mr. Chairman, many of my colleagues may not have heard of the Residential Substance Abuse Treatment for State Prisoners (RSAT) Grant program, but they should know that it is one of the most important tools in the toolbox to help the victims of substance abuse fight and beat their addiction.

But my amendment is important because it recognizes that our resources are limited. We need to make sure that individuals who are involved in substance abuse treatment want to be there. We can do that by making sure they are ''clean'' when they enter treatment.

The Kennedy amendment to the RSAT program provides a requirement that treatment be available to those individuals who have passed a regularly administered drug-screening test for three months. The Amendment also provides that aftercare be provided to prisoners enrolled in the RSAT program as a component of comprehensive substance abuse treatment.

Drug treatment will not work for those who are still addicted or who are still using, but it will help those who are ready to seek help and work to beat their addiction.

My amendment also recognizes that when a substance abuser finishes a treatment program, he or she isn't at the end of the recovery process, he or she is actually at the end of the beginning of it. Aftercare is a critical part of substance abuse treatment, and my amendment recognizes that.

These improvements are consistent with best practices for substance abuse and they respond to the important needs and nearly crippling demands on our drug treatment systems.

As Members of Congress, in the face of so much suffering, we have an obligation to act.

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

Mr. KENNEDY of Minnesota. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is also a very good amendment, and I am pleased to accept it.

Mr. KENNEDY of Minnesota. Mr. Chairman, reclaiming my time, I appreciate the chairman's accepting the amendment. I also want to recognize that the gentlewoman from Oregon (Ms. HOOLEY) is here in support of the amendment as well.

Ms. HOOLEY. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Minnesota. I yield to the gentlewoman from Oregon.

Ms. HOOLEY. Mr. Chairman, I rise in support of this amendment.

I was talking to a gentleman the other day, and he was talking about his daughter who was addicted to methamphetamine. She had six children, and all of the children are now living with someone else. The mother spent more time in prison than she had out on the streets.

It is important that we have this kind of a treatment program for those in prison. I thank the gentleman for yielding, and I thank him for the amendment.

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

Mr. Chairman, I support after-care to prisoners enrolled in the RSAT program, but the problem with the amendment is that it contains the irrational requirement that the individuals must be drug-free in order to be eligible for a substance abuse program. Please. If they are drug-free, they will not have to use a substance abuse program. So this requirement in the well-intended amendment defeats the very purpose of a substance abuse program, which is to help drug-addicted individuals overcome drug abuse. For that reason, I cannot join in the support of it.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 109–236.

AMENDMENT NO. 7 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. GINNY BROWN-WAITE of Florida:

Page 104, after line 14, insert the following new section:

SECTION 323. STUDY AND REPORT ON CORRELATION BETWEEN SUBSTANCE ABUSE AND DOMESTIC VIOLENCE AT DOMESTIC VIOLENCE SHELTERS.

The Secretary of Health and Human Services shall carry out a study on the correlation between a perpetrator's drug and alcohol abuse and the reported incidence of domestic violence at domestic violence shelters. The study shall cover fiscal years 2006 through 2008. Not later than February 2009, The Secretary shall submit to Congress a report on the results of the study.

The CHAIRMAN. Pursuant to House Resolution 462, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I yield myself such time as I may consume.

My amendment requires the Secretary of Health and Human Services to report to Congress on the correlation between a perpetrator's drug or alcohol abuse and the reported incidence of domestic violence.

I rise today to offer an amendment to the Department of Justice Authorization Act. As you know, this bill includes provision that reauthorize the successful Violence Against Women Act (VAWA).

As the Republican Co-Chair of the Congressional Caucus for Women's Issues, I wholeheartedly support VAWA 2005 because it faithfully reauthorizes existing programs that work and it sets forth new and innovative ideas. Since VAWA was first passed in 1994, the rate of domestic violence against females over the age of 12 in the U.S. has declined each year.

While great strides have been made in breaking the vicious cycle of domestic violence in this country, there is much more to be done. Too many people continue to be abused and victimized by family members whom they should be able to trust.

When VAWA 2005 was drafted, I was disturbed by the lack of information available to Members of Congress on the correlation between a perpetrator's drug and alcohol abuse and incidence of domestic violence. My amendment seeks to fill this gap in time for the next reauthorization of VAWA in 2010.

Intuitively, the connection between substance abuse and physical abuse of a spouse or family member seems obvious. While Congress can be guided by intuition, ultimately we need hard data to help shape future policy decisions. Currently, there is an absence of nationally complied data examining the strength of this connection.

My amendment requires the Secretary of Health and Human Services to report to Congress on the correlation between a perpetrator's drug and alcohol abuse and the reported incidence of domestic violence.

I urge support of my amendment to the 2005 Department of Justice Authorization Act.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. GINNY BROWN-WAITE of Florida. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is a very good amendment, and I am pleased to accept it.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I appreciate the gentleman accepting the amendment.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. GINNY BROWN-WAITE of Florida. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, because this amendment supports the efforts to investigate domestic violence and collect data that will help define the next step for Congress to put an end to domestic violence entirely, I am happy to support the amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 109–236.

AMENDMENT NO. 8 OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. SLAUGHTER:

Page 104, after line 14, insert the following new section:

SEC. 323. EMERGENCY AUTHORITY OF STATE OR LOCAL LAW ENFORCEMENT AGENCY TO GATHER OR RECEIVE EVIDENCE FOR LAW ENFORCEMENT PURPOSES OUTSIDE THE TERRITORIAL JURISDICTION OF THE AGENCY.

(a) IN GENERAL.—Notwithstanding any other State, local, or tribal law to the contrary, each State, local, or tribal law enforcement agency may, for law enforcement purposes, gather or receive evidence at any place within the United States as the nature of its mission may require, upon a finding by the head of the agency (or, if the head of the agency is unavailable, the person authorized by law to act as head) that, because of emergency conditions, the ability of that agency to carry out its mission, or the ability of victims within the territorial jurisdiction of that agency or of any other such agency to obtain justice, has been substantially impaired.

(b) COORDINATION.—The Office of Victims of Crime, working in consultation with national, State, and local domestic violence, sexual violence, and stalking non-profit, non-governmental organizations, and in collaboration with the Department of Health and Human Services and other appropriate Federal agencies, shall develop and implement a plan under which the Office—

(1) coordinates the activities of law enforcement agencies under subsection (a); and

(2) coordinates, and provides information and assistance to, victims, service providers, and law enforcement officials as contemplated by subsection (a).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Office of Victims of Crime shall submit to Congress a report on the plan required by subsection (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary.

The CHAIRMAN. Pursuant to House Resolution 462, the gentlewoman from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Ms. SLAUGHTER).

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

Mr. Chairman, I intend to withdraw this amendment and ask to engage the chairman in a colloquy.

My amendment would require law enforcement authorities to be able to file reports and collect evidence when a violent crime has been committed during an emergency, even if the crime occurred outside their jurisdiction.

It would also require the Office for Victims of Crime working with national, State, and local authorities and in collaboration with other Federal agencies to develop and implement a plan that allows law enforcement officials to gather evidence of a crime during times of emergency and inform victims and law enforcement officials about these available mechanisms.

The intent of the amendment is to put systems in place to assist victims and law enforcement officials to better respond to crimes committed against vulnerable people during times of national crisis.

The chaos following Hurricane Katrina produced an especially fertile breeding ground for violent crime. At evacuation centers such as the Superdome and convention center, and on the streets of New Orleans, there were unofficial reports of sexual assaults, armed robbery, murder, child molestation, and looting.

While the true number of crimes that took place is unclear, we do know that many will not be subject to criminal prosecution because the victims and witnesses had no place to report the crime.

□ 1700

The problem was compounded by the fact that once evacuated they were no longer located in the jurisdiction where the crimes occurred. And most local law enforcement officials do not have the authority to take the crime report if it occurred outside their jurisdiction.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I appreciate the gentlewoman yielding, Mr. Chairman.

I think the gentlewoman's amendment is very well intentioned; however, there are both constitutional and practical problems that arise in the manner in which it has been drafted. If the gentlewoman will withdraw her amendment, I will work with her to try to put something that will pass constitutional muster and will not cause practical problems between jurisdiction in the final version of the bill.

Ms. SLAUGHTER. I thank the chairman for this colloquy, and I look forward to working with him in conference.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 109–236.

AMENDMENT NO. 9 OFFERED BY MR. KOLBE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. KOLBE:

At the end of title III, add the following (and amend the table of contents accordingly):

SEC. ___. REAUTHORIZATION OF STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking ''appropriated'' and all that follows through the period and inserting the

following: ''appropriated to carry out this subsection—

''(A) such sums as may be necessary for fiscal year 2005;

''(B) $750,000,000 for fiscal year 2006;

''(C) $850,000,000 for fiscal year 2007; and

''(D) $950,000,000 for each of the fiscal years 2008 through 2011.''.

(b) LIMITATION ON USE OF FUNDS.—Section 241(i)(6) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(6)) is amended to read as follows:

''(6) Amounts appropriated pursuant to the authorization of appropriations in paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.''.

(c) STUDY AND REPORT ON STATE AND LOCAL ASSISTANCE IN INCARCERATING UNDOCUMENTED CRIMINAL ALIENS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the United States Department of Justice shall perform a study, and report to the Committee on the Judiciary of the United States House of Representatives and the Committee on the Judiciary of the United States Senate on the following:

(A) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and are not fully cooperating in the Department of Homeland Security's efforts to remove from the United States undocumented criminal aliens (as defined in paragraph (3) of such section).

(B) Whether there are States, or political subdivisions of a State, that have received compensation under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) and that have in effect a policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(C) The number of criminal offenses that have been committed by aliens unlawfully present in the United States after having been apprehended by States or local law enforcement officials for a criminal offense and subsequently being released without being referred to the Department of Homeland Security for removal from the United States.

(D) The number of aliens described in subparagraph (C) who were released because the State or political subdivision lacked space or funds for detention of the alien.

(2) IDENTIFICATION.—In the report submitted under paragraph (1), the Inspector General of the United States Department of Justice—

(A) shall include a list identifying each State or political subdivision of a State that is determined to be described in subparagraph (A) or (B) of paragraph (1); and

(B) shall include a copy of any written policy determined to be described in subparagraph (B).

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Arizona (Mr. KOLBE) and a Member opposed each will control 5 minutes.

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

Mr. KOLBE. Mr. Chairman, I rise to urge Members to support this amendment. I want to thank the gentleman from California (Mr. DREIER) and the gentleman from California (Mr. LEWIS) for joining me in sponsoring this important amendment. I am glad we have been able to come to an agreement with the gentleman from Wisconsin (Mr. SENSENBRENNER) to craft an amendment that both ensures the Federal Government assumes more of its responsibility for incarcerating undocumented criminal aliens while also addressing concerns some Members have regarding the way these funds are spent.

My State of Arizona has been the doormat of the country for illegal immigration. The Federal Government has failed to secure our borders and reform our broken immigration system.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I believe that the SCAAP program is a very important program in providing reimbursements to those States that do have to incarcerate criminal illegal aliens. I am pleased to support his amendment and would urge that we promptly adopt it.

Mr. KOLBE. Mr. Chairman, I will abbreviate my remarks. I just want to be able to say because Arizona has been at the forefront of this problem for so long and had more than 50 percent of all the apprehensions in our State that this is extraordinarily important.

The amendment does increase the authorizations through fiscal year 2011 from the current to $750 million in 2006 and $850 million in 2007 and $950 million in 2008. So I believe these provisions are extraordinarily important to us as well as the provisions which at the behest of the gentleman from Wisconsin we have added regarding how these funds are spent and to look at them.

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

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

Mr. CONYERS. Mr. Chairman, I join in supporting the amendment because it ensures full funding for the State Criminal Alien Assistance Program. I commend the gentleman on his amendment.

Mr. KOLBE. I thank the gentleman for his statement in support.

Mr. Chairman, I yield to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, we have been working in the State of California for a long time on this bill. I thank the gentleman from Wisconsin (Mr. SENSENBRENNER). It is a good bill. We appreciate the compromise that was made. I rise in strong support.

Mr. KOLBE. Mr. Chairman, I yield to the gentleman from California (Mr. LEWIS),the distinguished chairman of the Committee on Appropriations.

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Chairman, I rise to express my support of the work of both the gentleman from Arizona (Mr. KOLBE) and the gentleman from California (Mr. DREIER) on this very important matter. They have done great work together. I appreciate it.

Mr. Chairman, I want to thank my colleagues JIM KOLBE and DAVID DREIER for taking the lead on this extremely important measure. This amendment is about meeting federal responsibilities, about fairness to our states, and about making sure federal policies make our streets safer, not more dangerous.

There can be no debate that immigration is a federal responsibility. The Supreme Court has ruled again and again that the states cannot take the lead on immigration, even if they want to. Every President has insisted that the federal government must control, and be responsible for, immigration. And Congress throughout history has passed laws that ensure we will help states cover the costs of immigration.

I want my colleagues to understand this point: The SCAAP fund is not a grant program. We are reimbursing State and local governments for money they have already spent to arrest, process and incarcerate criminal aliens. These aliens should not be here, creating a burden on our society. We all agree that if the federal government was protecting our borders effectively, this would not be the problem it is.

Yet every year, more than $635 million is spent by California and our local governments to incarcerate criminal aliens. This is not an estimate—to qualify for SCAAP, the states must clearly document their costs and get federal verification that the convicts are aliens. Nationwide, the costs are nearly $2 billion a year to jail more than 200,000 criminal aliens in state and local lockups.

Let me be clear on this: This is $2 billion that has been spent on criminals who everyone agrees are federal responsibilities. This is $2 billion that is not being spent by states, counties and cities on more law enforcement officers, better courts and reducing the prison population.

This is not a partisan matter. When Mr. KOLBE and Mr. DREIER introduced an amendment to increase SCAAP reimbursements this year, it was passed easily in a bipartisan vote. The Senate has passed this reauthorization legislation unanimously. It is time for Congress to reaffirm this federal responsibility. Please vote for the Kolbe-Dreier-Lewis amendment.

Mr. KOLBE. Mr. Chairman, I appreciate the chairman of the Committee on Appropriations for co-sponsoring this amendment with me. It means a great deal.

Mr. Chairman, I yield to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, who has been instrumental in helping to craft this amendment.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding. I rise in very strong support of this amendment. I am proud to join with the gentleman from California (Mr. LEWIS) and the gentleman from Arizona (Mr. KOLBE) in co-sponsoring it. The gentleman from Arizona (Mr. KOLBE) and I had an amendment that increased by $50 million in the appropriations bill, having worked closely with the Committee on Appropriations, for the reimbursement to the States for the incarceration of illegal immigrant felons.

Obviously, this is a very pressing challenge. The sheriff of Los Angeles County has told me that it costs $150

million a year simply for the incarceration of criminals who are in this country illegally, and in light of that fact, is making sure that we realize that the States, the States have been shouldering this burden. Policing our borders is a Federal responsibility. It is not the responsibility of cities, counties, or States. And that is why I believe that ensuring that States that have already paid, already paid for this tremendous cost, should be reimbursed.

There are those who believe that this is somehow money that is moving ahead and it is fungible so they can spend it on something else. These are dollars that have already been expended. So that is why this amendment is very important, to make sure that as we proceed with this very difficult challenge of border security and immigration reform that we pass this. I thank my friends on both sides of the aisle for the strong support in this effort.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for his comments, and I appreciate the support of all the Members who have risen today.

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

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

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 109–236.

AMENDMENT NO. 10 OFFERED BY MR. KING OF IOWA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. KING of Iowa:

Page 302, after line 3, insert the following (and amend the table of contents accordingly):

SEC. 940. PROHIBITING ABUSERS FROM SPONSORING FAMILY IMMIGRANTS.

Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(l) Notwithstanding subsection (a), a petition may not be approved under subparagraph (A) or (B) of such subsection if the petition is submitted by a person convicted of a crime described in paragraph (5), (7), (8), (21), or (22) of section 2000B of the Omnibus Crime Control and Safe Streets Act of 1968.''.

Page 302, line 4, strike ''**940.**.'' and insert ''**941.**''

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Iowa (Mr. KING) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

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

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

My amendment would prohibit any person convicted of crimes of domestic violence as defined by the Violence Against Women Act from sponsoring the visa application of a foreigner.

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

Mr. KING of Iowa. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I believe this amendment is a very constructive amendment, and I am happy to accept it.

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

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

The simple problem with the amendment, although well intended, is that it would also apply to some victims of domestic violence as well as the abusers. Victims sometimes have conviction records for minor domestic violence offenses because police who arrive at the scene of a dispute charge both parties with violent offenses, even though it may later become clear that one party is just a victim, not an abuser.

In addition, battered immigrant women who are arrested sometimes receive bad legal advice and are often likely to take a plea offer even when they did nothing wrong. These victims should be exempted from the effects of this amendment; and because they are not, I reluctantly oppose the amendment.

Mr. Chairman, I support the intent of the gentleman from Iowa's amendment, which is to ensure that persons who have been convicted of certain types of abuse be prevented from sponsoring the immigration of family members whom they may, in turn, abuse.

However, while noble in its intent, this amendment is overly broad and could have serious, negative, unintended consequences on innocent immigrants, as it is currently drafted.

First, the amendment makes no distinction as to the degree of the crime or rehabilitation of the offender. A person with a 30-year-old misdemeanor conviction of assault who has successfully completed a domestic violence rehabilitation program, has no further domestic violence convictions and has no other record of violent crime is barred from sponsoring family members just as an abuser with a string of domestic violence convictions culminating in the murder of his wife would be barred.

Second, the amendment does not specify where the crime must have been committed. It may well require DHS to ask foreign governments to investigate and reveal the criminal histories of U.S. legal permanent residents and citizens who have lived in other countries and are now trying to sponsor a family member. This could include countries with long histories of politically motivated persecution or human rights abuses—such as Cuba, Sudan, or Iran—and inquire about the criminal history of one of their citizens who has received asylum or refugee status here due to persecution they suffered in that country. Not only might this lead to inaccurate information from untrustworthy governments, but it also may lead to reprisals against the family members of refugees who fled persecution by the foreign government.

Third, this amendment will also apply to some victims of domestic violence as well as the abusers. Victims sometimes have conviction records for minor domestic violence offenses because police who arrive at the scene of a dispute charge both parties with violent offenses, even though it may later become clear that one party is just a victim, not an abuser. Furthermore, battered immigrant women who are arrested often receive bad legal advice and are often likely to take a plea offer, even when they did nothing wrong. These victims should be exempted from the effects of this amendment.

The safety of immigrant victims can be enhanced by expanding their support system to include close family members. We should not bar victims of domestic violence from sponsoring their children, siblings and other close relatives. If this amendment passes as it is, it will do just that.

Mr. Chairman, I am not encouraging opposition to the King amendment today. However, should the House adopt this amendment, I hope that the House Conferees will work with our colleagues in the other body to ensure that the unintended negative consequences of the amendment are mitigated, while still preserving the vision that is embodied within it.

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

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

Mr. Chairman, I would say in response to that that we have real victims in the cemeteries in America because they have been allowed, already having committed the crime of violence against women, to sponsor another woman to come into the country even though they have been convicted of a crime of violence and then murdered a second woman. I can give you an anecdote here; but rather than belabor that point, I think the point of protecting people from violent criminals is more important than protecting the latitude of someone who might also be a domestic criminal and their latitude to sponsor someone. If that is the case, they can find someone else to sponsor them, not someone who has committed a domestic crime.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I support the intent of the gentleman from Iowa's amendment, which is to ensure that persons who have been convicted of certain types of abuse be prevented from sponsoring the immigration of family members whom they may, in turn, abuse.

However, while noble in its intent, this amendment is overly broad and could have serious, negative, unintended consequences on innocent immigrants, as it is currently drafted.

First, it threatens the operation of the family reunification system. Every U.S. citizen or legal permanent resident who files a petition to bring a family member here to join them would become subject to criminal background checks. Not only does this raise privacy concerns, but it also raises constitutional concerns by limiting the rights of some U.S. citizens to live here with their immediate family members.

Second, the amendment makes no distinction as to the degree of the crime or rehabilitation of the offender. A person with a 30-year-old misdemeanor conviction of assault who has successfully completed a domestic violence rehabilitation program, has no further domestic violence convictions and has no other record of violent crime, is barred from

sponsoring family members, just as an abuser with a string of domestic violence convictions culminating in the murder of his wife would be barred.

Third, the amendment does not specify where the crime must have been committed. It is not limited to domestic violence crimes committed in the United States. It may well require DHS to ask foreign governments to investigate and reveal the criminal histories of U.S. legal permanent residents and citizens who have lived in other countries and are now trying to sponsor a family member. DHS may then go to countries with long histories of politically motivated persecution or human rights abuses—such as Cuba, Sudan, or Iran—and inquire about the criminal history of one of their citizens who has received asylum or refugee status here due to persecution they suffered in that country. Not only might this lead to inaccurate information from untrustworthy governments, but it also may lead to reprisals against the family members of refugees who fled persecution by the foreign government.

Fourth, this amendment will also keep some victims of domestic violence from bringing family members to join them in the U.S. Unfortunately, perpetrators of domestic violence are sometimes able to get their victims arrested for domestic violence offences, especially when the abuser has superior English-speaking skills to the victim. Furthermore, battered immigrant women who are arrested often receive bad legal advice and are often likely to take a plea offer, even when they did nothing wrong.

Among other changes, the amendment needs to include an exemption for victims of battering or extreme cruelty. Approved VAWA, T-visa trafficking victims and U-visa crime victims need to be exempt, as do immigrant victims with domestic violence convictions who already qualify for waivers under VAWA 2000 protections. The safety of immigrant victims can be enhanced by expanding their support system to include close family members. We should not bar victims of domestic violence from sponsoring their children, siblings and other close relatives. If this amendment passes as it is, it will do just that.

Mr. Chairman, I am not encouraging opposition to the King amendment today. However, should the House adopt this amendment, I hope that the House Conferees will work with our colleagues in the other body to ensure that the unintended negative consequences of the amendment are mitigated, while still preserving the vision that is embodied within it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 109–236.

AMENDMENT NO. 11 OFFERED BY MR. RYAN OF OHIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. RYAN of Ohio:

At the end of the bill, add the following title:

TITLE XI—PUBLIC AWARENESS CAMPAIGN REGARDING DOMESTIC VIOLENCE AGAINST PREGNANT WOMEN

SEC. 1101. PUBLIC AWARENESS CAMPAIGN.

(a) IN GENERAL.—The Attorney General, acting through the Office on Violence Against Women], shall make grants to States for carrying out a campaign to increase public awareness of issues regarding domestic violence against pregnant women.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.

The CHAIRMAN. Pursuant to House Resolution 462, the gentleman from Ohio (Mr. RYAN) and a Member opposed each will control 5 minutes.

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

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

Mr. Chairman, I rise today in support of my amendment offered with the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Michigan (Mr. STUPAK). I would like to thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) for their work on the reauthorization. I would also like to thank the gentleman from California (Mr. DREIER) and especially the gentlewoman from New York (Ms. SLAUGHTER) for allowing me to offer this very important amendment on domestic violence against pregnant women.

My amendment authorizes the Office on Violence Against Women to provide grants to States for carrying out a campaign to increase public awareness of issues regarding domestic violence against pregnant women.

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

Mr. RYAN of Ohio. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, this is a very good amendment. I am pleased to accept it and commend him for drafting this amendment and persuading the Committee on Rules to make it in order.

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

Mr. RYAN of Ohio. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I am inclined to support the amendment as well, and I congratulate the gentleman.

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

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

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 109–236.

AMENDMENT NO. 12 OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. SLAUGHTER:

Strike section 321, and insert the following:

SEC. 321. PUBLIC EMPLOYEE UNIFORMS.

(a) IN GENERAL.—Section 716 of title 18, United States Code, is amended—

(1) by striking ''police badge'' each place it appears in subsections (a) and (b) and inserting ''official insignia or article of clothing'';

(2) in each of paragraphs (2) and (4) of subsection (a), by striking ''badge of the police'' and inserting ''official insignia or article of clothing'';

(3) in subsection (b)—

(A) by striking ''the badge'' and inserting ''the insignia or article of clothing''; and

(B) by inserting ''is other than a counterfeit police badge and'' before ''is used or is intended to be used'';

(4) in subsection (c)—

(A) by striking ''and'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; and'';

(C) by adding at the end the following:

''(3) the term 'official insignia or article of clothing' means an article of distinctive clothing or insignia, including a badge, emblem or identification card, that is an indicium of the authority of a public employee; and

''(4) the term 'public employee' means any officer or employee of the Federal Government or of a State or local government.'';

(5) by adding at the end the following:

''(d) It is a defense to a prosecution under this section that theofficial insignia or article of clothing is a counterfeit police badge and is used or is intended to be used exclusively—

''(1) for a dramatic presentation, such as a theatrical, film, or television production; or

''(2) for legitimate law enforcement purposes.''; and

(6) in the heading for the section, by striking ''**Police badges**'' and inserting ''**Public employee insignia and clothing**''.

(b) CONFORMING AMENDMENT TO TABLE OF SECTIONS.—The item in the table of sections at the beginning of chapter 33 of title 18, United States Code, relating to section 716 is amended by striking ''Police badges'' and inserting ''Public employee insignia and clothing''.

(c) DIRECTION TO SENTENCING COMMISSION.—The United States Sentencing Commission is directed to make appropriate amendments to sentencing guidelines, policy statements, and official commentary to assure that the sentence imposed on a defendant who is convicted of a Federal offense while wearing or displaying insignia and clothing received in violation of section 716 of title 18, United States Code, reflects the gravity of this aggravating factor.

The CHAIRMAN. Pursuant to House Resolution 462, the gentlewoman from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Ms. SLAUGHTER).

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

Mr. Chairman, I rise today to offer an amendment that would implement legislation that expands the current Federal criminal ban on fake police badges to include the uniforms, identification, and all other insignia of public officials while preserving language in the bill that cracks down on the growing problem of counterfeit police badges.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentlewoman for yielding. I will support the amendment at this time, but I believe that the language may need to be refined during conference and pledge that I will work with the gentlewoman from New York to refine the language if it is determined to be necessary.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes, pursuant to House Resolution 462, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STUPAK. I am in its current form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

MOTION TO RECOMMIT WITH INSTRUCTIONS

Mr. Stupak moves to recommit the bill H.R. 3402 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following:

TITLE XI—GAS PRICE GOUGING

SEC. 1101. GAS PRICE GOUGING.

(a) OFFENSE.—Chapter 89 of title 18, United States Code, is amended by adding at the end the following:

''§ 1822. Gas price gouging

''(a) PROHIBITION.—During any time of national disaster, it shall be unlawful for any person to offer to sell crude oil, gasoline, natural gas, or petroleum distillates at a price that—

''(1) is unconscionably excessive; or

''(2) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

''(b) FACTORS CONSIDERED.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether—

''(1) the amount charged represents a gross disparity between the price of the crude oil, gasoline, natural gas, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the time of national disaster; or

''(2) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, natural gas, or petroleum distillate was readily obtainable by other purchasers.

''(c) MITIGATING FACTORS.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether the price at which the crude oil, gasoline, natural gas, or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

''(d) DEFINITION.—As used in this section, the term 'time of national disaster' means the period during which there is in effect a declaration of a major disaster, or a declaration of an emergency, issued by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 et seq.).

''(e) PENALTY.—The penalty for a violation of this section by an organization is a fine not more than $100,000,000. The penalty for a violation of this section by an individual is a fine not more than $1,000,000 or imprisonment not more than 10 years, or both.''.

(b) AMENDMENT TO TABLE OF SECTIONS.—The table of sections in chapter 89 of title 18, United States Code, is amended by adding after the item relating to section 1821 the following new item:

''1822. Gas price gouging.''.

Mr. STUPAK (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes in support of his motion.

Mr. STUPAK. Mr. Speaker, I am pleased to offer this motion to recommit with my friend and colleague from South Dakota (Ms. HERSETH).

Our motion instructs the Federal Government to crack down on price gouging and provides tough Federal penalties for those guilty of gas price gouging.

Even before the devastation caused by Hurricane Katrina, skyrocketing oil and gasoline prices were taxing American families and burdening our Nation's economy, with the notable exception of the oil industry, which continued to rack up record profits.

Following Katrina, gas prices in some areas of the Nation reached almost $6 per gallon, deepening suspicions of the oil and gas industry profiteering. We need a Federal standard to ensure adequate response to energy emergencies that prohibit price gouging with the priority on refineries and big oil companies. Currently, only 28 States have price gouging laws on the books and have enforcement mechanisms to go after those found ripping off consumers.

At the Federal level there is no oversight to protect consumers from this predatory pricing. No American should have to pay too much for gas because the oil companies are rigging prices.

Our motion to recommit will outlaw the selling of crude oil, gasoline, home heating oil, or natural gas at predatory or unconscionably excessive levels during such a crisis. It will provide new Federal authority to investigate and punish those who engage in predatory pricing from oil companies on down to local gas stations with an emphasis on those who profit most. And it will impose tough maximum penalties on companies that have cheated consumers.

In the wake of Hurricane Katrina, Americans are pulling together, donating to relief organizations, and giving their time to help the people of the gulf coast recover. That is how the American people react when they see their fellow citizens in need. Unfortunately, some have looked at Katrina not as a chance to give but an opportunity for excessive profit. Some have decided to take advantage of this terrible tragedy and line their own pockets by price gouging the American people at the pump.

As eight Governors wrote in a letter to the Congress urging passage of a Federal price gouging legislation, they stated: ''To price gouge consumers under normal circumstances is dishonest enough, but to make money off the severe misfortune of others is downright immoral.''

□ 1715

People are rightly angry and frustrated with high gas prices, and they deserve to have someone on their side fighting to ensure that they do not get mugged at the gas pump.

Sadly, the administration and the House majority's answer has been to sit on their hands while consumers get the shakedown from the oil companies.

It is obvious to me and many Americans that Congress needs to act to protect Americans from price gouging.

I urge a ''yes'' vote on the motion to recommit. A ''no'' vote denies the American people a law to stop energy and gasoline price gouging.

Ms. HERSETH. Mr. Speaker, will the gentleman yield?

Mr. STUPAK. I yield to the gentlewoman from South Dakota (Ms.

HERSETH), my friend and coauthor of this amendment.

Ms. HERSETH. Mr. Speaker, I want to thank the gentleman from Michigan for his hard work and do the same to urge my colleagues to support this motion to recommit so that this body will take an important step to addressing the concerns of all consumers in the country, particularly those in rural America.

We need to take steps to be able to define price gouging, with the FTC having the authority to do that, and then to investigate these thousands of complaints that have come into the Energy Department in the past many weeks.

As co-chair of the Rural Working Group for the House Democratic Caucus, we know what the impact of high fuel costs has been for rural Americans, those that drive many miles to get to their jobs, those that are trying to harvest crops this fall.

This is an important step because inaction is inexcusable, and accountability is absolutely necessary. It is no longer a sufficient answer to say, well, price gouging is difficult to define; it is hard to prove.

This is the importance of this motion to recommit, so that we can take a step to allow the FTC to promulgate a rule defining the price gouging and the market manipulation that we believe is taking place and to help overcome the skepticism, especially in rural America, about the role of multinational oil companies who are taking measures that are not allowing the market to operate fairly and efficiently and effectively.

Mr. STUPAK. Mr. Speaker, I would just like to underscore what the gentlewoman from South Dakota has said.

If you have a small business or are a farmer or just an American trying to heat your home, like in my district in northern Michigan, we are expecting snow. So the furnaces are going to be on. They are expecting home heating oil to be up 71 percent over last year, and when we look at the refiners, in 1 year, they have increased their profits by 255 percent. 255 percent in 1 year. That is excessive. That is price gouging. That is predatory pricing.

If my colleagues believe that we should put an end to this predatory gas pricing we see at the gas pump and we heat our home and run our businesses and our family farms, then vote for the motion to recommit. If my colleagues believe those prices, a 250 percent increase, is okay, then vote against the motion to recommit. It is time to end predatory pricing. Vote ''yes'' on the motion to recommit.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, once again, we see games being played by the minority party. The gentleman from Michigan has stood up and said he is opposed to reauthorizing the Violence Against Women Act so he is qualified to introduce this motion to recommit, and the motion to recommit has to do with price gouging.

Nobody's for price gouging. There are laws on the books that have the Federal Trade Commission investigate price gouging. Every time there has been a spike in fuel prices, petroleum prices, the FTC has been on the case. They have investigated it according to law, and in most cases, they have found that no price gouging has occurred.

There are certain legislative provisions of the Violence Against Women Act that expire on Friday, September 30, 2005, and this amendment, once again, is a poison pill that is introduced at the last minute.

We have heard complaints from the other side of the aisle about legislation not receiving a hearing or formal committee consideration. We heard that earlier today, and what happens is there is a motion to recommit, introduced by an opponent of reauthorizing the Violence Against Women Act, that wants to put something that is completely unrelated into a Department of Justice reauthorization bill.

Whatever happened to State prerogatives, to allow State Attorneys General to investigate whether State law is violated? This motion to recommit blows the concept of federalism into little teeny pieces and will tie the hands of your State Attorney General and mine to look into price gouging.

It is a poorly drafted amendment. It does not relate to reauthorizing the Violence Against Women Act. It is something that is put in in an extremely hostile manner to try and get the job done in the Violence Against Women Act.

If my colleagues are for the Violence Against Women Act being reauthorized promptly, vote ''no'' on the motion to recommit. Vote ''yes'' on the bill.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan, Mr. STUPAK, and the gentlewoman from South Dakota, Ms. HERSETH, for their extraordinary leadership in fighting price gouging at the gas pump.

Despite the American people's demand for action, the Bush administration and the Republican Congress are doing absolutely nothing.

Three weeks ago, the Bush administration even claimed that price gouging was not a Federal concern. Pressure from Democrats finally caused the Federal Trade Commission to start an investigation, an investigation that in true Bush cronyism style is led by a former ChevronTexaco lawyer. And in the House Energy Committee today, in a party-line vote, Republican committee Members voted unanimously against Mr. STUPAK's bill.

Instead of the bold action that the American people deserve, what we have seen from Republicans is more of the same: a culture of corruption, incompetence, and cronyism.

In contrast, Democrats have been working for months, long before Hurricane Katrina, to bring down the price of gas at the pump and home heating oil. Today, Democrats again stand ready to do something about price gouging. The Stupak-Herseth motion to recommit will give the Federal Government the tools to crack down on price gouging by the big oil and gas companies.

Mr. Speaker, Republicans have long been the handmaidens and apologists for big oil companies. It is long past time for the Republicans to act in the interests of the American people, not against them.

I urge my colleagues to vote for the Stupak-Herseth motion to recommit, so we can end price gouging and so we can lower oil prices. Our Nation is watching and expecting action now.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 195, nays 226, not voting 12, as follows:

[Roll No. 500]

YEAS—195

Abercrombie	Doggett	Lipinski
Ackerman	Doyle	Lofgren, Zoe
Allen	Edwards	Lowey
Andrews	Emanuel	Lynch
Baca	Engel	Maloney
Baird	Eshoo	Markey
Baldwin	Etheridge	Marshall
Barrow	Evans	Matheson
Bean	Farr	Matsui
Becerra	Fattah	McCarthy
Berkley	Filner	McCollum (MN)
Berman	Ford	McDermott
Berry	Frank (MA)	McGovern
Bishop (GA)	Gonzalez	McIntyre
Bishop (NY)	Gordon	McKinney
Boren	Green, Al	McNulty
Boucher	Green, Gene	Meehan
Boyd	Grijalva	Meek (FL)
Brady (PA)	Hastings (FL)	Meeks (NY)
Brown (OH)	Herseth	Menendez
Brown, Corrine	Higgins	Michaud
Butterfield	Hinchey	Millender-McDonald
Capps	Hinojosa	Miller (NC)
Capuano	Holden	Miller, George
Cardin	Holt	Mollohan
Cardoza	Honda	Moore (KS)
Carnahan	Hooley	Moore (WI)
Carson	Hoyer	Moran (VA)
Case	Inslee	Murtha
Chandler	Israel	Nadler
Clay	Jackson (IL)	Napolitano
Cleaver	Jackson-Lee (TX)	Neal (MA)
Clyburn	Jefferson	Oberstar
Conyers	Johnson, E. B.	Obey
Cooper	Jones (OH)	Olver
Costello	Kanjorski	Ortiz
Cramer	Kaptur	Owens
Crowley	Kennedy (RI)	Pallone
Cuellar	Kildee	Pascrell
Cummings	Kilpatrick (MI)	Pastor
Davis (AL)	Kind	Payne
Davis (CA)	Kucinich	Pelosi
Davis (IL)	Langevin	Peterson (MN)
Davis (TN)	Lantos	Pomeroy
DeFazio	Larsen (WA)	Price (NC)
DeGette	Larson (CT)	Rahall
Delahunt	Lee	Rangel
DeLauro	Levin	Reyes
Dicks	Lewis (GA)	Ross
Dingell		

Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—226

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

NOT VOTING—12

Blumenauer
Boswell
Costa
Culberson
Davis (FL)
Gutierrez
Harman
Hunter
Hyde
Melancon
Ruppersberger
Young (AK)

□ 1744

Messrs. FOLEY, BONILLA, BEAUPREZ, CRENSHAW and Ms. GRANGER changed their vote from ''yea'' to ''nay.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 415, nays 4, not voting 14, as follows:

[Roll No. 501]

YEAS—415

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

NAYS—4

Meehan
Paul
Tancredo
Watson

NOT VOTING—14

Blumenauer
Boswell
Costa
Culberson
Davis (FL)
Dicks
Gutierrez
Harman
Hunter
Hyde
Melancon
Ruppersberger
Visclosky
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1752

Mrs. KELLY changed her vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, due to a family illness, I was absent from this Chamber today.

I would like the RECORD to show that, had I been present, I would have voted "nay" on rollcall vote 499. I would have also voted "yea" on rollcall 497, 498, 500, and 501.

PERSONAL EXPLANATION

Mr. RUPPERSBERGER. Mr. Speaker, on September 28, 2005 I was unavoidably detained dealing with district issues.

If I were present, on rollcall votes 499 through 500 I would have voted in the following manner:

On rollcall vote 499 I would have voted "no" on agreeing to the Sensenbrenner Amendment to H.R. 3402, Justice Department Authorization.

On rollcall vote 500 I would have voted "yes" on the Motion to Recommit for H.R. 3402, Justice Department Authorization Repression.

On rollcall vote 501 I would have voted "yes" on Final Passage for H.R. 3402, Justice Department Authorization.

RULES OF THE HOUSE

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

Mr. SENSENBRENNER. Mr. Speaker, I noticed in the last roll call that the author of the motion to recommit voted in favor of passage of H.R. 3402. At the time he rose to offer the motion to recommit, he stated clearly that he was opposed to the bill in its present form; and during my arguments against the motion to recommit, I reminded him and other Members that in order to make a motion to recommit, one must be opposed to the bill.

This is in direct contravention of House rules and the admonition of the Speaker several months ago when the author of another motion to recommit on another bill voted in favor of the passage of the bill.

I would hope that Members would be cognizant of the rules and precedents of the House and not repeat what has just happened.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3402, DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 3402 that the Clerk be authorized to make technical and conforming changes.

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

There was no objection.

MAJORITY LEADER

Ms. PRYCE of Ohio. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as majority leader the gentleman from Missouri, the Honorable ROY BLUNT.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question and votes postponed earlier today will be taken tomorrow.

RECOGNIZING THE NEED TO PURSUE RESEARCH INTO CAUSES, TREATMENT AND CURE FOR IDIOPATHIC PULMONARY FIBROSIS

Mr. DEAL of Georgia. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 178) recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes, as amended.

The Clerk read as follows:

H. CON. RES. 178

Whereas idiopathic pulmonary fibrosis is a serious lung disorder causing progressive, incurable lung scarring;

Whereas idiopathic pulmonary fibrosis is one of about 200 disorders called interstitial lung diseases;

Whereas idiopathic pulmonary fibrosis is the most common form of interstitial lung disease;

Whereas idiopathic pulmonary fibrosis is a debilitating and generally fatal disease marked by progressive scarring of the lungs, causing an irreversible loss of the lung tissue's ability to transport oxygen;

Whereas idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few short years;

Whereas there is no proven cause of idiopathic pulmonary fibrosis;

Whereas approximately 83,000 United States citizens have idiopathic pulmonary fibrosis, and 31,000 new cases are diagnosed each year;

Whereas idiopathic pulmonary fibrosis is often misdiagnosed or underdiagnosed;

Whereas the median survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years, and about two thirds of idiopathic pulmonary fibrosis patients die within 5 years; and

Whereas a need has been identified to increase awareness and detection of this misdiagnosed and underdiagnosed disorder: Now, therefore, be it

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

(1) recognizes the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis;

(2) supports the work of advocates and organizations in educating, supporting, and providing hope for individuals who suffer from idiopathic pulmonary fibrosis, including efforts to organize a National Idiopathic Pulmonary Fibrosis Awareness Week;

(3) supports the designation of an appropriate week as National Idiopathic Pulmonary Fibrosis Awareness Week;

(4) encourages the President to issue a proclamation designating a National Idiopathic Pulmonary Fibrosis Awareness Week;

(5) congratulates advocates and organizations for their efforts to educate the public about idiopathic pulmonary fibrosis, while funding research to help find a cure for this disorder; and

(6) supports the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. DEAL) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

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

GENERAL LEAVE

Mr. DEAL of Georgia. 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 Georgia?

There was no objection.

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

Mr. Speaker, about 7 years ago, my good friend and a good friend of many Members in this Chamber, the gentleman from Georgia (Mr. NORWOOD) was diagnosed with a life-threatening disease that, despite his own lifetime experience in the medical care field, he said he had never heard of before. In fact, the vast majority of Americans have never heard of idiopathic pulmonary fibrosis, or IPF. That is why we are here today, to raise the awareness of the American public about this debilitating and fatal disease so one day we may seek and find a cure.

IPF is a serious lung disorder for which there is no known cause, and more importantly, at this time no known cure. IPF causes progressive scarring or fibrosis of the lungs, gradually interfering with a patient's ability to breathe and ultimately resulting in death.

Recent studies have identified that approximately 83,000 individuals suffer from IPF in the United States, and an estimated 30,000 new cases develop each year. The availability of a new treatment option for IPF is essential to improving overall patient care and further research will be required to develop these new therapies as well as assess their safety and efficacy.

Over the past 7 years, as I have watched my friend, the gentleman from Georgia (Mr. NORWOOD), I have seen

firsthand the debilitating effect this disease can have on a person's life, and given that the median survival rate for IPF patients is only 2 to 3 years, we are extremely fortunate to have our friend with us today. But unfortunately, each year thousands of Americans are not as fortunate as the gentleman from Georgia (Mr. NORWOOD) and that is why I encourage my colleagues to adopt this resolution.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, over 80,000 Americans, 5 million people worldwide suffer from idiopathic pulmonary fibrosis. As with so many diseases, the difficulty in diagnosing IPF indicates that the actual numbers may be much higher. Members of this body, as the gentleman from Georgia (Mr. DEAL) said, all have a personal connection to this disease. Our colleague, the distinguished member of our subcommittee, the gentleman from Georgia (Mr. NORWOOD) has battled the disease since 1998 and underwent a lung transplant about a year ago.

There are currently no effective treatments or cure for idiopathic pulmonary fibrosis. The only option for patients is a lung transplant, which simply does not come in time for so many who suffer from the disease. There is hope, but it requires the continued investment in the development of new treatments. Drugs designed both to treat the lungs scarred by the fibrosis and to suppress the inflammation it causes are currently in the experimental stages. We need to build on that progress and move on towards a cure.

□ 1800

This resolution reflects several important goals as we, government, patients and their doctors and society at large fight this disease. First and foremost, it underscores the need for research, not just in a new treatment for IPF, but into the causes of the disease so we can understand more about this and some 200 other related diseases, particularly various kinds of lung disorders.

It also underscores the point of funding NIH and CDC, not making huge tax cuts and underfunding these very important government programs that we realize in this country more and more are so important for all people in this country.

It is appropriate this body recognize the goals and ideals of a National Idiopathic Pulmonary Fibrosis Awareness Week.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the chairman and my friend for yielding me this time.

Mr. Speaker, I ask my colleagues to support H. Con. Res. 178, which I did author, the purpose of which is to bring attention to idiopathic pulmonary fibrosis to as many people as humanly possible. This is known as IPF.

I would like to start, of course, by thanking all of the IPF patients, survivors, advocates who have come to Capitol Hill this week to just simply make us aware of this disease. I know the story these brave individuals have to tell because it is one that I have lived.

I was very fortunate to be correctly diagnosed with IPF when I was in the early stages of the disease in 1998, diagnosed right here in this Capitol. IPF is too often misdiagnosed in the critical, critical early stages. I was blessed to have a loving family, who saw me through the difficult times as this disease progressed. I was fortunate enough to receive a single lung transplant late last year that spared me from further harm from the disease. I am incredibly grateful to have the best nurse I could ask for in my loving wife, Gloria.

I am thankful for the opportunity to join a community of terrific folks who want nothing more, nothing more, than to bring needed attention to this relatively unknown disease.

IPF is a progressive and generally fatal lung disease. It is marked by the inflammation and the scarring of the delicate lung tissues and hinders the lung's ability to transport oxygen to the rest of one's body.

While my colleagues have seen me come back from the effects of IPF since my lung transplant, a transplant is really not a treatment, and it is certainly not a cure. A transplant is a medical decision of last resort in the face of an irreversible disease whose causes remain a mystery for us today.

Unfortunately, a lung transplant will not work for every patient, in every case; and as I well know, organs are very much in short supply in this Nation.

Mr. Speaker, in an era in which medical science can do much, there is no reason why we cannot give hope to the 83,000 Americans currently living with this disease and the 31,000 that are diagnosed each year. The reason the number of current patients remains so low despite over 30,000 new cases each year is that far too many of those with IPF face severe disability and death within a few short years. In fact, two thirds of IPF patients die within 5 years of developing the disease. That is why this resolution is so important.

H. Con. Res. 178 will bring awareness, I hope, to the severity of this devastating disease by encouraging the President to recognize IPF Awareness Week. It will also recognize and encourage the need for further research, further research, into IPF in the hopes of finding a cause and a treatment and a cure.

Over 50 of our colleagues have already cosponsored, Mr. Speaker, this important resolution; and I urge this body to join with me in taking the first step toward a cure by passing this resolution to bring more attention to IPF in Washington, our capital city, and in our Nation.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Ohio for yielding me this time.

I am a cosponsor of this legislation; and, of course, there could be no more eloquent speaker than the gentleman from Georgia (Mr. NORWOOD) on this question. But I think if there is anything we emphasize with this resolution it is that in this instance research is equal to pounds and pounds of cure. So I rise to support H. Con. Res. 178.

This legislation recognizes the need to research the cause of and find a treatment and cure for IPF. It also recognizes the Coalition of Pulmonary Fibrosis and urges the President to designate an IPF Awareness Week. As the number of over-50 bipartisan cosponsors indicates, there is very strong support for this legislation.

Let me just mention a few points that I think are worth emphasizing. The disease is debilitating and generally fatal, causing an irreversible loss of the lung tissue's ability to transport oxygen to the organs. It moves very quickly. There is no proven cause of IPF, and 83,000 Americans are living with this disease and 31,000 are diagnosed each year. Idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few short years.

So the movement of research has to be key. I know that research will lead to solution. And when we start determining in the budget reconciliation, Mr. Speaker, I am asking that our colleagues be considered in their thoughts that not only is it most important to cut, cut, cut, but it is important to be able to find the resources to do the important work that our constituents have sent us to do.

Furthermore, a recent study found that IPF may be five to 10 times more prevalent than previously thought. It is unknown whether this may be due to an increased prevalence of the disease or to a previous lack of definitive guidelines for diagnosing IPF. This research effort will help us understand that. Unfortunately, many patients, particularly in the early stages of the disease, can continue to go about their normal activities for months or years before the disease runs its course. IPF can strike anyone, but the disease tends to affect men more than women and usually strikes people between the ages of 50 and 70.

Mr. Speaker, I ask my colleagues to join in the leadership of this resolution and support it enthusiastically.

Mr. Speaker, I rise in support of H. Con. Res. 178. This legislation recognizes the need to research the cause of, and to find a treatment and cure for IPF. It also recognizes the work of the Coalition for Pulmonary Fibrosis,

and urges the President to designate an Idiopathic Pulmonary Fibrosis Awareness Week. As the number of over 50 bipartisan co-sponsors indicates, there is strong support for this legislation.

Let's take a moment to mention a few important facts about this issue:

Idiopathic pulmonary fibrosis is a serious lung disorder causing progressive, incurable lung scarring.

Idiopathic pulmonary fibrosis is the most common form of interstitial lung disease.

There is no cure or treatment for this disease.

The disease is debilitating and generally fatal, causing an irreversible loss of the lung tissue's ability to transport oxygen to the organs.

There is no proven cause of idiopathic pulmonary fibrosis.

There are 83,000 Americans living with this disease and 31,000 are diagnosed each year.

Idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few short years.

It is often misdiagnosed in the early stages.

The median survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years, and about two thirds of idiopathic pulmonary fibrosis patients die within 5 years of developing the disease.

Furthermore, a recent study found that IPF may be 5 to 10 times more prevalent than previously thought. It is unknown whether this may be due to an increased prevalence of the disease or to a previous lack of definitive guidelines for diagnosing IPF. Unfortunately, many patients, particularly in their early stages of the disease, can continue to go about their normal activities for months or years, before the disease runs its course. IPF can strike anyone, but the disease tends to affect men more than women and usually strikes people between the ages of 50 and 70.

In closing, I support this legislation and the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis.

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Speaker, I want to thank my friend from Georgia for yielding me this time.

Mr. Speaker, I rise in support of House Concurrent Resolution 178, bringing attention to the need to research and to find a cure for idiopathic pulmonary fibrosis. I am one of more than 50 bipartisan cosponsors of this legislation.

I first learned that the gentleman from the great State of Georgia (Mr. NORWOOD) had this disease a few years ago, and I was amazed to learn of its effects. There is no cure or treatment for IPF, and the disease continues to build up scar tissue in the lungs until fatality results in many cases.

More than 31,000 Americans are diagnosed with IPF each year, and the median survival rate is only 2 to 3 years.

Although IPF is three times more common than cystic fibrosis, it only receives a fraction of the research funding. This resolution does the right thing by calling attention to it and increasing public awareness. Increased awareness will also help the diagnosis process to help ensure that the disease is caught as early as possible. Many times the disease is misdiagnosed in the early stages and doctors do not even realize the effects the disease is having until it moves on to its later stages.

The gentleman from Georgia (Mr. NORWOOD), my friend, has been incredible in his strength and has been an example to me. He did not let the difficulties he faced prior to his lung transplant slow him down. And after the transplant, he continued to zoom around the Capitol, often quicker than I, as he has recovered. Even when he was still on oxygen full time, he was up speaking to this House and addressing the issues and concerns of his constituents. He did not miss a beat. Mr. Speaker, I am proud to be able to serve with such a great American as the gentleman from Georgia (Mr. NORWOOD).

I ask for support of House Concurrent Resolution 178.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

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

Mr. Speaker, House Concurrent Resolution 178 takes an important step toward recognizing the need to research not only the cause of idiopathic pulmonary fibrosis but also viable therapies and, we hope one day, a cure.

It has recently been cited that IPF may be five to 10 times more prevalent than previously documented, and this may be due to increased awareness or an increased prevalence of the disease state. Regardless of what the reason, we need to act.

That is why I applaud the gentleman from Georgia (Mr. NORWOOD), my friend and colleague, for bringing this resolution to the floor. It is important to elevate the education and awareness of this disease in our country because 83,000 Americans, including the gentleman from Georgia (Mr. NORWOOD), are currently living with idiopathic pulmonary fibrosis.

In that spirit, I want to commend the gentleman from Georgia (Mr. NORWOOD) for his courage and resilient spirit. He has fought this disease every step of the way, always maintaining his hard work and commitment to this great body, the House of Representatives; and I want him to know his dedication is deeply appreciated.

Unfortunately, there is a lot we do not know and do not yet understand about this debilitating disease. We do not know what causes IPF, and in many cases the disease is misdiagnosed.

Additionally, we are relying on treatment therapies that are more than 30 years old. These IPF patients need the help of cutting-edge technology. Unfortunately, researchers are being held back by the lack of appropriate funding. Currently, IPF research receives only a fraction of the funding of what other diseases get that are less prevalent in our country.

I am proud to be an original cosponsor of this legislation. I urge my colleagues to support these efforts to bring national attention to this horrible and devastating disease.

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

Mr. Speaker, I listened to this debate, and I hope that all of my friends on the other side of the aisle who support this resolution, as we all should, keep this in context. As we spend a billion dollars a week in Iraq, as my friends on the other side of the aisle insist on tax cuts for the wealthiest people in our society, as we continue to drive this Federal budget deficit up and up and up, and I hear some people in this body say we need to cut National Institutes of Health spending, that we need to cut Centers for Disease Control in the gentleman from Georgia's (Mr. DEAL) area, that we need to cut programs on Medicaid and Medicare, I hope they will remember this debate tonight about how important this program is to the gentleman from Georgia (Mr. NORWOOD) and how important this program is to so many in our country who, frankly, do not have the good health plans and the good insurance that Members of this institution have.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I guess I hope people will remember this debate too because this is one of the debates that ought to be absolutely nonpartisan and ought to have not any political bickering in it. This is about the lives of a lot of human beings that we need to work on.

I am on the floor as maybe the only Member of Congress who has IPF. I may not be the only one, but I am the only one we know for sure has IPF.

□ 1815

I am here to bring this resolution to the floor to talk about what this disease is, what IPF is, and to say it over and over again, because that is how you get the word out.

I can speak from personal experiences that IPF is a serious lung disorder. Many may not know it, but IPF is the most common form of interstitial lung disease. I guarantee you, most of us do not know that.

Idiopathic, and I have been asked this 1,000 times, means that there is no known cause. It is hard to cure something when you do not know what caused it. Pulmonary fibrosis has no cure or treatment. However, I would say to my friend the gentleman from Ohio (Mr. BROWN), having a new lung certainly extends one's lifetime, and I am going to be here to argue with him a lot longer than the statistics say. So

do not give up. I am going to be with you awhile. With this disease, a person's ability to breathe becomes increasingly restricted, and it is painful, and eventually, of course, it results in death.

As we review the legislation today and as we think about what we are actually asking to be done, I want us to remember there are 83,000 Americans today, right now, that are facing this painful reality of IPF, and they all cannot get a lung. I was blessed to have one, but not everybody can.

Unfortunately, an unknown number above and beyond those 83,000 Americans succumb to its fatal outcome without even knowing they have had IPF. There is little awareness of IPF, and it is often missed or underdiagnosed in this Nation, as the gentleman from Georgia (Mr. GINGREY) pointed out. It is true.

In fact, a recent study found that IPF may be five to ten times more prevalent than we previously thought. It is unknown whether this increase is due to an actual spike in the occurrence of the disease or simply a previous lack of definite guidelines for diagnosing IPF.

Even those who are properly and quickly diagnosed, as I was fortunate enough to be, must face the facts that the medium survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years. I would say to the gentleman from Ohio (Mr. BROWN), do not count on that, I have a new lung. I am going to be around a lot longer than that. About two-thirds of the IPF patients die within 5 years of developing the disease. I am not going to do that. I was blessed to have a new lung.

Furthermore, knowledge of this disease is hindered by very low public awareness, awareness that is alarmingly low when compared to other less prevalent diseases. A recent poll indicates only 29 percent of Americans know the first thing about IPF, half of which are familiar only with its name. This resolution is a start. It is an effort to make IPF, idiopathic pulmonary fibrosis, a well-known name.

Lastly, I make a plea to all of Americans and all of the families in America to consider being organ donors. It is not simply a matter of simply deciding you will be a donor. You must talk this over with your family at your kitchen table.

I want to talk to everyone about this donor list. You cannot just be a donor. It does not just work that way. You have got to talk this over with your family, and you have got to talk to them at your kitchen table. God forbid if you or any of your family have to have this discussion in an emergency room. That is not the place to have it. My donor saved my life and four other lives a year ago October 5.

This is important stuff that is affecting thousands of people. It is worth doing. But you must discuss this with your family. On behalf of other IPF patients and others who are suffering, I hope all Americans will consider this and discuss and talk over being an organ donor. Currently, a lung transplant is simply the only hope for long-term survival for victims of my disease, IPF.

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

Mr. Speaker, so many of us in this body prayed for and were thrilled by recovery of the gentleman from Georgia (Mr. NORWOOD), and I appreciate tonight, all of us do, how he has said so well how he, because he has insurance, because he knew how to negotiate the whole medical care system, health care system, how lucky he has been, and how so many in this country are not so lucky. I appreciate that he said that.

As I said earlier, I hope we in this body can get serious at some point about the 45 million people without health insurance and about what we are going to do about Medicaid in this body, not to make cuts in Medicaid, but to make our health care system work better than it has in the past.

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

Mr. DEAL of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

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

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

Mr. Speaker, I want to say I certainly support this resolution and support all the good work of the gentleman from Georgia (Mr. DEAL) and the gentleman from Georgia (Mr. NORWOOD), and I think that this is the kind of thing that, if we cannot have more recognition of it, there would not be more success stories like the gentleman from Georgia (Mr. NORWOOD).

I have to say to my good friend from Ohio, who was elected the same year that I was, that we have always enjoyed the great spirit of this House in terms of debate, and we know that it is people like the gentleman from Georgia (Mr. NORWOOD) who add to that debate and make it a lot more fun to be up here, no matter what side you are on. And because the gentleman from Georgia (Mr. NORWOOD) was able to get his new lung, he came out here with a lot of vim and vigor from that class of 1994, and then he got kind of quiet for a while, and I know there are many, maybe on both sides, I cannot say to the gentleman from Georgia (Mr. NORWOOD), but who might wish you were still quiet at times.

But the reality is the gentleman is back, and he is back because he was one of the fortunate miracles. We are just delighted to see the blood is flowing back in his veins and the spirit is back in his heart and the ideas and thoughts are back in his mind.

Yet as we look at the gentleman from Georgia (Mr. NORWOOD) as a miracle, we know that there are lots of folks out there who may not be so fortunate. H. Con. Res. 178 makes it possible for others to know more about IPF, and it raises that recognition so that Congress can help its own internal education process so we can know what we can do and do a lot more studying and try to come up with what the cause is and so forth.

I want to say to the gentleman from Georgia (Mr. NORWOOD), best of luck to you. We all love you and we are glad you are back, and we pray for others in your same situation. I support H. Con. Res. 178.

POINTS ON BILL

H. Con. Res. 178: Recognizes the need to research cause of, treatment and cure for IPF; Recognizes the work of the Coalition for Pulmonary Fibrosis.

Urges the President to designate an Idiopathic Pulmonary Fibrosis Awareness Week; Over 50 bipartisan co-sponsors.

IPF

Idiopathic pulmonary fibrosis is a serious lung disorder causing progressive, incurable lung scarring. Idiopathic pulmonary fibrosis is the most common form of interstitial lung disease. There is no cure or treatment for this disease. The disease is debilitating and generally fatal, causing an irreversible loss of the lung tissue's ability to transport oxygen to the organs. There is no proven cause of idiopathic pulmonary fibrosis. There are 83,000 Americans living with this disease and 31,000 are diagnosed each year. Idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few short years. It is often misdiagnosed in the early stages. The median survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years, and about two thirds of idiopathic pulmonary fibrosis patients die within 5 years of developing the disease.

COALITION FOR PULMONARY FIBROSIS

The Coalition for Pulmonary Fibrosis (CPF) is a 501(c)(3) nonprofit organization, founded in 2001 to further education, patient support and research efforts for pulmonary fibrosis, specifically idiopathic pulmonary fibrosis. The CPF is governed by the nation's leading pulmonologists, individuals affected by pulmonary fibrosis, medical research professionals and advocacy organizations. It has more than 8,500 members nationwide, and is the largest nonprofit organization in the country specifically dedicated to helping those with IPF.

CONGRESSMAN NORWOOD

Congressman NORWOOD was diagnosed with IPF in 1998—due to the slow progression of the disease (if caught early) he was able to manage his condition until the summer of 2004.

Despite coming to the top of the transplant list several times in the intervening years, Congressman NORWOOD was judged 'too healthy' for a transplant and thus continued his duties in Washington and Georgia.

In the Summer of 2004 Congressman NORWOOD's case began to worsen (as the disease does as it runs its course) and he was forced to pursue the only medical option available to IPF patients; a lung transplant.

CHARLIE received a single lung transplant at Inova Fairfax Hospital in Fairfax, Virginia on October 5, 2004.

While there is no standard recovery model for transplant patients, generally speaking, Congressman NORWOOD's recovery was impressive with him leaving the hospital in short

order and continuing his work in Congress by January 2005.

While still needing the assistance of oxygen at times, Congressman NORWOOD continues his recovery and remains an active member of the 109th Congress.

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

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

Mr. Speaker, I appreciate the cooperation of the gentleman from Ohio (Mr. BROWN) in bringing this resolution to the floor. As you have heard, those of us from Georgia have paid tribute to the gentleman from Georgia (Mr. NORWOOD), who has been the victim of IPF. But it is a testament to his fighting spirit and to the esteem with which we hold him that we have used his situation as the example for which this legislation has been based.

We urge the adoption of the concurrent resolution so that those in the American public as a whole can become aware of the significance of this disease. Hopefully through our efforts here and the efforts of researchers across the country, we will find a cure for this now fatal disease.

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

The SPEAKER pro tempore (Mr. SODREL). The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 178, as amended.

The question was taken.

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

Mr. DEAL of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1281. An act to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010.

MESSAGE FROM CHIEF OF STAFF FOR HON. WILLIAM J. JEFFERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Nicole Venable, Chief of Staff for the Honorable WILLIAM J. JEFFERSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 28, 2005.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for testimony issued by the U.S. District Court for the Eastern District of Virginia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

NICOLE VENABLE,
Chief of Staff.

APPOINTMENT OF MEMBERS TO CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 6913, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. LEVIN, Michigan
Ms. KAPTUR, Ohio
Mr. BROWN, Ohio
Mr. HONDA, California

KATRINA/RITA RELIEF AND FISCAL DISCIPLINE

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

Mrs. SCHMIDT. Mr. Speaker, I rise before you tonight to talk to you about something which I have a lot of experience with as a wife and a mother, budgeting.

Today, an honest estimate of what it will cost to pay for the Federal Government's responsibilities on the Gulf Coast is approximately $100 billion. This money will go to rebuild things like levees, highways, bridges, hospitals and schools, the infrastructure needed for the private sector to rebuild this devastated region. That is a lot of money, money that no one planned or anticipated.

As we all know, when the car breaks down or the dishwasher stops or any other unanticipated expense comes up, we must prioritize and separate the needs from the wants.

Raising taxes is not an option. The last thing anyone in this country needs is the burden of giving the government more money to spend, spend, spend. Our economy and thousands of jobs will pay the price. We need to make some tough decisions, realize what is important to us as Americans, what we need, and decide what can wait until another payday.

Some may call for deficit spending, but that is not the answer. American families make tough budget decisions every day. A broken furnace means no trip to Disney World. Increased prices at the pump means less meals eaten outside the home. It is a matter of priorities. It is a matter of responsibilities.

The government needs to prioritize, start acting like responsible adults, and quit spending money like it grows on trees.

□ 1830

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SODREL). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BUDGET CUTS THAT MAKE SENSE FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I appreciate the fact that the gentlewoman who preceded me in the well was speaking to the issue of paying for the disaster, not borrowing or obligating future generations to borrow. This House, in fact, 2 weeks ago, with 40 minutes of debate, 40 minutes and no amendments allowed, borrowed $51.8 billion for the beginnings of hurricane recovery efforts, on top of the $10 billion borrowed the week before.

Now, she said one thing I do disagree with, which is you cannot ask the rich people to pay for any share of this. Now, it is true they live on high ground, I understand that; so, for the most part, they are not affected by disasters. They have private security, they fly on private jets, they live in a different world than most Americans. But she and the majority are saying, there is no way they should be asked to pay for a share of these disasters, unlike working Americans who are paying day in and day out for the money that is being borrowed.

If Katrina cost, she said $100 billion, let us say $200 billion, if we just did not extend the tax cuts for people who earn over $300,000 a year and limited estate tax relief to estates worth less than $6 million, that is most small businesses where I come from, and family farms and tree farms, then that would pay for Katrina over the next 10 years 5 times over.

Well, okay. She says that is off the table. Well, let us look elsewhere. They have an interesting list of cuts. As we saw the abject poverty of the inner city folks in New Orleans, they are talking about trimming on medical care for poor people, food assistance for poor people, education for middle class and poor people; those are the things that are being targeted on that side of the aisle to pay for this.

I would suggest a couple of other places we might cut. Now, we cannot

even build levees that can withstand a category 3 hurricane; we do not have new energy efficient forms of transportation which puts us in enthralled to the Saudis and other enemies of the United States, and the President wants to borrow $1 trillion to go to Mars; and NASA, which was mentioned just previously, is going to spend $100 billion to go back to the moon. They want to get some more dust and rocks.

Well, how about we cut those programs and devote that money, the $100 billion to go back to the moon. That would pay for Katrina, according to the numbers previously given, and the $1 trillion would pay for that and a lot of other things in America if we did not go to Mars. I do not think we can afford that now. Until maybe we can build levees that can withstand a category 4 and maybe even a category 5 hurricane, and we do a few things about the areas in the Pacific northwest that are not earthquake proof, and other preventive measures around the country. But, hey, maybe people do not want to cut NASA because it is based in Texas.

So, okay. How about then the redundant, useless Cold War fighter called the F–22, which is now 5 times over its original cost estimates and is not needed. That would pay for Katrina relief 3½ times over, and we could depend upon the F–16 until the joint strike fighter, a little more economical version of a fighter plane, is developed for future enemies and wars, but I am sure they would not want to do that. Well, okay. We cannot cut that.

Well, let us talk about something else. How about subsidies to farms where farmers earn over $100,000 a year. I really do not have very many farmers in my State who earn over $100,000 and, guess what, most of the farmers in my State could not get subsidies. But those farmers in the midwest who earn over $100,000 a year in the northern Midwest get very substantial subsidies under the Freedom to Farm Act. If we limited farm subsidies to farmers and families on family farms who earn less than $100,000 a year, in 10 years, we could pay for 1½ Katrinas.

So, instead of cutting the medicaid program, putting the burden on the States and depriving poor people of health care, instead of cutting food stamps, instead of cutting education programs that are important to average Americans, instead of stupid, across-the-board cuts that cut abysmally wasteful programs the same as essential programs, that is how we got in trouble with FEMA, they are cutting an essential program, we could do a few different things. But that would mean maybe a little rethinking on that side of the aisle. Ask the wealthy to carry their fair share of the burden, eliminate the redundant return to the moon, put off the mission to Mars, cancel a Cold War-era fighter designed to have air superiority versus the Soviet Union in Europe, and/or, maybe just cut back on subsidies for farmers who earn over $100,000 a year. That would more than pay for Katrina.

If we do all of those things, that would be 15 times what we need to pay for Katrina, and then we could begin to reinvest in FEMA, education and health care, and things that are essential to all Americans, and maybe even veterans' benefits too.

MADD CELEBRATES SILVER ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, William Murphy had everything going for him. He had a beautiful bride, three young children, and he was about to embark on a new chapter in his life. On June 16, 2005, all his dreams came to a crashing halt on a hot, humid, summer night in Dayton, Texas.

Mr. Murphy had spent the evening celebrating with his family. He was scheduled to graduate as a medical assistant from the Texas School of Business the next day. On his way home from his mother's house in Baytown, Texas 10 miles away, his car stalled on a darkened stretch of rural State highway 146. He and his sister pushed the car to the shoulder and turned on the flashers. His 9-month-old twin daughters, Mariah and Miranda, remained strapped in the car seats and his wife Amanda cared for the 19-month-old William, Jr. They then waited for assistance.

Soon after, Murphy saw a set of bright headlights heading toward the family. He was relieved because he assumed his mother, whom he had just called when the car stalled, was on her way. But this pickup truck barreling toward his family was not his mother and it was not stopping. Seconds before the impact he attempted to warn his family, but it was too late. He witnessed the destruction of his family that night. The truck never stopped, never slowed down, and crashed into the back of Murphy's vehicle.

Murphy's vehicle was pushed a quarter of a mile down the road. When he got to his vehicle, the trunk was smashed into the back seat. He struggled to get his twin daughters from the wreckage. He found his wife laying in the grass unconscious and his son's barely breathing body 5 feet away.

The driver of the truck stumbled out of the vehicle and it was clear he had been drinking. He failed a sobriety test and he was charged with three counts of intoxication manslaughter. Murphy's twin daughters were killed that night. So was his son. His wife and sister were badly injured. Mr. MURPHY is still struggling with the assault on his family and the death of all of his children.

Unfortunately, this story is all too familiar to the many families that have been affected by drunk drivers. Mothers Against Drunk Driving, or MADD as we know them, is working to prevent this sort of senseless crime. MADD's mission is to find effective solutions to drunk driving and underage drinking problems, while supporting and helping those who have been affected by the pain of these senseless crimes. Founded by a small group of California women in 1980 after a 13-year-old girl was killed by a hit-and-run repeat offender, MADD has saved more than 300,000 lives through their outreach and education programs.

Mr. Speaker, as founder of the Congressional Victims' Rights Caucus, I have worked closely with many members of MADD this year in the effort to protect the rights of crime victims and protect money in the Victims of Crime Act.

The National Conference of MADD is here in D.C. this week celebrating their silver anniversary and continuing their fight against drunk driving and their mission to hold drunk drivers accountable for their crimes. There are hundreds of MADD staff, volunteers, board members, and past presidents coming from all across the Nation and as far away as Guam to take part in this conference. These people coming to town are kids, mothers, daughters, fathers, victims, and survivors who have been affected by drunk driving.

I would like to commend them for their work on behalf of victims and their cause-driven efforts to stop drunk driving and the drunk driving epidemic. Thanks to the support of Mothers Against Drunk Driving, our roads and highways and children, friends, and family are safer today. Due to their efforts, alcohol-related traffic deaths have declined.

Mr. Speaker, in the 1950s, when I was a little kid, my grandfather worked for the Texas Highway Department. In the middle of the day while laying asphalt on what is now interstate 35 between Dallas and Austin, Texas, he was struck and killed by a drunk driver. The driver was never punished because he was some big shot from Dallas. My grandmother became a widow and never quite got over the loss of my grandfather. She spent the rest of her life supporting herself by working in a department store selling dresses until she was required to quit at the age of 75. My grandmother died only a couple of years ago in her robust 90s, but she often mentioned until her death how she missed my grandfather.

In those days there was no MADD organization. But thanks to MADD, the public attitude and the acceptance of drinking and driving has changed dramatically.

Mr. Speaker, there are few tragedies that bring as much pain to families and communities as these violent crimes caused by drunk drivers. This pain is made even worse when our community's young people are injured and involved. As a criminal court judge in Texas, I saw firsthand what the effects of drunk driving do to a family and to our communities. This is one of the

many reasons I support the efforts of MADD and I encourage MADD to continue their good fight. I admire the women who started MADD and those countless women who are still working.

It reminds me of one of the statements my grandmother made many years ago. She said, ''There is nothing more powerful than a woman who has made up her mind.'' Mr. Speaker, that is just the way it is.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 109–238) on the resolution (H. Res. 468) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. J. Res. 68, CONTINUING APPROPRIATIONS, FISCAL YEAR 2006

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 109–239) on the resolution (H. Res. 469) providing for consideration of the joint resolution (H. J. Res. 68) making continuing appropriations for the fiscal year 2006, and for other purposes; for consideration of motions to suspend the rules; and addressing a motion to proceed under section 2908 of the Defense Base Closure and Realignment Act of 1990, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3824, THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 109–240) on the resolution (H. Res. 470) providing for consideration of the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes, which was referred to the House Calendar and ordered to be printed.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

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

There was no objection.

IRAQ AND THE BUSH ADMINISTRATION'S GREED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, for the last 2 years, Halliburton and subsidiaries such as Kellogg, Brown, and Root, have received billions of dollars in contracts to rebuild Iraq. Despite the handsome profits, Halliburton, which used to be run by the Vice President, DICK CHENEY, has not had to offer competitive bids on the vast majority of these projects. Earlier this week a Halliburton subsidiary received yet another no-bid contract for reconstruction efforts.

This should not come as a surprise to anyone, anyone who has monitored the greed, the selfishness, the sheer corruption with which the Bush administration has administered Iraq's reconstruction. Only this time, the contract was not for Iraq, it was for hurricane relief and reconstruction efforts here in the United States. Finally, the chickens have come to roost.

Mr. Speaker, my colleagues might recall that Halliburton is the company that overcharged the United States Government for meals served to soldiers serving in Iraq. It is also the company that made the United States Government pay a ridiculous markup on gasoline purchased from nearby Kuwait. Unfortunately, the Bush administration did not seem to mind. Halliburton's corruption certainly did not stop the White House from turning to them yet again as its primary source for no-bid government contracts in the Gulf.

But the sad truth is, these examples of corruption and incompetence are not just isolated to Halliburton. They are emblematic of the Bush administration itself.

This is the administration that presided over $9 billion in missing funds that was supposed to pay for Iraq's reconstruction. This is the administration that, for over a year, neglected to provide the lifesaving protective body armor that our troops needed to survive. These examples are not isolated. No, they are indicative of how the Bush administration has approached both the war in Iraq and the recent hurricane devastation in the gulf coast.

The sheer ineptitude surrounding the war in Iraq has been the most staggering of all. The Bush administration had no plan for how to conduct the war, they had no plan for securing the country once Saddam was deposed, and now they have no plan for ending the war.

It is clear that the military situation in Iraq is not improving. In fact, it is the very presence of nearly 150,000 U.S. soldiers who appear as occupiers that so enrages Iraq's insurgency.

□ 1845

By bringing our troops home, we can save both American and Iraqi lives, and we can reunite thousands of American families in the process. That is why I have called on the House Committee on Armed Services and the Committee on International Relations to hold hearings to address how best to achieve a military disengagement. Since they will not address this issue, we will.

Two weeks ago, I held an informal bipartisan hearing to address how to end the war in Iraq. Not when, but how. We heard from an expert panel of witnesses who each testified that the need for a change in U.S. policy is absolute in Iraq. This is not about finding the one right approach. It is about getting the conversation started. It is about putting all the ideas on the table.

Mr. Speaker, my hope is that last week's hearing will help begin a discussion that we desperately need, one that is long overdue, one that will help save lives, how to end the war in Iraq, and how to bring our troops home.

CALL FOR PEACE IN ETHIOPIA

The SPEAKER pro tempore (Mr. SODREL). Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I rise today to discuss democracy and elections in Ethiopia. As this country has been a close ally of the United States in the war on terror, it is critical that we encourage their evolution from monarchy to communism to democracy.

I used to live in Ethiopia as a child, and I lived there when Haile Selassie was the emperor. And even under a monarchy, Ethiopia had a lot of good things going for it. And as they have always been an ally of ours, strangely, we often forget them.

Ethiopia is divided into nine states along linguistic and ethnic lines. It is a 3,000-year-old civilization which until the 1970s was under a monarchy, and then a brutal Marxist junta through him over. Civil war and famines racked the country in the 1980s. Calm finally began to return in 1991 when Meles Zenawi, who assisted in the overthrow of the junta, became president and finally prime minister 4 years later.

Since that time, Ethiopia has participated in a total of three elections. That is three elections in a 3,000-year history.

This past spring, Ethiopia held their second election since the introduction of multiparty politics and the first under international scrutiny. Thirty-five political parties vied for seats in

the 547 seat lower house of parliament called the Council of People's Representatives. Voters also chose representatives in nine regional state parliaments that will appoint members of parliament's upper house, the Council of the Federation.

Twenty-five million people registered to vote in the election. With 200,000 of those registered to vote living in villages inaccessible by roads, election officials on camels, pack animals, and boats fanned out to distribute ballots in time for the election. The National Electoral Board drafted 38 camels, 65 donkeys, 20 horses and 10 mules to carry election workers, ballots, stamps, counting sheets, and indelible ink to rural parts of a country twice the size of Texas.

In the weeks leading up to the May elections, peaceful mass rallies were held by both the ruling party and opposition parties in Ethiopia's capital of Addis Ababa. At one of the rallies, 250,000 supporters of one of the main opposition parties, the Coalition for Unity and Democracy, rallied in the capital's main Meskel Square. A government rally attracted 600,000 people the day before.

One voter, Solomon Aseffa, told reporters that after witnessing two public rallies in two days, democracy finally really was flourishing in Ethiopia. Another resident said that the peaceful rallies were indicative of the increasing political consciousness of the community. An Addis Ababa resident, Fitsum Argaw, urged young people to cast their votes in order to safeguard a democratic system that had been achieved through great sacrifice.

During the campaign, there was unprecedented media access for the opposition. They received equal time on state-run radio and the opportunity to participate in broadcast debates. One main opposition party even launched a text messaging campaign to get out the vote. European observers praised the openness to the run-up to the elections although they admitted that they witnessed intimidating tactics by the ruling party.

Despite the reports of harassment, there was a stunning 90 percent turnout of registered voters. Foreign election observers found out the worst problem had been the crowds, with some waiting for hours just to cast their ballots. A young female economics consultant called it ''a great day because I am able to vote freely and that is a new thing here in Ethiopia.''

The election results showed that while the ruling party held on to a majority, the opposition made major gains. However, opposition parties argued that the process was marred by fraud, intimidation, and violence. After the electric, Prime Minister Zenawi promptly banned all demonstrations for 1 month and assumed control of the capital police.

Sadly, events spiraled out of control after the university students were arrested for defying this ban. Ultimately, 36 people were shot dead by police and thousands were arrested after protests erupted over the election results. This type of bloodshed cannot be allowed to happen again.

This Sunday there is a rally scheduled to take place in Addis Ababa. Members of the main opposition parties, the Coalition for Unity and Democracy and the United Ethiopian Democratic Forces, plan to protest alleged fraud in the May 15 parliamentary elections and call for the formation of a national unity government to supervise new elections.

What we want the folks in Ethiopia to know is that we are behind them in the democratic process. We know it is not perfect, as we are still working on ours; but we wish them success in this great and noble endeavor.

I would like to take this time to urge peace and calm in Ethiopia. There has already been too much violence and bloodshed in the wake of these elections. However, in an ominous sign, on Monday forty-three members of the opposition were arrested ahead of Sunday's assembly and the branch offices of the opposition parties were raided and are now closed. Authorities have threatened ''severe consequences'' for any illegal acts or violence that occur during Sunday's event.

Mr. Speaker, the path to democracy is never a smooth and easy process. We are seeing that now in Iraq. In Ethiopia, democracy is in its infancy and it must be nurtured along by its leaders.

To that end, I would urge Prime Minister Zenawi and the Ethiopian authorities to allow this rally to occur peacefully. As pre-election rallies were held without violence and bloodshed, post-election rallies should be equally violence and bloodshed-free.

Ethiopia has come so far. From a monarchy followed by suffering under Communism, Ethiopians must be given the opportunity to flourish under the greatest of systems—democracy.

NO NEED FOR AN INDEPENDENT COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, a number of our friends across the aisle yesterday once again demanded that an independent commission is vital to what they said is getting to the truth about the response to Hurricane Katrina. They want a commission like the 9/11 Commission. They put their hope and their avowed trust in a so-called independent commission.

They also said, in fact, that there had been no adequate investigations in recent years, even though their glorified 9/11 Commission occurred during that time. Yet it was their glorified 9/11 Commission that recommended putting FEMA under Homeland Security even though it had been working just fine where it was. FEMA previously had the ability to put resources where it needed them without worrying about a higher boss redirecting resources in the budget. Well, folks got what they wanted, and it may have been a huge mistake.

Our friends across the aisle said yesterday that all that goes on around here is whitewashing and a cover-up and that is all Congress will do anymore. But during my years as a judge, I noticed people will often ascribe to the opponents the very motivations and characteristics that they themselves have and then assume that the others around them are just as devious as they are. Now, whether or not that applies here, I will leave for other consideration.

The fact is, however, if they bear to watch the hearings that have been on C–SPAN or gone to the hearings themselves instead of calling for a press conference or participated in some way, they have would have seen that tough questions were being asked. In fact, some were so tough they were really a bit unfair.

It is Congress's job to oversee such things, and the mere fact that Congress has punted such obligation in other cases so it can point blame elsewhere if a bad decision is made is no reason to run from our responsibility here. In the congressional hearings both sides get to ask questions. You get to submit witnesses. And if you do not like the majority report, you file a minority report.

That is not whitewashing. It is simply disingenuous for people to come to this building and say by their actions and their words that if they cannot be in charge, then they are simply not going to participate. Like on schoolyards, some child stamping their foot, stomping around saying, if we are not going to do it my way, if I am not in charge, I will not play. The trouble is this is not a game. This is our Nation at stake.

Members of Congress were elected to do a job, not complain why someone should be doing it for us. We do not need an independent commission. We need some additional independent-thinking Members across the aisle to step up and help us by doing their job.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from Ohio (Ms. KAPTUR).

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

There was no objection.

RYAN WHITE CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BUTTERFIELD) is recognized for 5 minutes.

Mr. BUTTERFIELD. Mr. Speaker, I rise this evening to speak on the importance of reauthorizing the Ryan White CARE Act. This act has been so valuable in providing services to those persons infected with HIV/AIDS. I want to thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for her passion and her work and her advocacy on this issue. Her work has been unparalleled in this Congress.

Mr. Speaker, I want to encourage my colleagues to reauthorize the Ryan White CARE Act at $3.1 billion to ensure that today's health care needs of people living with HIV/AIDS and their families are adequately and consistently met. Today, unlike the past, those most likely to be infected with HIV are people of color, women, and our youths. This act directly funds medical and support services for approximately 533,000 individuals and their families living with HIV/AIDS each year. Persons of color represent 88 percent, 88 percent of the clients that are being served.

HIV/AIDS is no longer a death sentence. Great strides in medical technology have slowed the progression from HIV to AIDS, allowing people with HIV to live longer, to live healthier and more productive lives.

This act should be authorized in a manner that allows it to fully respond to the needs for underserved and uninsured populations living with HIV/AIDS.

Mr. Speaker, African Americans in this country are disproportionately affected with HIV/AIDS. In 2000, African Americans made up 12.3 percent of the U.S. population, but they account for 40 percent of the diagnosed AIDS cases. In North Carolina, my home State, the total number of new AIDS cases in 2003 was 1,083; 724 of these cases were found among African Americans.

In fiscal year 2005, this act was funded at $2.073 billion, but that is not enough. Funding should not be shifted from one region of the country to another based on perceived severity of need. Instead, the act should be adequately funded so that it can ensure progress in regions where HIV infections have slowed while targeting regions that are being hard hit by the epidemic. By increasing the reauthorization level to $3.1 billion, the CARE Act will be able to provide services to both urban and rural areas, which will put an end to the competition between health care providers whose clients are desperately needing funding.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

(Mr. BURGESS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. DREIER. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Texas (Mr. BURGESS).

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

There was no objection.

HONORING CHRIS COX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, on the 2nd of June our very distinguished colleague, Chris Cox, was nominated by President Bush to become the chairman of the Securities and Exchange Commission. On July 29, the Senate voted unanimously to confirm Chris as the 28th chairman of the SEC. His nomination was widely heralded. That economic guru, Larry Kudlow, said, ''Chris Cox's keen intellect and free market view point will provide a breath of fresh air at the Securities and Exchange Commission.''

□ 1900

The majority leader in the Senate said, ''Chris Cox will bring an experienced and steady hand to the Securities and Exchange Commission.''

Stanford law professor, who is a former SEC commissioner, Joseph Grundfest, said, ''We should give a great deal of respect and deference to Chris Cox's tremendous intellectual abilities and political skills.''

Mr. Speaker, I mention this praise because it so clearly shows that the gain at the Securities and Exchange Commission is a significant loss for us here in the House of Representatives. As his colleagues in Congress, we will all miss working with Chris.

Chairman Cox was first elected to the House in 1988 to represent Orange County, California. During his nine terms in office, he gained a well-deserved reputation as a hardworking, action-oriented, fair and bipartisan Member. In fact, he said one time, ''The well-worn partisan rut is not a place where you are going to get a lot of work done.''

Chairman Cox did not spend a lot of time in that rut. He was an integral part of our California delegation, served on important committees and delved into critical issues facing our Nation. He served on the Committee on Energy and Commerce, the Committee on Financial Services, the Committee on Government Reform and the Committee on the Budget. He served as a member of the majority leadership for over 10 years as Chairman of the House Policy Committee.

Most recently, we all know Chris served as chairman of the Committee on Homeland Security when we established this new committee. Throughout his involvement in national security issues, he was very intimately involved in those throughout his entire 17 years in Congress. He was a tireless advocate for our men and women in uniform, a vocal anti-Communist, an active proponent of California's military bases, and an ardent supporter of the global war on terror.

As Chairman of the Committee on Homeland Security, Mr. Speaker, Chris pushed for common-sense reform to ensure that we spent homeland security dollars based on actual risk, and he left a legacy of very vigorous oversight at the Department of Homeland Security.

Additionally, as a representative from California, Chairman Cox was intimately involved in the effort to secure our border and give the border patrol the tools needed to apprehend anyone seeking to enter our country illegally, particularly those wishing to do our Nation harm.

It is fitting that he is now the country's top cop for the securities markets because he has long been committed to improving and supporting the free market.

Whether it was ending the double taxation on shareholder dividends or supporting innovative technologies with the Internet Tax Freedom Act or standing up for free trade by voting for permanent normal trade relations for the People's Republic of China or protecting investors from junk lawsuits with the Private Securities Litigation Reform Act, Chairman Cox has been in the forefront of making sure capitalism and financial markets work on their own when they can but, most important, work within the law around the clock.

When accepting the nomination to chair the SEC, Chairman Cox had this to say about the U.S. economy: ''The natural enemies of this economic marvel are fraud and unfair dealing.'' At the SEC, he will continue, Mr. Speaker, to do what he practiced here in the Congress, instilling faith in the financial markets by targeting bad actors and protecting investors.

Throughout his life, Chairman Cox has held firm to his conservative beliefs; his faith in democracy; and his pro-growth, free market principles, even when his views were not always popular. When he was at Harvard in the early 1970s, where he earned a business and law degree, he placed a Ronald Reagan bumper sticker on his car, only to have his car repeatedly vandalized.

There was little that could intimidate Chairman Cox, and that was particularly due to the confidence he derived from his political lodestar, the man whose name was on that bumper sticker, Ronald Reagan.

Chris and I both share an intense admiration for Ronald Reagan. President Reagan taught our country to stand tall, to believe in and trust the virtues of democracy, the power of the individual, the promise of entrepreneurship, and the might of our military.

Chris had the distinct privilege of serving President Reagan as a White

House counsel. He worked behind the scenes to promote Ronald Reagan's muscular foreign policy and effective, limited government domestic policy.

In 1988, during Chris's first campaign for Congress, President Reagan said, ''I could always count on Chris Cox to push our agenda forward and to keep his sights on why we were in Washington.'' Mr. Speaker, those words still ring true today. Chairman Cox is a man of powerful intellect, whose selfless service of his constituents and of his country has earned the respect of everyone he has worked with, and he has never lost sight of why he was here.

I know he will continue to serve the people of the United States with unfailing dedication and the utmost integrity. That is how his colleagues in Congress knew him, and that is how his new colleagues at the SEC will come to know him.

President Bush gave Chairman Cox this mission to the SEC: ''To continue to strengthen public trust in our markets so the American economy can continue to grow and create jobs.'' Mr. Speaker, if the success of his congressional career is any guide, there is no doubt that Chairman Cox will accomplish this mission.

I offer my sincere thanks to Chris for the pleasure of working with him as a member of the California delegation, as a dedicated disciple of President Reagan and as a force for progress here in the House of Representatives. I wish him the very best as he embarks on this new path.

Mr. RADANOVICH. Mr. Speaker, I rise today to pay honor and congratulate a now former colleague of mine, Congressman Christopher Cox. Mr. Cox has served the U.S. House of Representatives with great distinction for six terms. For 10 years Mr. Cox displayed his tremendous leadership capability as chairman of the House Policy Committee, and most recently as the founding Chairman of the House Committee on Homeland Security.

In June of 2005, the President of the United States had the foresight to recognize Mr. Cox's leadership ability and subsequently appointed Mr. Cox, Chairman of the Securities and Exchange Commission. Mr. President, you made a very fine choice. Mr. Cox holds an M.B.A. from Harvard Business School, as well as a J.D. from Harvard School of Law. He has taught Federal income tax courses at his alma mater. During former President Reagan's second term, Mr. Cox served as his Senior Associate Counsel. While serving in the U.S. House of Representatives Mr. Cox served in a capacity of leadership in every committee with jurisdiction over investor protection and U.S. capital markets. It seems obvious to me, as I'm sure it does to the rest of my colleagues that Mr. Cox is very well qualified for his new position.

While the citizens of Mr. Cox's 48th District will surely miss his commitment, I am sure they share my sentiments of congratulation to Mr. Cox for receiving this new appointment. I have thoroughly enjoyed my time as a colleague of Mr. Cox and look forward to working with him in his new capacity.

Mr. THOMAS. Mr. Speaker, I rise today to honor my friend and former colleague from California, Christopher Cox, for his excellent service as a Member of the House of Representatives and to wish him well in his tenure as Chairman of the Securities and Exchange Commission, SEC.

I commend the President for selecting Chris to serve in that capacity because Chris has the proven leadership ability, intelligence, fairness, and experience necessary to successfully manage the SEC, which has an integral role in ensuring our Nation's continued economic growth and prosperity. I have had the great pleasure of working with Chris as he exhibited his leadership abilities in the House through his service for over a decade as the Chairman of the House Republican Policy Committee and most recently as Chairman of the Committee on Homeland Security.

As many of you know, Chris has impressive academic credentials, which include earning both an M.B.A. and law degree from Harvard, where he also served as an editor of the prestigious Harvard Law Review. These credentials were supplemented through his service as a Federal appellate law clerk and as Senior Associate Counsel to the late President Reagan.

Moreover, Chris' experience has provided him with a broad and deep understanding of how our Nation's capital markets operate. As an attorney with an international law firm, Chris specialized in venture capital and corporate finance, and in his 18 years of service as a Member of the House, Chris served on the Energy and Commerce, Financial Services, and Government Reform Committees. During his House career, Chris was an ardent proponent of legislation to improve the budget process, eliminate the double tax on shareholder dividends, reform medical malpractice litigation, and repeal the estate tax. I worked with Chris on these issues and I am pleased that we were able to enact legislation to address capital gains, dividends, and estate taxation.

While I will miss working with Chris in the House, I look forward to working with him in his new role. Accordingly, I ask my colleagues to join me in wishing him well as he continues to serve as a free-market advocate in his new capacity.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today to honor our former colleague and my good friend, the Honorable Christopher Cox.

For almost 20 years, Chris Cox has served his country nobly, admirably, and to the best of his ability as a public official and legislator. Now President Bush has tapped him for a new chapter in his public service career as the next Chairman of the Securities and Exchange Commission.

In making this choice, the President could not have picked a more qualified, a more determined, and a more able candidate. Chris Cox has extensive experience as an attorney specializing in venture capital and corporate finance and a lecturer at Harvard Business School where he taught Federal income tax law. He began his service to our nation as a Senior Associate Counsel to President Reagan, advising the President on a range of issues. Now he will continue this service in a different capacity as the Chairman of the SEC, where he will have a platform to encourage corporate responsibility and raise investor confidence.

From 1988, until very recently, Chairman Cox represented Orange County faithfully in the U.S. Congress. In this body, his leadership was essential in authoring the Private Securities Litigation Reform Act and the Internet Tax Freedom Act. Chairman Cox was also instrumental in the creation of a permanent Homeland Security Committee, on which he served as the first Chairman. No matter his role in this House, he continuously worked for a smaller and more efficient government, a fiscally responsible budget, and an overall better America.

For the last 7 years, I had the great privilege of being his colleague in this House. Here I witnessed firsthand the depth of his intellect and the extent of his devotion to our nation. I also witnessed his compassion and care for the residents of south Orange County. He represented them loyally and they rewarded him with eight consecutive reelections to the House of Representatives.

As Chairman Cox leaves these halls to continue his public service at the SEC, I can say with certainty that he will be missed by his fellow lawmakers, his constituents, and the American people. We can take solace, however, in his call to a higher duty. In this time of war and economic uncertainty, America needs capable leaders—leaders with experience, with knowledge, with determination—leaders like Christopher Cox.

As Chris Cox begins his new challenge as Chairman of the SEC, I am confident that the qualities that made him such a great Congressman will likewise make him an excellent Chairman.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to thank my colleague, Chris Cox, for his service to this House, and to Orange County California, a region we both had the privilege and the responsibility to represent.

I would also like to take this opportunity to wish now Commissioner Cox good luck in his new position at the Securities Exchange Commission, SEC.

As a former constituent, a member of the investment banking community, I know how important Mr. Cox's new job is to the health and security to our Nation's economy.

The job of the SEC is to maintain investor confidence in our financial markets. I would urge my friend to invest more resources in maintaining that confidence. That would include going after insider-trading cases, and preventing scandals, like Enron and WorldCom, that undermine our system. We shouldn't forget that it's the small investors, and workers depending on their pensions, that get hit the hardest by these scandals.

I would also urge the Commissioner also to think about the future and to help reform the New York Stock Exchange, and other exchanges, to bring them into the 21st Century. Instant trading is a fact in the market. It needs to be brought to the floor of the NYSE.

In closing, I would like to thank Chris Cox again for his service and wish him all the best at the SEC. I look forward to working with him and helping to make our nation's future, safe, fair and secure.

Mr. GALLEGLY. Mr. Speaker, I rise in honor of my friend, former colleague, fellow Californian and Securities and Exchange Commission Chairman Christopher Cox.

A capable and affable leader, Chris is well-suited to be the 28th SEC chairman. While in Congress, he served as a senior member of every committee with jurisdiction over investor

protection and capital markets, including the House Energy and Commerce Committee, the Financial Services Committee, the Government Reform Committee and the Budget Committee. He also served as chairman of the Task Force on Budget Reform. He authored the Private Securities Litigation Reform Act and the Internet Tax Freedom Act.

It was no surprise that the Senate unanimously confirmed his SEC chairmanship on July 29,2005.

Mr. Speaker, I know my colleagues will join me in honoring Chris Cox for his service in the U.S. House of Representatives and wish him Godspeed at the SEC.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

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

There was no objection.

REAUTHORIZATION OF THE RYAN WHITE CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, in 2 days, the Ryan White CARE Act will expire, and though it will continue under its current authorization, as this landmark and life-saving Act expires, it is almost as though a light expires as well, a light of life and hope for the hundreds of thousands of Americans who have depended upon it.

We all know how disproportionately the HIV/AIDS epidemic has, and continues to, affect the African American community. In fact, since the beginning of this epidemic, African Americans have been hardest hit. This is not only due to adverse lifestyles but also largely due to the poor level of services, lack of insurance and the intractable poverty where too many people of color are trapped.

As shocking as the statistics are one year, they get worse the following year.

Nearly half of all people living with HIV and AIDS in the United States are African American, and the AIDS case rate for African Americans is 9.5 times that of whites.

About six in 10 children to HIV-infected mothers are African American.

Sixty-five percent of the AIDS cases among young people, 13 to 19 years of age, are in African Americans.

AIDS is the leading cause of death for African American women, 24 to 34 years of age.

This epidemic creates generation gaps in black families, leaving children to be reared by grandparents or other guardians, and the startling number of AIDS cases among teenagers indicates that this epidemic will undermine the very future of the African American community and thus undermine our Nation.

In the African American community, this is a state of emergency and requires an emergency response, not this lack of attention and lackadaisical approach that we are receiving from the leadership. We should not be presiding over the expiration of this Act, which has been a lifeline to countless individuals and their families. We should be going beyond reauthorization, expanding it and ensuring that all of the funding is there to meet the programmatic needs.

The Ryan White CARE Act was created to improve the quality and expand access to comprehensive care for people living with HIV and AIDS and their families. Because of the CARE Act, metropolitan regions, which are heavily African American, those that are most severely affected by HIV and AIDS receive funding to launch HIV prevention and support HIV/AIDS care efforts.

The CARE Act also provides funding for AIDS Drug Assistance Programs; early intervention services; capacity building and planning grants; crucial services for women, infants, children, youth and their affected family members; funding for AIDS Education and Training Centers; dental reimbursement programs; and funding for special projects on innovative models of HIV care and service delivery, among other services.

As a physician who has treated people living with HIV and AIDS, I know well how critical these services, especially access to medications that slow the progression of HIV to AIDS, are to improve the quality of life of those with AIDS, are to the health and well-being of and the care of people living with it.

The CARE Act, though, is particularly important to the community that is hit the hardest, year after year, the African American community. About half of all Ryan White CARE Act clients are African American.

More than eight in 10 clients at the Title IV clinics who receive important medical care, case management, child care and other services, are people of color, the majority of whom are African American women, children, youth and families.

We must recognize that when the Ryan White CARE Act was created and passed, the face of the HIV/AIDS epidemic, the unmet needs of those living with HIV disease, and the medical management of HIV and AIDS were much different than they are today.

Furthermore, great strides in medical technology have slowed the progression from HIV to AIDS, allowing people with HIV disease to live longer, healthier lives. The CARE Act should be authorized in a manner that allows it to fully respond to the health and health care needs of those most at risk for, or those who currently are, living with HIV and AIDS.

Because of this, any funding less than $3.1 billion is simply not acceptable. That is equivalent to what we spend every month in the war in Iraq.

What it costs to make the Republican tax cuts permanent for 1 year is more than 10 times the amount needed to help ensure that a child born to an HIV-positive mother has a chance at life.

One might be moved to ask why this crisis, which has taken so many lives, ruining so many families and having such a detrimental social and economic impact on our communities is being responded to in such an inadequate manner, if one can say it is being responded to at all?

It is not the absence of urgent need. The numbers are there. Neither could it be due to lack of resources. We have seen this administration in times bankroll solutions to others and more expensive crises without hesitation. The reauthorization of the Ryan White CARE Act and adequate funding of this and all of the other health care programs that would improve the health of the poor, the rural or people of color, are not all that happening for one reason, the absence of political will.

Mr. Speaker, I do not want us to lose sight of the fact that this Act gets its name from a brave little boy who was not only a pioneer but an inspiration. I did not know Ryan, but I do know his mother, Jeanne, and so on her behalf and on behalf of the patients I have served, and all of those infected with HIV or who have AIDS, their families, as well as all of the dedicated care providers, I ask that we not let this lapse in our moral responsibility be prolonged.

Let us do the work we are entrusted to do and reauthorize and modernize an even stronger, better Ryan White CARE Act.

RYAN WHITE AIDS CARE ACT

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I would like to thank the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for organizing this series of Special Orders on the reauthorization of the Ryan White CARE Act.

The Ryan White CARE Act is essential for millions of Americans who are living with the AIDS virus and millions more who are at risk of becoming infected in the future.

The Ryan White CARE Act was passed into law in 1990, 10 years after the beginning of the HIV/AIDS epidemic, to provide a comprehensive approach to AIDS prevention, treatment, patient care and community support for people affected by this dreadful disease.

The Ryan White CARE Act provides funding for a variety of programs, including drug assistance, capacity building and planning grants, services for infected people and their families, funding for AIDS Education and Training Centers, and grants to metropolitan areas like Los Angeles that are severely affected by HIV/AIDS.

The Ryan White CARE authorization expires this Saturday, on October 1, 2005. If it is not reauthorized, it will remain in its current form until legislation is approved. The Ryan White CARE Act needs to be updated to address the needs of communities affected by HIV/AIDS today. The people affected by HIV/AIDS have changed tremendously over the course of the epidemic, and HIV/AIDS programs must adapt and change as well.

When the HIV/AIDS epidemic first began in 1980, most Americans with AIDS were white. Today, over 70 percent of new AIDS cases in the United States are people of color. Blacks account for about half of new AIDS cases, and Hispanics account for 20 percent of new AIDS cases. Racial minorities now represent a majority of new AIDS cases, and a majority of Americans living with AIDS, and a majority of deaths among persons with AIDS.

The Ryan White CARE Act is critical for minorities who often lack access to traditional health care and support services. About half of all Ryan White CARE Act clients are black, and that proportion is much higher in some care settings.

Title IV of the Act is especially important for racial minorities. Title IV provides medical care, case management, child care, transportation, and other support services for families affected by HIV and AIDS. Over 80 percent of the clients at clinics funded by Title IV of the Act are minorities.

The Ryan White CARE Act is severely underfunded. In the current fiscal year, the Ryan White CARE Act received a total of just over $2 billion for all programs nationwide. However, it has been estimated that Ryan White CARE programs should receive at least $3 billion in order to address adequately the needs of people affected by or at risk of HIV/AIDS.

In July of this year, the Bush administration released its principles for the reauthorization of the Ryan White CARE Act. Unfortunately, these principles are pitting the most affected communities against one another.

□ 1915

One of the principles is a prioritization of core medical services. This principle could eliminate many of the support services provided under title IV, such as case management, child care, and transportation, which make medical care accessible to people in need. For most title IV clients, medical care is covered through Medicaid, not title IV; but support services provided under title IV are essential to make medical services accessible.

Reducing HIV/AIDS support services in order to prioritize HIV medical services is no way to address the needs of people with HIV/AIDS. I urge my colleagues to reauthorize the Ryan White CARE Act in a manner that will ensure that HIV/AIDS programs will indeed address the needs of all communities in the United States that are affected by the HIV/AIDS epidemic, and I urge my colleagues to make certain that the Ryan White CARE Act programs will be fully funded in future years.

Mr. Speaker, I mentioned the disproportionate number of African Americans and Hispanics that are now HIV/AIDS positive. I would like to share with you what we have attempted to do to address those very special populations.

In 1998, while I was the Chair of the Congressional Black Caucus, I spearheaded the development of the Minority AIDS Initiative, which provides grants to health care providers for HIV/AIDS treatment and prevention programs serving minority communities. The Minority AIDS Initiative enables health care providers to expand their capacity to deliver culturally and linguistically appropriate care and services.

Mr. Speaker, we will not get the increases we need, so we need to pay attention not only to this reauthorization but to the very special needs of those who have suffered the most.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

(Mr. TOWNS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WOMEN AND HIV

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I rise to ask the House to reauthorize the Ryan White CARE Act, and I rise with special gratitude to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), a physician and the leader of the Congressional Black Caucus on health care issues, who has alerted us to a very important date, and that is September 30 of this year when the CARE Act requires reauthorization or it will lapse. We just came to the floor because of just such a deadline to reauthorize the Violence Against Women Act. I am asking the House to do the very same thing for the Ryan White CARE Act.

Mr. Speaker, this is a bedeviling disease. In our country we initially saw it as a disease of segments of the population, and certainly in the beginning it was identified somehow as a gay disease. It took the infection of a young white man, a teenager, indeed, to wake America up to what this disease really means and how universal the disease is.

We face the same issue, however, as the disease has moved so largely into the black and Latino communities. When a disease moves in that direction, it becomes too easy for a country with our history to identify it with the specific group that is most identified with the disease. Let us not make that mistake again.

It is true that of the cases of AIDS diagnosed in the most recent period, 49 percent were African Americans and 20 percent were Hispanics. Those are the most alarming statistics I have read in a long time, considering that together blacks and Hispanics are not 20 percent of the population. African Americans are 42 percent of all of the people in the United States living with AIDS, and we are talking about people who are about 12 percent of the population.

Behind these figures are very complicated reasons, and my time does not allow me to go into it; but the fact that these figures exist is enough to call us to this floor to reauthorize the Ryan White Act before September 30.

African Americans have AIDS at almost 10 times the rate of whites. As with all diseases that tend to move toward the most disadvantaged in society, this disease is showing up in hugely disproportionate numbers among the very same disadvantaged groups that we associate with such figures, and I am particularly concerned that women are about 27 percent of all new HIV infections.

We can all remember when it was rare to find women of any color with HIV/AIDS. They represented only 8 percent of diagnosed AIDS patients in 1985. Now we see that jump from 8 percent to 27 percent. Fifty-one percent of new HIV cases are among children, that is to say, people who are from 13 to 19 years of age. That is just unacceptable, Mr. Speaker.

The movement of this disease downward into the population is the darkest aspect of the disease. Seventy-one percent of the women with this disease were infected through heterosexual conduct. That means that they probably had no idea that their partner was infected. This may be the chief reason that African American women are infected at a rate 25 times the rate for white women.

Mr. Speaker, this disease, once wrongly thought of as a gay disease, must not now wrongly be thought of as a disease of certain ethnic or racial minorities. One way to make sure that we stop the spread of this disease is to reauthorize the Ryan White Act now when it is so desperately needed. We do not want to let this session end with our country looking like one of the Third World countries that is now caught in the grips of this disease. It is a preventable disease.

If the Ryan White Act is reauthorized, we know what to do to contain this disease among blacks and Hispanics, just as we were successful in

containing it among gays. Let us do it. Remember September 30. That is our deadline.

THE RYAN WHITE CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of reauthorizing the Ryan White CARE Act. Signed into law on August 18, 1990, the act was designed to improve the quality and availability of care for persons with HIV/AIDS and their families.

The Ryan White CARE Act awards critical grants to metropolitan areas with particularly high rates of HIV. These grants help pay for outpatient services including case management, home health, hospice care, housing, transportation and nutrition.

The Ryan White CARE Act also provides money to States for pharmacy support through the AIDS Drug Assistance Program. This act enables the Federal Government to assist States so they provide lifesaving antiviral drugs for people who are HIV-positive.

This legislation lets States choose how to spend the money. This act allows States to dedicate Federal dollars for home and community-based health care and pharmaceuticals. States have formed local consortia to assess communities' needs and organize regional plans for delivery of HIV/AIDS services, as well as medical care.

In addition to supporting the States and major metropolitan areas, the Ryan White CARE Act also provides funds to primary care providers.

This comprehensive law reaches local health departments, homeless shelters, community health centers, hemophilia centers and family planning centers.

Mr. Speaker, I have not heard one negative thing about the Ryan White CARE Act. Why, then, are we allowing this critical legislation to expire without doing anything about it?

Colleagues, allow me to call your attention to the five States with the highest numbers of HIV-infected individuals in the country: New York, California, Florida, Texas, and Georgia. In my own State of Texas, more than 18,000 people are infected with HIV.

HIV/AIDS disproportionately affects African-Americans.

Sixty-two thousand AIDS cases have been reported in Texas through December 2003—and that's not even counting HIV. Half a million people in this country and nearly 35,000 Texans have died of AIDS.

Mr. Speaker, on Friday, September 30, the current Ryan White CARE Act will expire. Reauthorizing legislation must be approved. Without it, States, communities and individuals will no longer be able to access the critical funds they need to prevent, diagnose and treat HIV and AIDS.

Because of its critical role in affording access to care among African-Americans living with HIV/AIDS, the Congressional Black Caucus is deeply concerned about the future of the Ryan White CARE Act.

As a nurse, I cannot emphasize enough the importance of reauthorizing the Ryan White CARE Act.

RYAN WHITE CARE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I join my colleagues today, especially the Congressional Black Caucus, as I rise to speak on a piece of legislation that is of utmost importance to me and to many in this body, and that is the Ryan White Comprehensive AIDS Resources Emergency Act. It is scheduled, as my colleagues have said, to end this week.

This law, Mr. Speaker, provides care and assistance to over 500,000 persons in this country infected by HIV. A piece of legislation this important should not expire. It should be expanded, because it affects tremendously the African American community. I would be hard pressed to find an issue that is more troubling to the African American community than HIV and AIDS. As African Americans, we make up only 13 percent of the United States population; however, about 50 percent of the estimated AIDS cases in this country are African Americans. This number is an outrage.

HIV is killing our young people. African American women are especially at risk. In 2001, HIV was the third leading cause of death among African Americans between the ages of 25 and 34. Among women of this same age group, HIV was the number one cause of death. This is why annually I have a minority AIDS walk for women and children, especially minority women, because of the devastation this has caused. It is ravaging communities of color.

In 2003, African Americans accounted for two-thirds of new AIDS cases among all women nationwide. Moreover, African American teenagers make up only 15 percent of the U.S. teenagers. Why is it then that they account for 65 percent of the total new AIDS cases reported among teenagers in 2002?

Mr. Speaker, we must have this piece of legislation expanded. We must have this piece of legislation so that we can eradicate this dreadful disease that is ravaging our communities. We cannot sit idly by and watch this disease tear apart our communities and affect a generation of our children. That is why I stand here today with my CBC colleagues to impress upon my colleagues the absolute necessity for the reauthorization of the Ryan White CARE Act.

This act is essential in making sure that HIV/AIDS no longer ravages our community. The numbers illustrate the horrible trend. We are an underserved and vulnerable population, and I refuse to allow that to continue.

Title IV of the CARE Act is particularly essential. Title IV serves women, children, youth, and families who are all affected by AIDS. Each year, over 50,000 women and children benefit from title IV services. Title IV services include, among other things, medical care, child care, and transportation. Without these services, Mr. Speaker, women and children participants would not receive the care they need to fight this dreadful disease. People of color make up 88 percent of the beneficiaries of title IV services. Thirty percent of all title IV consumers are children under the age of 13.

In 2002, almost half of all Ryan White CARE Act clients were African Americans. The Ryan White CARE Act funds the National Minority AIDS Education and Training Center. We need this. We need it desperately. Programs like this ensure that African American victims of this disease get the quality care they need and deserve to survive and that our communities get the clinical expertise to be able to provide that care.

We also need more education programs and testing sites. We need to make sure that the care is available to everyone in need. We need more attention paid to this epidemic. It is not just international, it is national, and it is widespread among the African American community. We need the reauthorization of the Ryan White Comprehensive AIDS Resources Emergency Act.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (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 gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

FURTHER MESSAGE FROM THE SENATE

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

H.R. 3864. An act to assist individuals with disabilities affected by Hurricane Katrina or Rita through vocational rehabilitation services.

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THE NATION IS AT RISK

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Under the Speaker's announced policy of January 4, 2005, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, I would like to talk about a number of pressing

issues. As we enter the final stages of this 109th session of Congress, we are confronted with some dire emergencies and challenges and I prefer to place all of the things I have to say under the big umbrella title ''The Nation is At Risk.''

The Nation is at risk. We need an administration at this point in the history of the Nation that governs for all, not just for a few. We need an administration that cares about everybody, not just a few. We have an incompetent blundering administration. Iraq showed us how serious the consequences of such blundering could be. If we did not understand because of Iraq, and some of us understood what we were getting into. I voted against going to war in Iraq. I think it is very important as a Member of this Congress, as a major policymaker for the United States of America, it is very important never to place young people, our soldiers, military personnel, in a situation where they may die in vain or they may die for no good reason. For that reason, I voted against the war in Iraq.

But we went ahead and we kept going right through an election and refused to recognize. And when I say we, the majority as a Nation, did not recognize the dangers of the Iraq blunder. Some of my religious friends say that God wanted us to open our eyes and give us a wake-up call so he sent Hurricane Katrina. Hurricane Katrina is on a smaller scale than the catastrophe of Iraq. Hurricane Katrina is at home. Hurricane Katrina was on our television cameras as it was unfolding. The question is will the next high level set of blunders by this administration lead us into something even more devastating. The failure to respond properly to the Hurricane Katrina, it showed us we have an incompetent blundering administration. If we did not understand with what happened in Iraq, we certainly can understand it now. Our Nation is at risk.

It is very serious to have a Nation of this size with its power, its position in the world, unable to cope with catastrophes like Katrina, unable to make decisions about major international policy matters like Iraq. Yes, Saddam Hussein was an evil man. Saddam Hussein was highly undesirable and somebody needed to help get rid of Saddam Hussein, but so was Joseph Stalin and so was the Soviet Union for years. Before the Soviet Union acquired the nuclear bomb, there were people who urged President Truman and some subsequent Presidents to attack. Let us have a preventive war before they got the nuclear bomb. After they got the nuclear bomb and they did not have the hydrogen bomb, people were urging it was even more important to attack. They said let us make certain they do not get the hydrogen bomb. After they got the hydrogen bomb, of course, at least we were willing to say let us have a balance of power. Even during that balance of power, we had the missile crisis in Cuba and some people were urging then, let us get it over with and strike first with our atomic weapons. We did not. The Soviet Union was a far greater power, was a far greater threat to us than Saddam Hussein could ever be. We managed to live with it until they fell under their own weight. The Soviet Union collapsed because it also had a group of blundering leaders who would not accept the complexities of modern society until it was at the brink of economic disaster. The Soviet Union was quite fortunate that they happened to produce a genius with a heart, with compassion at just the right time. Gorbachev is a genius, and he saw the only way he could save the Soviet Union was to go to war, and he refused to do. He had a heart. He had compassion, and that combination saved the world from a conflagration. The Soviet Union's leaders realized their way of life was doomed. Instead, they surrendered ideologically, so what seemed impossible over the years, to bring down that evil empire, to go to war, was not necessary.

I assure Members that Saddam Hussein would not have lasted for many more years without us having to go to war and get involved in the quagmire we are involved in there, but we did it. We did it because I am afraid we are led by some old men who have juvenile minds. We are led by some old men who play war like little children and they could not resist the temptation to go to war and display our shock and awe and all our modern weapons and bring Iraq to its knees overnight. They could not resist the possibility of being able to ride through the streets and have people wave flowers at them and welcome them. They had all kinds of dreams that were not realistic and they led us into a quagmire.

I am not certain how we are going to get out of that quagmire, but at least we ought to begin to recognize it. The polls show us the majority of American people say we should get out of Iraq, bring our troops home as soon as possible. Those who do not understand still and did not understand before, Hurricane Katrina should show us, Hurricane Katrina should finish the job of awakening us to the fact that we have incompetent, blundering people in the leadership.

We have the results of a situation that has built up over the years where the primary requirement for getting into government was to be able to raise large sums of money or a group of people who could raise large sums of money began to dominate the decisionmaking, what I call the ''donocracy.'' The ''donocracy'' has pushed up people in power who do not necessarily have competence in terms of the background, the training, the experience, to govern.

Those who do rise to power and are elected are surrounded by a group of people who are primarily great fundraisers. Those who do rise to the top are maybe even great friends of great fund-raisers and great donors. And you get people appointed to positions, like Mr. Brown of FEMA, people appointed to positions where they should not be. It is patronage on a grand scale.

It used to be that if you had to have someone pushed forward by the partisan political process, then you made sure that the top guy, if he was the guy that was the partisan candidate, you had to have the second guy be competent and could run the situation, or vice versa. If the top guy was competent, then your partisan appointee could be the second guy.

But there arose a situation where we lost touched with reality, and FEMA represents that. Not only the top officer in FEMA, Mr. Brown, but we are told by people who are professionals, who worked in FEMA over the years, people who came out of the Clinton administration. And by the way, President Clinton made a great effort to professionalize FEMA. It was one of those places for too many years where political hacks had been appointed. He tried to professionalize, and he succeeded. But all of that was wiped away by a new administration that had no respect for competence. In fact, I would say has contempt for competence, as too many elected officials in Washington have.

So we are in a situation where one great blunder is draining billions of dollars out of our coffers halfway across the world in Iraq, and also thousands of our young people have died. Our standing in the world has gone down. There are many consequences of the blundering in Iraq.

The Hurricane Katrina blunder showed us that even on a smaller scale if you have contempt for competence, if you do not really care about all of the people, if you are going to govern for just a few, you are going to be preoccupied with big tax cuts while you cut agencies like FEMA, and other agencies that serve people on the bottom, you could do not care about safety nets and an education system that is going to produce the best we can from every human being who has the potential, you do not care about all of that, well, FEMA brought it home. It brought it home in a very dramatic way in terms of the combination of poverty and race.

Poverty and race happens to be a very dramatic way the presentation came out in New Orleans. I assure Members if those had been white poor people in the areas flooded, they would have suffered the same fate from an administration that does not care about all of the people, it cares about just a few.

These blunders will lead us into a situation where we will not survive. The Roman Empire survived a lot of blunders. They had Julius Caesar and many other emperors with various degrees of competence. Some were complete maniacs like Nero. They survived some maniacs and fools at the top. They basically survived because the Roman Empire was unchallenged in the known

world. There was nothing to compete with the Roman Empire. They could make blunders for decades and centuries and recover.

The United States of America cannot have more blunders one on top of another and survive as a leading Nation in the world in terms of values, in terms of its democratic system, and in terms of its economic system. I happen to believe that it would not be just a disaster for Americans, for us who live here, we citizens who love this country, it would be a disaster for the whole world if our leadership position is lost. I do not see a rival. Among the rivals, I do not see anyone more capable of leading in the world in the direction we would like to see it go, where more people can enjoy the fruits of the earth, where more people can develop their potential.

The Declaration of Independence and the Preamble to the Constitution prevails. There is no Nation on earth that can do a better job. I do not want our Nation to collapse, not only for my own grandchildren and great grandchildren and those who survive me, I want the whole world to benefit from continued leadership by the United States of America. We should not allow a handful to throw away what so many have labored for so long to create. We should not let a blundering group of fund-raisers, a blundering group of fund-raisers, a blundering group of people who have contempt for competence, who laugh at wisdom, who ridicule experience, we should not let them dominate our government any longer.

I think the problems of New Orleans and the problems of the other sectors hit by Hurricane Katrina are problems we should begin to examine as possible new opportunities. In the process of rebuilding, let us not rush to spend billions of dollars. Dollars are very important. I do not like those who insist when helping the poor, if you throw dollars at them, you will hurt them. Throwing dollars do not solve problems. Dollars are the beginning of a solution to the problem. It does not solve the problem, but at least no solution begins unless you have resources, unless you have dollars. So it is good we have as Congress taken the first steps and appropriated $60 billion already to move the process. Much more will be necessary and it should be appropriated, but if we do not have the wisdom and the competence and we do not have the experience, if we do not have an administration that cares about governing for all of people, not just for a few, then those dollars are going to be wasted.

Lives that could be redeemed are going to be forever lost. There will be no comeback. New Orleans will not be rebuilt in a way that is productive and a signpost for the future.

In the rebuilding of New Orleans, we should build a city of the future. New Orleans is a great resource. The whole world will always look at New Orleans as a place, a colorful attraction that they want to go to. Its traditions with jazz, that is a vital part of it. It is also located in a place where it will always attract a great deal of attention.

□ 1945

So instead of condemning New Orleans and following the leadership of some people who say why rebuild it, it is too expensive, the next hurricane may wipe it out, we should look to rebuilding it as a city of the future, rebuilding it as a hurricane-proof city. There is such a thing as a city that could withstand a hurricane. There is such a thing as planning that could take into consideration all the things that went wrong and deal with the problems that have been revealed.

I think that the challenge of rebuilding New Orleans, the challenge of recovering from Katrina along the whole path, Mississippi, Alabama, wherever it hit, that challenge could show us the way to create a world-class, first-class, adequate homeland security system. Natural disaster relief merges now with homeland security concerns. Concerns of recouping from terrorism, of fighting terrorism, coping with terrorism, now merge with the concerns of natural disaster.

Why not have them merge? It is a way to approach the problem in a very economical way, it seems, if we are going to in anticipation of terrorism. And we know very well that it is going to strike only in a few places because we now are alerted. We have all kinds of mechanisms to thwart it, but still terrorism may get through; it may strike someplace. But in order to be prepared, we have got to be prepared everywhere. If we have got to be prepared everywhere for terrorism, why not the combination of preparation for terrorism and preparation for natural disaster be combined, be combined?

Why not deal with the problem revealed in New Orleans of abject poverty at the same time we deal with how to show that New Orleans can be prepared not only for future natural disasters but also for any terrorism threat? Why not show how the residents can be involved in the process of rebuilding and be involved in the process of creating a new economy and capitalizing on the fact that the whole world knows New Orleans and with the exploding world where the middle class is creating more and more tourists all the time, there will be always enough tourists to help bolster the economy of New Orleans.

There will always be a fascination with the location of New Orleans and the river and the various environmental things along that coast. It is a matter of how do we preserve what is good there and how do we handle it so that future problems are not there to dwarf the redevelopment, that business people are not afraid to go back to New Orleans, that the population itself is not afraid.

It is a great pity that we did not have the foresight the last few decades to prepare New Orleans properly. We have had experts on top of experts. We have done studies that showed us the dangers. It is quite an excellent example, unfortunately, of how our blundering administration in power and some other administrations in the past have had contempt for science, contempt for wisdom. The science was there. The preparations were there. Just last year they ran scenarios of hurricane level five. All these things have been done, but the willpower was not there. The wisdom was not there. The competence was not there to take steps to cope with the problem.

And over the years, we have spent billions of dollars in Iraq and billions of dollars on other projects, rockets, anti-missile systems; and there were numerous projects that were great failures and a great waste of taxpayers' money that could have been jettisoned in order to provide the money to build decent levees and waterworks of New Orleans.

''Who lost New Orleans?'' And I am reading a few quotes from a piece that I submitted to the Huffington Post. ''Who lost New Orleans? Our cities are the greatest treasures of our civilization. So why were the levees and the pumping stations emplaced to protect New Orleans from the sea so technologically obsolete?'' The Dutch, the Netherlands have been controlling the sea for a long time in a much wider area. They have the expertise. Why did we not bring the Dutch in to do the job that had to be done if we did not have Americans in the Army Corps, the engineers, the technological know-how did not exist? We could have in the world found the people that could do it, and we did not have to go any further than the Netherlands.

''If the descendants of the American geniuses who built large artificial ports at Normandy on D-Day could not design adequate protection, then why didn't we ask the Netherlands to outsource their expert sea management engineers to us long ago?''

And when we look at what happened on D-Day, we begin to have the benefit of history in the reruns of movies and the documentaries; and we see that D-Day was more than about the courage of American soldiers. That was the critical piece. If there had been no courage, if they had not kept going forward, all would have been for naught. But if they had courage and kept going forward and they were not backed up by a tremendous set of technological innovations, all would have been lost.

They built a port, artificial port, at Normandy, a port big enough to take trucks and tanks; and it was built in a very short period of time. If the people who designed that could not provide adequate protection for New Orleans, or the descendants of the people who designed that, then we should have gone to the Netherlands and outsourced their expert sea management engineers to come back to do it for us.

But I suspect that if the will had been there, if we wanted to do it, just as we did the impossible on the beaches of Normandy on D-Day, we could have done over a period of time what was necessary to save New Orleans.

''New Orleans will be lost only for a short period of time.'' As I just said, it is going to make a comeback.

''In spite of the paucity of spirit and imagination among our ruling decision-makers, cities will continue to resurrect themselves and survive. But Americans must learn from the lesson of an almost drowned New Orleans. No great American city should be needlessly placed at risk. The rural-centered congressional policies of the last 2 decades must be radically reversed. The power of Senators, in a Chamber not based on one man, one vote representation, deal-making for small population interests must be curbed.''

Taxpayer dollars must not be spent for projects and programs located where people do not live. They should be spent in places where people live in large numbers. That should be the priority.

''Who is served by expensive bridges in Alaska?

''Examine the last omnibus budget bill passed by Congress and signed by the President or review the items listed in the recently signed Surface Transportation Act. For even a high school sophomore, one fact will be immediately revealed: the per capita expenditure is far greater in sparsely populated States than it is in the densely populated States where the big cities are located.''

This is a leaning, a direction, a trend that has gotten out of hand in American policy-making and expenditures of taxpayers' dollars over the last 30 years. We are spending far more per capita in rural and suburban areas than we are in cities where the people are concentrated.

''Each Senator from a rural State has many more allies than the Senators from States with big cities. In other words, Senators who represent urban Americans have less influence.

''Review the scenario of last year's Senate deliberations on the provision of emergency hurricane relief aid.'' We voted money for the Florida hurricanes, remember, last year. We started at $6 billion. I do not know how far it went finally; but I know at the last minute, and I am not going to read this in great detail, but at the last minute there was a sudden request in the Senate by people who represented certain western States that drought relief had to be attached to the hurricane relief bill. Suddenly, they produced drought relief; and I think $2 billion, an extra $2 billion, was added.

It was kind of blackmail, if one asks me. It was added to the hurricane money in order to take care of drought relief that suddenly appeared. The power was there and it was used, unfortunately, to benefit too few. It was used in a way which was wasteful.

''With billions readily available to make war or implement any other deadly or wasteful priority our leaders deem necessary, why haven't we appropriated the funds needed to save, to maintain, to expand, to glorify our cities? That which is urban is almost synonymous with that which is civilized. Jefferson notwithstanding, the agrarian life permitted the flowering of only a few. In the rural domain, nature is to be placed on a much-deserved pedestal to be observed and admired. But'' big cities ''keep man's feet on the ground where life can be hugged and kissed and ravished, where culture is a unique product of imaginations interacting. Jazz could never have been born in the countryside, and between rows of corn and cotton, Satchmo could never have strutted and marched,'' as he did to put New Orleans on the map.

''New Orleans will not be lost forever like Atlantis. Salvaging New Orleans could prove to be a process which fuels the revamping of the corrupted Washington decision-making process.'' Salvaging New Orleans ''could spur the salvation of all cities which collectively constitute the core of our modern American civilization. The process must begin with less focus on bread and water looters,'' which got a lot of publicity and we are learning that that was greatly exaggerated, ''and more'' focus should be made on the ''looting of the Federal Treasury which has enriched a small percentage of the population'' to the detriment of cities.

Cities have not been properly funded because there were administrations like the present one that were not concerned about legislating for all the people, but were content to legislate just for a few.

''New Orleans has presented us with a hysterical profile which shows that in many vital ways, despite our impressive skyscrapers, we are an underdeveloped Nation. Our masses live in our cities, or the dependant exurbias and suburbs'' that surround our cities.

''To foster our Nation's security, prosperity and greatness, we must expend taxpayer resources on planning, programs, and projects which provide the greatest benefits for the greatest numbers. The Washington looting mentality must be replaced with a new Washington creative leadership imperative.'' A creative leadership imperative which governs for all and not just for the few.

I summed it all up in a short wrap point called ''The Washington Looting of New Orleans.''

''Washington looters still running loose
Abusers of New Orleans
Embezzlers of canal repair dollars
Big shot necks too big for a noose.
For the Mardi Gras
Neo-con domestic shock and awe
Bush budget blunders trapped in the crayfish claw
Grandmothers and babies cry
Urban peasant victims die;
Oh, when the Saints come marching in
Judgment will fall on merciless men.
Put street looting logs away
Only political atrocities on the dock today.
Washington looters still running loose
Big shot necks too big for a noose.''

Mr. Speaker, I will include in the RECORD this piece that appeared in the Huffington Post on September 1, 2005.

Mr. Speaker, we need to combine our concern with homeland security with our concern with the poor and our concern with the maintenance of our cities.

I am going to propose, for the benefit of the Congressional Black Caucus, an omnibus bill to deal with all the various problems relating to New Orleans. The problems are legion. They are problems of all kinds that have grown out of the crisis in New Orleans. And every Member of Congress is concerned. Many suggestions are being made, and they are not partisan necessarily. There is a great deal of concern on both sides of the aisle.

My problem is that we have authorized $60 billion without any omnibus bill to go with it, without any legislation to go with it; so these ideas out there percolating all around, everybody wanting to do the right thing, they do not get institutionalized in the proper way. We need legislation which definitely institutionalizes and codifies and makes it clear in legislation what it is we are going to do.

There are complaints and there are articles being written, exposes already about the contracting process, that no-bid contracts are being spread all over the place and the usual problems we have with large contractors not honoring subcontractors who are minority. All of those problems are resulting.

□ 2000

The President did not want us to take time to debate the legislation and write instructions as to how the money should be spent. But the President acted immediately in a very partisan way. He intervened into this process by first declaring that Davis-Bacon regulations should be suspended.

What are Davis-Bacon regulations? Why did the President rush into this process and say right away that Davis-Bacon regulations should be suspended. The President hesitated, was tardy in responding to the Katrina disaster. His administration was tardy. All of a sudden, they rushed in and said Davis-Bacon requirements should be suspended, that all contractors are not obligated to abide by Davis-Bacon regulations.

What is Davis-Bacon? It is a longtime regulation that says when the Federal Government is financing a program, building a building, a road, or whatever, when the Federal Government is concerned, contractors must pay the local prevailing wages. It is as simple as that. Contractors must pay the local prevailing wages.

Why would anyone not want contractors to pay local prevailing wages? As

you move southward in this country, I know, because I sit on the committee which is responsible for Davis-Bacon legislation, I know the charges and how they stack up, the wages that prevail in New Orleans and many of the southern States are far lower than the wages in any other part of the country. So they already are low.

Why do we have to rush to intervene and say you do not have to pay prevailing wages? The problem is they are going to run into situations where they are going to be paying wages higher than prevailing, because in order to get people to come in who have the expertise to do some of the construction, they are going to have to pay higher wages.

But the intervention of the White House immediately to suspend Davis-Bacon was a blow to a principal that they had enunciated, and we all agreed with, that priority would be given to the people of New Orleans, the workers of New Orleans who returned to rebuild their city. If they are given priority, but you say to the contractors, you do not have to pay them the wages they are used to getting for carpentry, for plastering, for operating machinery, you do not have to pay that, you are undercutting the economy by not paying the citizens the wages that they were receiving before.

So the suspension of Davis-Bacon was an unfortunate rush of a partisan nature, because the present administration and the majority party have relentlessly pursued an effort to sabotage and destroy Davis-Bacon over the last 4 years. To seize the opportunity for a partisan thrust like that was most unfortunate.

Then, a few days later, there is an order coming out of the Department of Labor which says we suspend all affirmative action rules. Any regulation relating to affirmative action that you have to comply with, forget about it.

There are not many affirmative action rules that apply to contractors, but even those small numbers that there are, some kind of little report you have to write to show you have diversity, et cetera, the nature of it, that is suspended. This is a second blow to the people of New Orleans since most of them, as you saw on television, the city was 67 percent African American, 67 percent. So if you suspend any requirements that contractors have diversity in their hiring, then you are certainly not helping to guarantee that those people who lived there before, who suffered through the hurricane, who suffered through relocation, can come back and expect to get jobs.

You are encouraging the contractors to ignore that, if it suits their purpose, and it will suit their purpose if they can get cheap labor from illegal immigrants, which is one of the problems that we are going to be confronted with as a result of not having any oversight on Davis-Bacon or on the affirmative action requirements.

So we are not taking advantage of this catastrophe and making it an opportunity. It could be an opportunity to show how well the Federal Government operates to protect the interests of workers, how well we operate to bring back and guarantee that the people who have suffered through this are part of the rebuilding process.

I hear that the mayor of New Orleans is creating a commission to come up with plans to restore and rebuild New Orleans. That is fine. That is wonderful, and such commissions should exist. But I think it is a commission that is going to be at the local level, the State and the city level. They need that.

But we also need another commission, which is made up of national people, people from the Nation, to participate and help to plan the rebuilding of New Orleans. We need to look at it as an opportunity for showing how an ideal city could be structured to better meet the needs of all the people.

We need to take on the challenge of a location which is hazardous under normal conditions. How do you make it less hazardous, is the question. What can you do?

I have a statement I made over the weekend at the Congressional Black Caucus Education Brain Trust, where I was focusing on the Katrina challenge in terms of education. I said that faith-based and community-based organizations could be involved in a very constructive way in the rebuilding of New Orleans. It is just one of the many ideas that need to be put into the hopper and made available to those people who could help oversee a national effort to support the rebuilding of New Orleans.

Of course, the Congressional Black Caucus, as I said before, has prepared omnibus legislation to express the ideas that have been put forward by the leadership of the African American community. Several meetings have been held.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. REICHERT). Would guests in the gallery please take their conversations outside.

Mr. OWENS. Mr. Speaker, I would like to read from that statement that I read to the Members of the Congressional Black Caucus Education Brain Trust about Katrina and how education initiatives could be important.

The Katrina hurricane disaster has highlighted the continuing permanent disaster of national and local policies which neglect the basic needs of poor Americans. To focus specifically on education, please be advised that the New Orleans school system is rated presently as the very worst among numerous struggling urban systems.

From this current tragedy, there is a challenge for all Americans. In concert with the citizens of New Orleans and Louisiana, there should be a multi-level effort to redesign and rebuild a 21st century model education system. In concert with the citizens of New Orleans and Louisiana, there should be a national effort, a multi-level effort, to redesign and rebuild a 21st century model education system in New Orleans. New standards would could be set for physical facilities constructed to serve as emergency centers as well as schools.

Now, every school, whenever there is a natural disaster, the first facility utilized, if nearby, is a school. Why do we not better equip schools to handle emergencies? Why do we not recognize in the building of schools that they should be built so that they are adaptable for disasters, whether they are natural or man-made? Why can schools not be built so there are storage places for extra equipment and supplies and beds? Why can schools not be built so they have the best of modern communications equipment, so they will not be isolated, so they can communicate with the police and the National Guard, et cetera? Why can we not have that all built into the system? It would not cost very much more. It is a way to combine the homeland security dollars with the rebuilding dollars for New Orleans. New standards could be set for physical facilities constructed to serve as emergency centers as well as schools.

In my district, I had an organization come and ask for help with the funding for a new visitors center. It is the botanical garden. They are building a huge new visitors center. They wanted help from the Federal Government.

I said, why the Federal Government? They said well, it is a major economic facility, et cetera. I said maybe in the construction of your visitors center, you are in the center of Brooklyn, with a large population. Brooklyn has 2.7 million people. You are a public facility. You could be one of the places we could depend on in case of a disaster.

New York, as a city, is considered a high-risk city, so we are in a high risk area. Why not build in your new center some extras which can be used in the case of an emergency, a natural disaster or a terrorism attack?

They accepted that. The architects went to work. They have their proposal and are proposing and begging for funding to help them with that process. I am asking for money from the Committee on Homeland Security. It could be a good model, because every new public facility should take into consideration the fact that it may be needed in the future to help respond to an emergency, and in the process of its construction it would not be exceptionally unusually expensive to build in some extras.

All of the equipment for electrical wiring and communication services automatically would be placed at a higher level in such a new building, on roofs. One of the problems that flooding does is when you have electricity hooked up in the basement, along with connections to gas, is that the natural disasters result in impairing electricity early in the process. Why do we not put our electrical wiring and switches and facilities higher in our buildings? Schools could lead the way.

In addition to regular phone, computer and fire alarm communications, every school should be equipped with a shortwave radio or whatever is necessary to establish communications with various other entities in homeland security.

Of equal importance to the physical features, funding should be provided for the guarantee of the opportunity to learn for every student, using the standards that already are in place in numerous suburban school districts across the country. You get in a big debate when you say we are going to establish some standards so every student has an opportunity to learn. How much is that going to cost and how can the Federal Government afford that and what is it?

If you go to most suburban schools, it is already in existence. They provide the money necessary to guarantee the opportunity to learn for all their students. The decent libraries are there, with the right number of books, current and useful books. The laboratories for science teachers are there. The physical education facilities are there. So we should build into the new schools what New Orleans schools have not had, all of those opportunities to learn.

If necessary, a program of aid to families with children in schools could supplement the education funding in order to systematically attack the problem of inadequate home and family support.

In addition to the problems of poverty and weak home structures, the students who go back to school in New Orleans are going to be victims of trauma. They have had experiences which are very traumatic. They are going to have numerous problems that deserve some extra support, and we should build that in. It may come from the Department of Health and Human Services, which has a program called Aid to Families with Dependent Children. Why not Aid to Families With Children in School as another separate program related to the experience of a child in school?

Attendance and the regularity of parents going to meetings, a number of things could be done which would encourage a new mindset among family members and community members regarding education. That is not a physical feature, but it is an important opportunity-to-learn feature.

The greatest benefit to the people that the government can provide to the survivors of Katrina is a comprehensive support program which educates a generation of children to take new positions in their new City of New Orleans and the Nation, because, I repeat, it is to the Nation's advantage to have as many of its human beings educated as best as possible. It is part of the competition we face again.

□ 2015

Again, we are not like the Roman Empire. We cannot blunder on and on and expect to maintain leadership in the world. We cannot blunder on and on without being overrun, and I do not mean overrun militarily. We will be overrun culturally and economically. Our standard of living will be greatly changed if some of the great powers that are maneuvering, not maneuvering. I congratulate the government of India for providing a first-rate education program so that they are producing large numbers of scientists and technologists and they are taking over large swaths of the information industry from the United States.

I congratulate the small Asian countries that are taking some medical business, opening their own hospitals over there where they provide much better care than we provide here at cheaper rates. I congratulate them for educating their population for being able to do that.

I congratulate the government of China. They are graduating 600,000 scientists and engineers every year. That is a marvelous thing to do for human beings. Their nation, their leadership is not blundering; they are doing the right thing.

We should stop blundering on matters related to education and understand that that is where the world is going. If we are going to survive and outlast the Roman Empire, which is highly desirable, we should be in the leadership of the world for as long as possible and stay there. We are going to have to stop the incompetence and the blundering that exists presently.

Mr. Speaker, let me just take a minute to be very practical about the coming omnibus bill that the Congressional Black Caucus is preparing. There are some other groups here on the Hill preparing bills; I am sure Republican and Democratic groups are preparing some legislation. But by omnibus bill, we mean we want to take into consideration all of the various problems that do exist.

We do not want the blundering to go any further. The blundering that existed in the response to Katrina could be far more destructive as we prepare for a rebuilding of New Orleans and the coast, which is going to last for years and years. If we do it wrong, the effects will be there forever, probably. We will never have another opportunity like this. Just as with the war in Iraq, we have done it wrong; we lost an opportunity, as I said before.

Instead of following history, understanding the implications of history, understanding how much we have learned by waiting out the Soviet Union, waiting for it to fall; despite its terrible leaders like Stalin, and despite its advances with nuclear weapons, we waited, and we won. But in the case of Iraq, the blunder has cost us a great deal.

I am not submitting this for inclusion in the RECORD at this point, because I have not found a way to do that, but I want to call everybody's attention to the fact that USA Today, the national newspaper USA Today on Thursday, September 22 of this year, had an ad in its paper which tells the story dramatically about blunders and what the results can be. On one side it has a picture of all the people who led us into the Iraq war, and it says, ''They lied.'' On the other side, it has the listing of all of the people who died in the Iraq war, and at the bottom it says, ''They died.'' They lied, they died. I will not submit it for the RECORD today, but I urge everybody to look up September 22 USA Today and get a feel for where we are on our way to. They have all the names listed of all of those who died, just as we have them listed on the Vietnam Memorial.

Mr. Speaker, 58,000 died in Vietnam. We know we never want to do that again. But 58,000 died. They are all heroes. In fact, every American who puts on a uniform, whether he gets killed or wounded or comes back alive and healthy, is a hero. The minute you put on the uniform of your Nation, you are at the command, beck and call of our Nation. You go where you are sent. It is just sometimes luck that you are sent to a place where you are able to survive. You are a hero, and everybody should be looked upon, who goes out to serve their country and puts themselves at risk, as heroes, and we should be heroes in making certain that we never do it unnecessarily, that they are never put in situations which do not require those kinds of risks. Those that give their all should do it for something worthwhile.

We do not want that kind of blunder to ever affect us again. We do not want to blunder now as we go forward in the peaceful process of rebuilding New Orleans.

There are several groups who listed things that we should look for as we rebuild New Orleans and the gulf coast region. This one comes from Policy Link, but it happens to dovetail and sound very much like what the Congressional Black Caucus omnibus bill is proposing also, will be proposing.

One, rebuilding New Orleans and other devastated areas so that all communities are mixed income communities. Let us not rebuild ghettos which we have in the low-lying areas where the greatest amount of flooding took place; you had the poorest people. Probably because years and years ago, the realtors and the people who did the planning understood those areas were in danger, were at risk. The land was cheaper there, so the poor people are all there. The poor people who service the hotels and the industries, they all live there.

Why not, understanding that we are never going to be totally immune, no matter how we build the buildings, why not move the population so that they are on higher ground. Why not mix downtown, higher ground, why not have moderate-income and low-income housing mixed in among the hotels, mixed in in areas of high ground, the scenic parts of New Orleans which have

been reserved for the old aristocracy. Why not guarantee that there are places to live for those New Orleans evacuees who want to come back, so that they do not have to live in danger anymore.

Or if you are going to build in the low-lying areas where the greatest risk is, build buildings which are floodproof, on stilts. There are various ways we can have large buildings which are not subject to flooding and buildings that hurricanes cannot blow down too. It is possible to do that.

Beyond that, I would recommend that there would be fewer, and other people have recommended, that there be fewer residences, but build institutions in those places. If you have to evacuate or something happens, the colleges like Dillard University, Xavier University, Southern University, all of those were inundated with the flood, they were put out of business for this semester and maybe next semester, and some may never recover. Those kinds of institutions could be rebuilt in that area and built with the flood-proofing and hurricane-proofing. But if something does go wrong, you do not have to evacuate large numbers of individuals, because institutions have fewer human beings that have to be dealt with.

Number two, let us have equitable distribution of the amenities and the infrastructure investments that make all communities livable, so that parks and schools and so forth are structured so that they encourage people to live in the neighborhoods and are designated as the places which are most habitable, less dangerous.

Number three, prioritize health and safety concerns. Let us not ignore the lessons of 9/11. We cannot ignore the fact that toxins, pollution, those things are going to kill people later on if we do not deal with them now. We had problems in New York when large numbers of our firemen were heroes and went into 9/11 searching for people under the rubbish, were there for the first few days.

They are now coming down with serious diseases, a few have died, and much of it was caused by the fact that they went in with no protection. That is very heroic, but it was not necessary. We should have provided the protection, the masks, and a few other things that were necessary. So the people who come back to live there certainly should not be forced to live in situations which are not thoroughly cleansed of all of these toxins.

Number four, we should ensure responsible resettlement and relocation for the people who have been displaced. There should be a guarantee. Here is where the Federal Government must come in and make it right, if the State and the city does not do it, a right to return, a right to resettlement in New Orleans, with the accompanying bonuses, whatever is necessary to entice people and get them to return.

All of those things should be there, and we should play a major role in guaranteeing that they are there. We should not discourage people to go from New Orleans to Idaho permanently, from New Orleans to San Francisco, New Orleans to Memphis, et cetera, and stay there. They have gone to these places that reached out and assured some shelter for the evacuees; they should not be forced to remain scattered. They should have a right to resettle.

Point five, we should restore and build a capacity of community-based organizations in the gulf coast region. As I said before, a program which involves all of the people there ought to be put forward so the capacity of community-based organizations should be a part of the way we guarantee some employment to people who live there in the area.

Number six, create wealth-building opportunities to effectively address poverty.

Number seven, strengthen the political voice of dispersed residents. We do not want any party to take advantage of the fact that we have residents dispersed now. It changes the voting patterns; it changes the political clout of New Orleans. We do not want any party to try to take advantage of that by leaving the residents dispersed so that they have no voting power.

Point eight, create a system for meaningful, sustained resident oversight. They should participate in the $200 billion investment that is predicted the American taxpayer is going to make. Certainly the residents of the gulf coast and of New Orleans should be able to have some voice in the way money is spent.

Point nine, leverage the rebuilding expenditures to create jobs and liveable wages that go first to local residents. I talked about Davis-Bacon and the suspension of affirmative action. Both of those do not help to create the jobs for local residents. We should reverse those policies as soon as possible.

And finally, number ten, develop a communication and technology infrastructure that provides residents with the means to receive and share information related to community-building, support services, access, et cetera, and for communications to be provided for future emergencies.

I would propose a homeland security faith and community-based organization neighborhood mobilization program, on top of whatever else we do, and this kind of program would provide a defined set of community services. Each organization would be responsible for, and it would maintain, a homeland security fail-safe, volunteer committee that each group would have to maintain; and that volunteer, fail-safe committee would be laymen who would be first responders, lay people who could be first responders in case of emergency.

Special homeland security training would be provided for these fail-safe committees. Establish disaster relief and shelter sites ahead of time so that these laymen who are part of the process know where to go and what to do. Increases in auxiliary policemen, increases in volunteer firemen, all of those kinds of things we can put on the agenda as part of using the New Orleans and gulf coast experience as a model for what has to happen in large populations across the country.

Mr. Speaker, I would like to close with a request to submit for the RECORD an item entitled ''Fact Sheet.'' This deals with community-based and faith-based institutions being involved in this process, and one is called ''Models for Combination Church and School-based Projects for Possible Funding,'' along with my previous statements for the RECORD.

[FROM THE HUFFINGTON POST]

THE WASHINGTON LOOTING OF NEW ORLEANS

(BY REPRESENTATIVE MAJOR R. OWENS)

Who lost New Orleans? Our cities are the greatest treasures of our civilization. So why were the levees and the pumping stations emplaced to protect New Orleans from the sea so technologically obsolete?

If the descendants of the American geniuses who built large artificial ports at Normandy on D-Day could not design adequate protection, then why didn't we ask the Netherlands to outsource their expert sea management engineers to us long ago?

New Orleans will be lost only for a short period. In spite of the paucity of spirit and imagination among our ruling decision-makers, cities will continue to resurrect themselves and survive. But Americans must learn from the lesson of an almost drowned New Orleans. No great American city should be needlessly placed at risk. The rural-centered congressional policies of the last two decades must be radically reversed. The power of senators (in a chamber not based on one man, one vote representation) deal making for small population interests must be curbed. Taxpayer dollars must be spent for projects and programs located where people live. Who is served by expensive bridges in Alaska?

Examine the last omnibus budget bill passed by Congress and signed by the president; or review the items listed in the recently signed Surface Transportation Act. For even a high school sophomore one fact will be immediately revealed: the per capita expenditure is far greater in sparsely populated states than it is in the densely populated states where the big cities are located. Each senator from a rural state has many more allies than the senators from states with big cities. In other words, senators who represent urban Americans have less influence.

Review the scenario of last year's Senate deliberations on the provision of emergency hurricane relief aid and the power of the states with less people becomes apparent. During the negotiations the Senate rural raiders held the bill hostage until they could extort an extra two billion dollars for a sudden need for drought relief. At the end of this extortion orgy there was no money left for New Orleans where, in 2004, government officials had conducted a training exercise, pinpointed the same water control problems which have now emerged, and accurately predicted the number of casualties we see occurring today. The knowledge was available but the sympathy and sensitivity to cities was smothered. In Washington, particularly the undemocratic Senate, village mind-sets unwilling and/or unable to manage modern complexities are firmly in charge.

With billions readily available to make war or implement any other deadly or wasteful priority our leaders deem necessary, why haven't we appropriated the funds needed to save, to maintain, to expand, to glorify our cities? That which is urban is almost synonymous with that which is civilized. Jefferson notwithstanding, the agrarian life permitted the flowering of only a few. In the rural domain nature is to be placed on a much deserved pedestal to be observed and admired. But a city keeps man's feet on the ground where life can be hugged and kissed and ravished; where culture is the unique product of imaginations interacting. Jazz could never have been born in the countryside; and between rows of corn and cotton Satchmo could never have strutted and marched.

Ted Koppel wants fervently to lash the New Orleans lawless looters looking for food and bottled water in the sacred supermarkets. Where are the commentators with the guts to go bounty hunting for the government treasury looters who for decades devoured all of the appropriations that should have been saved for our needy cities. Throwing dollars at problems never automatically solves them but in New Orleans there could have been more planning on how to spray the rapidly breeding mosquitoes; how to manage the evacuation of the refugees from the Superdome; how to keep intact a fail-safe system far repairing a breech in the wall around Lake Ponchartrain; how to guarantee at vital installations the necessary auxiliary generating power; how to achieve the immediate deployment of massive numbers of U.S. military helicopters and naval small boats to speedily rescue all stranded inhabitants instead of waiting for the conventional sluggish National Guard and Red Cross buggies to roll out.

New Orleans will not be lost forever like Atlantis. Salvaging New Orleans could prove to be a process which fuels the revamping of the corrupted Washington decision-making process. It could spur the salvation of all cities which collectively constitute the core of our modern American civilization. The process must begin with less focus on bread and water looters and more scrutiny of the Washington leadership which has for decades allowed the continuous looting of the federal treasury to enrich the small percentage of the population not dependent on cities.

New Orleans has presented us with a hysterical profile which shows that in many vital ways, despite our impressive skyscrapers, we are an underdeveloped civilization. Our masses live in our cities (or the dependent exurbias and suburbs). To foster our nation's security, prosperity and greatness we must expend taxpayer resources on planning, programs and projects which provide the greatest benefits for the greatest numbers. The Washington looting mentality must be replaced with a new Washington creative leadership.

THE WASHINGTON LOOTING OF NEW ORLEANS

Washington looters still running loose
Abusers of New Orleans
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Big shot necks too big for a noose.

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Grandmothers and babies cry
Urban peasant victims die;
Oh when the Saints come marching in
Judgement will fall on merciless men.

Put street looting logs away
Only political atrocities on the dock today.

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CONGRESSIONAL BLACK CAUCUS EDUCATION BRAINTRUST

FACT SHEET

SUMMARY DEFINITION

The Faith-Based and Community Initiative was designed to ''enlist, equip, empower, and expand the heroic works of faith-based and community groups across America.'' It includes increased tax incentives for charitable giving, an extension of Charitable Choice rules to most federally funded social service programs, and the Compassion Capital Fund, an HHS program. President Bush established a White House Office of Faith-Based and Community Initiatives and set up Centers for Faith-Based and Community Initiatives in 10 federal agencies to ensure that faith-based and community organizations have improved access to the programs operated by their agencies.

WHITE HOUSE OFFICE OF FAITH BASED AND COMMUNITY INITIATIVES

The purpose of this office is to: Identify and eliminate federal barriers to the full participation of faith-based and community serving programs in the provision of social services; Give these organizations the fullest opportunity permitted by law to compete for federal funding; Encourage greater corporate and philanthropic support for faith-based and community organizations through public education and outreach activities; Existing evidence shows that only partisan favored groups have received priority to date.

COMPASSION FUND

The Compassion Capital Fund (CCF) administered by the Department of Health and Human Services, since its inception three years ago, has provided $99.5 million in grants to 197 organizations and sub-grants to over 1,700 grassroots organizations. CCF administers two grant programs: the Demonstration Program and the Targeted Capacity Building Program. Operated almost as a covert domestic program, for a long period no objective criteria was established for the handouts of these taxpayers dollars.

APPLICATION PROCEDURES

Except for the very flexible Compassion Capital Fund (CCF), there are no publicly earmarked faith-based funds set aside for faith-based organizations. For the CCF there was no transparent review and selection process; and no timely announcements of funds awarded. At present, ''where appropriate'' certain programs are granted ''Novice Eligibility'' and given 5 extra points when being reviewed in the various cabinet level Departments.

CHURCH VS. STATE CONSTITUTION ISSUE

Faith institutions have always participated in community based programs. Indeed, the record shows that in the ''War Against Poverty'' and Head Start'' programs the best performing agencies were often church based. The current controversy concerning government funding of religious institutions relates to the position of the Bush administration which insists that religious affiliation can be a factor in hiring program personnel. Also religious doctrine and dictates may be incorporated into any activities or curriculum of these Bush funded programs. To avoid the continuing denial of needed funds to poor community recipients this constitutional question should be left to be decided by the Federal courts.

COMPONENTS OF PROPOSED FAIR AND BALANCED FAITH AND COMMUNITY BASED FUNDING INITIATIVES

Poor communities throughout the nation, for the last thirty years, have seen Federal funds drained from their grassroots organization. Funding which places resources in the hands of front-line efforts is desperately needed. All public decision-makers should support fair competition for community based grants. The standards and procedures for the unbiased, transparent, objective notification, processing, review and evaluation of community-based programs have been well established by the Economic Opportunity Act and its successor, the Community Services Block Grant.

CONTACTS FOR ADDITIONAL INFORMATION

White House Office of Faith-based and Community Initiatives, Jim Towey, Director.

Centers for Faith-Based and Community Initiatives

Department of Justice, Patrick Purtill, Director, *www.ojp.usdoj.gov/fbci*

Department of Health and Human Services, Bobby Polito, Director, *www.hhs.gov/fbci*

Department of Education, John Porter, Director, *www.ed.gov/faithandcommunity*

Agency of International Development, Linda Shovlain, Acting Director, *www.usaid.gov/fbci*

Small Business Administration, Joseph Shattan, Director, *www.sba.gov/fbci*

Department of Labor, Brent Orrell, Director, *www.dol.gov/cfbci*

Department of Housing and Urban Development, Ryan Streeter, Director, *www.hud.gov/offices/fbci*

Department of Agriculture, Juliet McCarthy, Director, *www.usda.gov/fbci*

Department of Commerce, David Bohigian, Director, *www.commerce.gov/fbci*

Department of Veteran Affairs, Darin Selnick, Director, *www.va.gov*

THE KATRINA CHALLENGE TO FAITH-BASED AND COMMUNITY INITIATIVES EDUCATION

The Katrina Hurricane disaster has highlighted the continuing permanent disaster of national and local policies which neglect the basic needs of poor Americans. To focus specifically on education please be advised that the New Orleans school system is rated as the very worst among numerous struggling urban systems. From this current tragedy there is a challenge for all Americans. In concert with the citizens of New Orleans and Louisiana there should be a multi-level effort to redesign and rebuild a 21st Century Model Education System. New standards could be set for physical facilities constructed to serve as emergency centers as well as schools. Extra spaces for the storage of vital equipment and provisions would be incorporated into the new architecture which places all buildings on stilts with grassy playgrounds beneath them. All of the equipment for electrical wiring and communication services would be placed at higher levels or on roofs instead of easily flooded basements. In addition to regular phone, computer and five alarm communications, every school should be equipped with a short wave radio on the newly established Homeland Security standard frequencies.

As equally important as the physical features funding should be provided for the guarantee of the Opportunity-To-Learn for every student using the standards already in place in numerous suburban school districts across the nation. A program of Aid to Families With Children In School must supplement education funding in order to systematically attack the problem of inadequate home and community support. Stipends should be paid to parents who regularly attend meetings and volunteer. Bonuses should be paid to families where students maintain good attendance and high grades. Grants should be given to churches and other organizations who provide support for families with children in school.

The greatest benefit that the people and the government can provide for the survivors of Katrina is a comprehensive support program which educates a generation of children to take productive positions in their new city of New Orleans and in the nation.

MODELS FOR COMBINATION CHURCH/SCHOOL BASED PROJECTS FOR POSSIBLE FUNDING

I. SUPPLEMENTAL EDUCATION SERVICES (SES) NETWORK USING RETIRED TEACHERS

Program Purpose and Function

Tutorial, After-School and Weekend Programs for low-performing, low-income students attending low performing schools. Church and Community Organization Sites could provide more intimate settings in close proximity to the homes of students.

Possible Funding Sources

Funding is mandated by the Department of Education (DOE) through all recipients of Title I Funds. Other DOE Funds could be made available. Title I funds will cover the cost of tutors; however, to establish and maintain a network with additional enticements and incentives for pupils would require some auxiliary funding.

Administration and Operations

The Local Education Agency will determine the contents and processes for the tutoring although State licensing or approval may also be required. Funding beyond the cost of tutors will allow for flexibility in creating enrichment activities and maximizing family and community involvement. It is particularly important to maintain continuity of the Supplementary Education Services presence during each Summer recess. Assuming the attachment to a parent entity which provides space, bookkeeping and financial services, the budget for a project serving 50 children should be enough to finance: A coordinator's salary; stipend for two parents; phone and computer services; indoor game materials; field trips, snacks for students and parents. An application should be submitted for $150,000 to 250,000.

II. COUNSELING FOR CHILDREN OF INCARCERATED PARENTS

Program Purpose and Functions

This is an initiative that has been highlighted by the Bush Administration as a highly desirable function. There are no detailed guidelines in place and this allows for a great deal of creative flexibility. Advice and examples of models should be requested from the Department of Justice. Educators should insist that schools are in a pivotal position to play a major role in producing worthwhile results for such a program. This does not rule out collaborations and partnerships with agencies and churches serving prison inmates and ex-offenders.

Possible Funding Sources

Although the Department of Justice (DOJ) is the obvious starting point, possible funding should be explored with the departments of Health and Human Services (HHS) and Housing and Urban Development (HUD). The latter funds a number of programs for uplift and improvement in the low-income public housing under its jurisdiction.

Administrative and Operations

The professional advice of social workers, psychiatrists and psychologists must be at the core of such a project, however, community residents who are ex-offenders or the relatives of current inmates may make invaluable contributions. Assuming that the project will operate under the administrative and fiscal umbrella of an already established church or community organization (or the school system), the budget for a project serving 50 children should be enough to finance: A coordinator; Stipends for Volunteers; Fees for Professional Consultants; Prison Visit Trips. An application should be submitted for $200,000–300,000.

III. AUXILIARY DISCIPLINARY, PATROLLING, POLICING SERVICES USING PARENTS

Program Purpose and Function

Security is a major problem in many urban schools and many have chosen to use local police or private guards. Pilot projects are needed to show that utilizing parents, church members, and community residents would injure student self-esteem less and also cost less.

Possible Funding Sources

The Department of Education (DOE) is concerned about the increase of spending on security and should entertain new approaches. The Department of Justice (DOJ) will accept proposals which are in harmony with its juvenile delinquency prevention mandate. The Department of Homeland Security (DHS) should be offered proposals which demonstrate the possibilities of training these same parents and community residents to be volunteer first responders for emergencies.

Administration and Operations

Where necessary, local school systems have already developed structures for maintaining security. The pilot programs proposed here should be funded long enough (one year) to prove that they can accomplish a better result for less money. A request should be made (for one school) for $200,000–300,000.

IV. COOPERATIVE TECHNOLOGY, TRAINING AND REPAIR PROJECT

Program Purpose and Function

Large numbers of computers and other educational technology devices are grossly underutilized as a result of the absence of mechanics and technicians to make repairs and perform preventive maintenance. A church or community organization based project could provide an ongoing service for local schools while at the same time it trains a group of local residents.

Possible Funding Sources

The Department of Education (DOE) and the Department of Labor (DOL) should be solicited for funds to accomplish this worthwhile objective. It is possible that the E-Rate discounted coverage of expenses could be utilized for such a project after the appropriate negotiations.

Administration and Operations

The project is obviously best suited for a cluster of schools with a reasonable critical mass of computers and other equipment to be maintained. A supervisor instructor with the necessary assistants and interns to serve a minimal cluster could be sustained with an annual appropriation of $200,000—300,000.

PUSHING AHEAD WITH AMERICA'S AGENDA

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BLACKBURN. Mr. Speaker, tonight I want to talk a little bit about all the great things that Americans are doing day in and day out to help our friends and neighbors from the gulf coast.

But first, Mr. Speaker, I want to commend the Republican Conference for taking decisive action today to be sure that we continue to push ahead with our agenda here in this House, that agenda of spending reductions, immigration reform, and keeping our focus on national security. It is clear that we will not let partisan wrangling get in the way of progress, and that is exactly why the American people have elected us to serve in this body. We are focused on their agenda.

I think it is important too, Mr. Speaker, to let the American people know that we have heard them loud and clear; and what they are wanting to see is action, decisive action on fiscal responsibility. They want fiscal accountability. After all, as so many of my constituents have reminded me in these last few days as we have talked about the pressing needs that we have in our country, this money is their money. It is not government's money.

□ 2030

It is the taxpayers' money, and it is our responsibility to be good stewards of that money. Many people have told me that they have just really grown ill and fatigued with seeing money spent and that they are not seeing it accounted for. They feel like it is time for bureaucrats to turn around and be responsible to taxpayers that are sitting at kitchen tables.

I have a lots of things I would like to respond to from my colleague across the aisle. He spoke about blunders that have taken place, and he seemed to have lost a little bit of hope with the U.S. and spoke negatively with how we have progressed with certain areas and positively of things that are happening in other areas in other countries. It just made me recall something that I remembered President Reagan would time and again say when he talked about spreading freedom and about what a noble goal, a noble goal it was to spread freedom to every corner of the world.

Mr. Speaker, you know, as we talk about what is happening in Iraq and as we talk about what is happening in Afghanistan, and we look at the agenda that our men and women in uniform carry out every day, as we look at how committed our President and his team have been to spreading freedom, we know that that is done because in the end having peace spread across this Nation, through the Middle East is going to give a peace dividend for our children and our grandchildren.

And in that peace dividend people find the opportunity to dream those big dreams. They find the opportunity to seek a better education, to seek opportunity, to build those businesses and to create a life that they would like to have for themselves and for their children. That is possible because of freedom. It is possible because of a commitment, a commitment that we make to move forward in spreading freedom.

My colleague also was talking about blunders and rebuilding and looking at

the wonderful gulf coast area and how it is going to be rebuilt. Mr. Speaker, I would just have to tell you, I feel that those are some mighty resilient folks down there in the gulf coast. They are people who when that stormed passed through and it cleared away, I know many of the folks down in southern Mississippi that I was working with, they threw that chain saw in the back of that pickup truck, they grabbed their work gloves, they grabbed their work boots, they got out there and they started cutting trees. They started clearing the way. They went to work. They were not waiting for somebody else. They went to work.

Now, as we get to the rebuilding phase, it is important that we be innovative, that we be creative, that we bring some great solutions to the table, that we think about tax incentives, that we think about enterprise zones, that we think about going in here and encouraging ownership.

What can we do to encourage private property ownership? What can we do to encourage businesses to redevelop?

Possibly, Mr. Speaker, going into this area is a great place to go and run a pilot project to see how a flat tax would work so that we are making it easier on hard-working men and women, making it easier on families to come back and reestablish those homes and reestablish those businesses and rebuild those communities. Because right now they are looking at physical infrastructure that has been damaged. Their economic infrastructure has been damaged. The social infrastructure of their community has been damaged. They want to take ownership of those projects.

I commend the good communities along the gulf coast region, whether they are in Alabama, Mississippi, Louisiana, or Texas. Communities are coming together to meet their needs. And I want to talk a little bit about those Americans and the folks that have taken time to show compassion and caring. And I want to express some things tonight. I think it is important for us to stand and thank all of the churches and the not-for-profit organizations and the faith-based organizations who have led the way, who have led the way in caring for those who have provided shelter, who have provided money, have continued to raise money, that have donated supplies, and people who have even traveled into areas to help with caring, to help with feeding those that need to be fed, to help with clean up, and are committed to staying with these communities as they rebuild.

You know, photos do not do the degree of damage justice. I think that during this process that we have been through for the past month, we have seen government make some mistakes. We have seen government do some things right, and I know that most of us have probably been both impressed and sorely disappointed at the very same time. And I think one of the things that we have seen is that we have seen ordinary people do some truly extraordinary things.

I will have to tell you, as I said earlier, for me there is a personal connection to all of this. I grew up down in south Mississippi, and I was a high school girl when Hurricane Camille hit. And I can tell you from what I have seen, Katrina is much worse than my memories of Hurricane Camille. And just a few days after Katrina struck, I was down at where I grew up in southern Mississippi.

I went down there with my family so that we could help those in my home community. We took in supplies, and we went down to assist. My parents are long-time Red Cross volunteers; and they had been working at the shelter before the storm hit, trying to help those who were fleeing out of Gulf Port and Biloxi right along the coastal areas.

Even though my home community in southern Mississippi where I grew up suffered a lot of damage, those folks were there tending to others. It did not seem to matter that they did not have water, they did not have electricity, that some people did not have roofs. What they were doing was tending people that really had a need. They felt like that was the most important thing to do: tend to those that were injured; tend to those that were grieving; go clean things up and then let us get around to rebuilding.

The thing that I could not help but notice is the way that people from all walks of life were coming together to clear debris, to clear fallen structures. The spirit of America truly has been alive and well, even in the very tough days that we saw after Hurricane Katrina and we have seen this past week with Hurricane Rita. And since then we have learned more about some of these ordinary folks who stepped forward and did extraordinary things to help those who had lost their homes and their community.

In my district, which runs from the Mississippi border north to the Kentucky border, I have seen our communities across this entire district pull together to offer assistance. In many of our counties they have done so.

Mr. Speaker, that is what I am hearing from congressional Members all across this country. Forty-eight States have evacuees that are seeking refuge and a place to call home, maybe temporarily, maybe a little longer. They are all coming together, 48 States, communities across 48 States. A great example of this is our Memphis Corps of Engineers has been in New Orleans helping to repair the levees while our Shelby County, Memphis area nonprofits and faith-based groups have been pitching in as well. They have been incredibly generous.

We have had so many, and I would like to list just a few: the Bellevue Baptist Church, the Cathedral of Faith Ministries, Christ United Methodist Church, the Cornerstone Institutional Baptist Church, Cummings Street Baptist Church, Greater Harvest Church of God In Christ, the Greater Praise Church of God In Christ, the Independent Presbyterian Church, Memphis Union Mission, the Mid-South Baptist Association, and the Baptist Children's Home.

Mr. Speaker, it is like this in districts all across our country. All are working to provide shelter for evacuees. And then those that are coming forward with meals and shelters, the Friendship Baptist Church, the Germantown Presbyterian Church, Oakland First Baptist Church, and then the Breath of Life Seventh Day Adventist, Calvary Episcopal Church, the Holy Rosary Catholic church and School, and Hope Presbyterian Church, the Hutchinson School, and Impact Ministries of Memphis.

They are finding a way to feed volunteers and to feed evacuees. Mr. Speaker, all of this is such a testament to the greatness of our country. Up in the greater Nashville area, Montgomery County areas, they are in middle Tennessee, we have seen the Crievewood Baptist Church, Tulip Grove Baptist Church, Clear View Baptist Church, Hilldale Church of Christ all open their doors and provide shelter for those that were needing a temporary home.

We have also seen a wonderful evacuation center open in Franklin, Tennessee. I had the opportunity of inviting Secretary Mineta to join me as he had the opportunity to work with the Red Cross volunteers and look at this wonderful shelter, visit with our local elected officials, visit with the evacuees who had come out of Texas, out of Louisiana, out of Mississippi to call Franklin, Tennessee temporarily home.

We have also had the kitchen at Clear View Baptist Church and Near Ministry providing food; Grace Works Ministries collecting clothing and hygiene kits. Our Interfaith Dental Clinic providing acute care.

Mr. Speaker, while folks were receiving evacuees there, they were in the process of loading 18-wheelers and trucks and sending much needed supplies into the gulf coast area.

The Montgomery Bell Academy Service Club loaded an 18-wheeler full of supplies that were needed and sent it south into Jones County, Mississippi. This is happening all across the country in many districts.

I would like to mention a few of the things that some of our colleagues have done. In fact, just last Thursday my good friend, the gentleman from Texas (Mr. GOHMERT), rented two U-Haul trucks and went to a local food bank in Tyler, Texas. He then drove the trucks to Lufkin, Texas, which was out of food and water. They had received an influx of evacuees at several of their shelters. They were out of food and water and needed some help. So the gentleman from Texas (Mr. GOHMERT) unloaded the supplies and then went to the emergency operations center to meet with the local officials

to see what else it was they needed. So he found out.

After midnight he visited a shelter. He found out there were nearly 200 evacuees there. They did not have pillows and blankets. So off he went to the local Wal-Mart where he bought the supplies that were needed. He returned and distributed these to the folks that were there that were in need.

That is a good deal of work, and it is a great thing a good man did for some folks in need. I want to thank the gentleman from Texas (Mr. GOHMERT) and all of those across the country who like him are reaching out to help others. I also want to thank those in his district that helped him in meeting these needs.

We have also seen some of the Nation's largest companies really step up to the plate on this. We have watched Wal-Mart really do some fantastic work. They have now donated in excess of $20 million in funds and in goods to help those that have been displaced, $20 million. Motorola has provided $1 million to an education fund to help rebuild schools and educate displaced children in the gulf coast region.

There again, another company that is stepping up to the plate to help. To date, they have provided several mission-critical responses to the gulf coast, including the delivery of replacement communications equipment to first responders, direct financial support to the American Red Cross Disaster Relief Fund, and more than 300 Motorola employees and partners are on the front lines in the impacted areas to repair and restore communications.

It is going to be a heavy lift. There is a lot of devastation in this area; and, indeed, it is going to take each and every one of us working together as a team, working together as a team from the local, the State, and the Federal levels, from the private, not-for-profit and public sectors, and here in Congress from both sides of the aisle as we work to meet the needs of this region of our Nation.

We all know that for so many prescription drugs are critical for survival, and we know that many people escaped thinking they would return in a day or two and be back home, not thinking to bring documents, prescriptions, health care information with them. And of course, we know many times when you escape and you are leaving and evacuating for a hurricane, in a couple of days you are back.

□ 2045

This time was different, and so we have watched as the Nation's pharmaceutical companies have contributed $120 million in refrigerated insulin, vaccines, antibiotics, antiseptics, nonprescription pain relievers, and millions of cans of infant formula.

One of our former colleagues here in the House, a Louisianan, Billy Tauzin, who had been a Republican Member from Louisiana, now works with these pharmaceutical companies. He said, ''We want to make certain that every single person who needs help gets it during the difficult weeks and months ahead.''

I want to thank him and the companies he represents for their donations. They are literally saving lives.

Mr. Speaker, I can tell my colleagues firsthand, having been in some of these shelters, having talked with the medical teams that are there, having worked with them to find out what their needs are, they are incredibly appreciative of the medical supplies and the pharmaceuticals that have come into the shelters to help them, to help our medical professionals meet the needs that so many of the evacuees are having with their health care.

Mr. Speaker, another word on another Member of this body. The gentleman from New Hampshire (Mr. BASS) has created an informal relief committee in his hometown of Peterborough, and I want to tell my colleagues a little bit about what he is doing. This is the kind of partnership that is going to make a tremendous difference.

The gentleman from New Hampshire's (Mr. BASS) rural New England town will provide essential resources to the small southern city of Collins, Mississippi. That little town is represented by the gentleman from Mississippi (Mr. PICKERING). It is down in south Mississippi. They sustained a tremendous amount of devastation and damage in Hurricane Katrina.

The gentleman from Mississippi (Mr. PICKERING) and the gentleman from New Hampshire (Mr. BASS) have worked to connect these two communities, and these two communities, miles apart, are forging a sister city relationship that will help ensure the swift delivery of goods and services to the citizens of Collins, Mississippi. Grateful citizens they are to the wonderful citizens of Peterborough, New Hampshire, and we thank them for that effort.

The gentleman from Delaware (Mr. CASTLE) helped kick off ''Hunger Drive 2005'' for the hurricane victims by donating groceries, preparing meal packages and announcing that his Wilmington congressional office will serve as a satellite office in collecting goods.

The gentleman from Delaware (Mr. CASTLE) said that, ''In the aftermath of Hurricane Katrina, we have all been searching for ways to help, and help in more ways than just donating money. We wanted to do something that directly impacted the lives of the victims and their families.''

I thank the gentleman from Delaware (Mr. CASTLE) for stepping forward and for working with his constituents in Delaware to help our citizens in the gulf coast region.

Mr. Speaker, I will have to tell my colleagues one little story, too. While driving to Mississippi, I stopped in the gentleman from Alabama's (Mr. ADERHOLT) district. I was going to grab a quick sandwich and get back on the road and continue driving so that we could get the load of supplies that we were taking down to where we wanted them to be.

I walked into the fast food restaurant. I was greeted at the counter by a friendly young man, big smile. I placed my order. He invited me to drop some change in the hurricane relief jar that they had put on the counter, and I thanked him for doing that, told him where I was heading, and he said, I have got to tell you, we are working with our congressman and his wife; we have got a great congressman and they are going to help us help some folks down in the gulf coast.

So we thank the gentleman from Alabama (Mr. ADERHOLT), his staff and his family for taking the lead in Cullman, Alabama.

I really think this sums up some of what this country is feeling and how we are reaching out right now. It is certainly clear that this effort is having an impact on our kids.

In Kalamazoo, Michigan, third graders are selling pickles at school to raise money for the hurricane victims.

In Maryland, high school students are collecting thousands of backpacks for needy children.

A group of children in Forest Acres, South Carolina, spent their day off from school to help those in need. The students sold baked goods and lemonade on a neighborhood sidewalk. They raised $145 in just a few hours, and all of it is going to help the victims and the families that are victims of Hurricane Katrina.

We, in Tennessee, have seen our great country music community come together in order to put their unique talents to work for the relief effort. This weekend in Oxford, Mississippi, there is an enormous concert. It is filled with country music stars. We thank them. They are performing, they are travelling, they are participating to raise money and raise awareness, raise the funds that are necessary to help hardworking Americans rebuild their lives and, as I said, raise awareness about what the true needs are in the gulf coast area.

Alan Jackson, Craig Morgan, Terri Clark, LeAnn Rimes, Marty Stuart, Keith Urban, Alison Kraus, just to name a few, sold out the 4,400-seat Grand Old Opry House to raise money. They were able to donate, get this, $230,000 to the Red Cross.

One of our great Nashville companies, the Great American Country owner Scripps Network, they contributed $1 million.

Mr. Speaker, I could go on and on because America has once again risen to the challenge. The American people have been incredibly generous, but I want to end this time tonight with this. To every individual, to every community who is out there, helping to ease the suffering of our friends in the gulf coast, I want to say thank you. I want to encourage them to keep up the

good work because, indeed, Mr. Speaker, this is what we are a great Nation of, freedom, free people who group together to stand together to help one another and to be there to support one another when times are tough.

Mr. Speaker, we thank them all for their contribution to this Nation. We thank them for their commitment to being certain that American families, that American communities continue to be the beacon of light and hope and freedom for the entire world.

30 SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, once again, it is an honor to come before the House, and we would like to thank the gentlewoman from California (Ms. PELOSI), the Democratic leader, for allowing us to have an hour here on the floor on the Democratic side.

Our 30 Something Working Group has been coming to the floor now for the second Congress, talking about issues that are facing Americans, issues that we are working on here in the Congress, issues that are facing the Congress and things that we feel very strongly about. Every week, we come together to talk about these issues and then we come to the floor.

As of recent, we have been coming to the floor if not every other day, every day, because there are so many issues that are facing the country and this Congress. I think it is important that we continue to not only speak to the Members of this House of Representatives and this Congress, but this administration and the American people.

We have been talking for quite a few weeks now on the action or lack of action as it relates to Hurricane Katrina. We have had a couple of events today that I think is worthy of merit of discussing, and also, as it relates to still, Mr. Speaker, pointing out the fact that we have over 100,000 Americans still in shelters, some based on the fact that we have had a natural disaster, two natural disasters, but some based on the fact of we have not governed in the way that we should have governed to protect those Americans.

Many of the experiences that these Americans have gone through and loss of life has been a breakdown in government operation. Either it be local or State or Federal, it is important that we address these issues.

Before we really get into what we are here to talk about tonight, the last time we left this floor, we talked about an independent panel, a bipartisan independent panel outside of this Congress, to deal with the issues that are facing some may say, well, it is just dealing with the gulf States, but I think that is an understatement. I think we are dealing with all Americans when we are talking about $200 billion-plus of the Federal tax dollars.

I can also share with my colleagues and Members, Mr. Speaker, the fact that it is disturbing to see some of the proposals that are coming out from the majority side that are saying that we should sell 13 national parks to pay for the natural disaster or we should look at wasteful spending. Of course, we have been talking about looking at wasteful spending for a very long time. Of course, the majority side has taken us into a deficit as far as the eye can see, but I think it is important for us to look at Americans that understand that we have to respond to Americans when they are in their time of need, not take away from.

We need to address issues like oil companies making more money than they have ever made before, record profits. Meanwhile, Americans cannot even fill their tank. Folks in my neighborhood, where I come from, they are having to park their cars. The President is saying conserve; if you do not need gas, do not get it. I do not quite get that, but Americans need gas to be able to take their families to work and their children to school.

There are some very interesting statements, some very interesting actions, here in Washington, DC. I think it is important that we not only point out to the Members what the American people, in this time that we live in now here in this country, with all eyes on this Federal Government, that we act responsibly.

I think it is also important that we address the issue of protecting the institution. This institution, which is the U.S. Congress, wherein the Members of the 109th Congress, regardless of whether we are on the majority side or the minority side, it is our responsibility to keep this argument above the belt, and I am very disturbed, at a time of national disaster, in a time of need, that Americans need this Congress, that we are still moving as business as usual.

I am talking about the partisan panel that has been passed by this House to look into what happened in Hurricane Katrina. I know that a couple of hearings have taken place, but it is very disturbing that Americans have to see that we are working against what they have asked for.

Here in my hand I hold a CNN–USA Today poll that was taken the 16th through 18th. Anyone, I am pretty sure, can go on the Web site. I just want to make sure no one sees this as the Kendrick Meek Report or the Tim Ryan Report or the Ms. Wasserman Schultz Report.

The question goes as follows: As you know, some people have called for an investigation into the problems the government had in responding to Hurricane Katrina. Who would rather see conduct this investigation, independent panel or Congress?

Now, it does say problems the government had in responding to Hurricane Katrina. It did not say the Federal Government. It did not say the State government. It did not say the local government. So I want to put that aside because some folks are playing this game as though it is some conspiracy theory to go after the Federal Government because they did not do what they were supposed to do and the local government did what they did right; they had no wrong.

Eighty-one percent, independent panel, 81 percent; 18, Congress. One percent was unsure. I am pretty sure if the question was put out on the issue of do you want a partisan panel to look at the response to the natural disasters, I am pretty sure they would have been a lot lower to Congress, and that is what is happening right now.

I, once again, say that it is important that we have an independent panel. What we mean by independent panel, just like the 9/11 Commission, that brought about the kind of accountability that we are having now. All has not been implemented that the 9/11 Commission called for, but a lot has improved as it relates to communications, the State, Federal and local governments, and I think it is important that we follow that.

Also, I know that we are going to talk about some of the cronyisms, some of the corruption that is going on around, not only this body, but throughout the government structure, and it is important, and I think a lot of this has brought about a lack of oversight, even when it comes down for some of the candidates for some of these appointments as it relates to the plum list, that have been well-documented, these are not my words, well-documented throughout the media and also as it relates to watchdog groups that are watching the Congress for what we do, and the President for what he does.

□ 2100

And I think we have to be responsible to the American people, Democrat, Republican, Independent alike. We have to make sure individuals that are being placed in these positions have some level of qualifications to be able to fill the position so that American people are not left vulnerable.

And with that, Mr. Speaker, I would like to yield to either of my colleagues, whichever wants to start this discussion.

Mr. RYAN of Ohio. Mr. Speaker, I would be happy to join in, and I thank the gentleman again for having me here. There is a lot going on here in Washington. And just to kind of follow up where the gentleman was going, we had about 70- or 80-some e-mails just last week talking about we want to have an independent commission and it should be removed from the traditional partisan bickering that goes on in this Chamber; there should be an independent counsel and independent commission that oversees what is going on with Katrina.

We know about the appointments, and we know that we had a gentleman who was a lawyer for equestrian horse shows that was not qualified, and seven or eight of the top brass in FEMA were political appointees. We know all this stuff, but we need to figure out how to get to the end and how to respond next time. Because next time it may not be a hurricane. Next time it may be a biological attack. The next time it may be a 9/11-type of attack. And though we do not like to talk about these things, our constitutional obligation here is to talk about worst-case scenarios and prepare for them.

If the President and this administration is not going to appoint the proper people, and I saw today or yesterday that Michael Brown, Brownie, is now being hired as a consultant for FEMA. So he is still in the mix.

Mr. MEEK of Florida. If the gentleman will yield for just a second on that point, he is not only hired as a consultant but he has been hired as a consultant to find out what went wrong.

This takes me back to last week. Same thing happening in the White House right now. The adviser, the young lady who is the Presidential adviser on homeland security now, has the task as it relates to the White House to find out what went wrong. These are the people that are making the decisions. That is the reason why we need an independent panel.

Last week we talked about this, and it was a little facetious to say it, but I said, My name is KENDRICK MEEK, and I am going to investigate myself and I will give you the findings in another 6 weeks. I said that to drive a point about the issue as it relates to the response to these natural disasters. And let us not leave Rita out, Hurricane Rita.

The fact is that people lost their lives, and not lost their lives in the storm, but lost their lives in the aftermath of the storm. Their lives could have been saved if we had had people in place that could make sound decisions.

I was reading in one of our publications here that Mr. Brown gave an interview to a newspaper and said, I called the White House and told them we have a problem and we need some help. Well, that is not good enough. Because the whole thing about the Federal Emergency Management Agency is to, what? Be ready to respond to a natural disaster. Now, Michael Brown, he is just Exhibit A as far as I am concerned.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, if the gentleman will yield. It gets worse. I was watching the hearings yesterday. FEMA's responsibility is to coordinate the response of the Federal Government in a natural disaster. They literally are the point agency, and all of the agencies in the Federal Government are basically brought under their direction. So what was Mr. Brown's response to, I think it was a question from the gentleman from Connecticut (Mr. SHAYS), about what he did to coordinate the disaster response. His answer was that he told the mayor of New Orleans and the Governor of Louisiana that they should issue a mandatory evacuation, and they did not listen, according to him.

That was the sum total. That is what he kept repeating. That was the sum total of his response to the question of how did he coordinate the vast resources that FEMA has at their disposal and every agency in the Federal Government: that he picked up the phone and called two people and told them to evacuate New Orleans. Well, I do not know about you, but if I had at my disposal the Department of Homeland Security, the Department of Energy, the Department of Health and Human Services, the Department of Housing and Urban Development, and the list goes on, I think that I could probably think of a couple more things to do besides make two phone calls.

This was the biggest natural disaster in American history and his response was to make two phone calls. Now, that may have something to do with the fact that his only previous experience was running the Arabian Horse Association, I do not know; but I would think even with a clean slate, and not knowing almost anything, not being an expert in disaster response at all, I would think I could do a little bit more than make two phone calls.

Mr. RYAN of Ohio. No doubt about it. This goes right to the heart of every single thing that has happened here in the last 5 years. This outfit does not know how to govern. They do not know how, period, dot, end of story. They just do not know how to govern. They do not know how to control the government. They do not know how to utilize the government for good purposes. They cannot do it with FEMA. They screwed up Medicare. The tax cuts are not working. Their tax policy, it stinks. Our trade policy is no good. Our international relations are atrocious. There are very few countries in the world that even like us any more. We are having hearings on global threats. Who likes us? China is going in and scooping up all the people we have upset over the past few years. What are we doing right, I ask my good friends from the 30-something Group?

And since we are talking about homeland security and communicating with people, most people at home that are watching now understand what has happened here today. Unfortunately, it is a very, very sad day in the history of this institution where someone in leadership has been indicted on the Republican side. And as I am going through my notes here, I am realizing that the leadership over there can get hold of Homeland Security if we have an issue in Texas, a political issue. They can call the FAA and have them track down some information.

There was no hesitation in the calling and using of a Federal Government agency to track down Texas legislators during the whole redistricting deal, so we know how to get hold of them if we need the Federal Government for political purposes. But if we need to rescue people or to cut through bureaucracy during a natural disaster, all of a sudden we do not know what we are doing.

Mr. MEEK of Florida. Let me just say this, Mr. Speaker. I think it is important, very important, and my colleagues heard me earlier mention the issue about protecting the institution and making sure that we carry ourselves in the way we are supposed to carry ourselves, but I am here to say, as someone that knows that this happens when you are in political life, you have some people that are investigated. You have some people that are indicted. It happens. When it does happen, I think it is important for those that are accused, or it is said that this is what you have done and here is my evidence, then it is appropriate for one to say, well, I believe that I am innocent. I believe this is not what you think it is; and in the coming weeks, days, months, or years the truth will come out.

But it is another thing entirely when it comes down to intimidation, and that is what I would like to address, especially of my colleagues on the other side of the aisle. Some of the press reports that I have read that came out just recently have me a little disturbed. I am a little disturbed that people in power are coming down on a locally elected prosecutor and saying this is politically motivated. They are not indicted. They have nothing to do with the case, but they are coming down on this individual. I think that is wrong.

Mr. RYAN of Ohio. Let us be sure how this works. This is a grand jury. This is not a prosecutor, this is a grand jury.

Mr. MEEK of Florida. A grand jury has brought this about. But once again I want to state for the record that no one is saying that the person in question is guilty as charged. We do have courts in this land.

But we do know here in this political circle that some people would be lined up out at the door. We have seen it before in the last administration, or when the House was Democratic. Members lined up out of the door to convict on this floor Members that have been indicted or investigated in the past.

Now, I can tell you that I know on this side of the aisle we are better than that. Now, some of my friends on the Republican side did not take part in that, but I am here to tell you that there have been Members that have blown things out of proportion, coming onto the floor with paper bags on their heads, and we have heard Members saying, I am ashamed to be a part of this institution, because someone was accused of not paying a parking ticket. So there are some who have been blowing this thing out of proportion.

But I can tell you what is beyond a coincidence, and that is the number of

inquiries that are being conducted on this Congress from outside officials. The number of inquiries that are taking place, and I am talking real inquiries. I am not talking about someone paid for a plane ticket for someone, or someone had a steak dinner somewhere and somebody is upset about it, or someone did not report something small. We are talking about serious charges. We are talking about charges of speaking to Federal officials and not telling the truth. We are talking about questionable financial transactions. We are talking about a number of things. But I will tell you this, it is beyond coincidence that all of this is happening now.

My point is this, my colleagues. The majority side has not carried out its responsibilities. On the Committee on Armed Services, we have had 110 complaints about contractors overcharging the government, people that are being paid that are not even in Iraq, troops not having what they need when they need it at the height of the fighting; and worse yet, we sit on the committee that has oversight, yet not a mumbling word. Not a mumbling word. Not one real ''let us pull you in and talk about it.''

Look at Abu Ghraib. It almost took an act of Congress, with Members kicking and screaming, to even get the Secretary there to talk about these issues. If we conducted the proper oversight, maybe, just maybe, FEMA would have been in the position to respond to those individuals that were in harm's way. Maybe, just maybe, we would not have these cost overruns as relates to some of these companies like Halliburton and other companies that are out there that are charging our Federal taxpayers' dollars that are undocumented. Maybe, just maybe, officials in the White House that are running around without any oversight, without anyone saying, excuse me, can you answer this question for me; without anyone questioning them, things would be different.

I will tell you this, and then I will come in for a landing because I know you all want to talk about this subject.

Mr. RYAN of Ohio. Just get around the airport.

Mr. MEEK of Florida. We have been talking about this for a very long time, and I hate to say it, but in this Congress everybody wants to saying something out in the media. No one wants to come and talk about the responsibilities that we have as Members of the 109th Congress. We have a responsibility. Guess what, this was the Congress before we got here, and hopefully it will be a Congress and an honorable institution when we leave. We are the stewards of this. We are the benefactors of the past blood, sweat, and tears.

Mr. Speaker, there are veterans right now without limbs that are the reason we have the opportunity to come in here and breathe the very democracy we celebrate every day; their life, their commitment, these families that have lost so much in order for us to come in here. And for us to use our titles to chastise someone for doing what they believe is their job, and not just allegations against an individual but allegations that changed the face of this entire Congress. Members got unelected. If this is true, Members were unelected from this Congress because reapportionment took place. Members were elected and unelected in Texas because reapportionment took place. If that is true, then this is very, very serious.

So I would warn the Members of this Congress on both sides of the aisle to let us make sure that we pay attention to what is going on and make sure we refrain from using our office and our influence, because intimidation is the wrong medicine for this time.

Ms. WASSERMAN SCHULTZ. I do not know where to start here, I have so many things swirling through my head. The both of you have been here a couple of terms now, but I just got here. I am a freshman. I have been here all of 10 months. In January, like you did, but for me it was my first time so it was perhaps a little bit more sacred and special, because you know how it is when you do it your first time, you hold up your hand and swear to uphold the Constitution; and when you are doing that, you swear to uphold the integrity of this institution.

□ 2115

We have all served in legislative bodies. The gentleman from Ohio (Mr. RYAN) served in Ohio, and the gentleman from Florida (Mr. MEEK) and I served in the House and Senate in Florida. One of the things that the staff who have been around a long time, one of the things they impress upon new members, they stress how critical it is that we uphold the integrity of the institution, that the perception of the institution, that each of us as individuals, we impact the perception in America of the American people's view of the U.S. House of Representatives.

Now there is a pall cast over this House. There is a pall cast over this House because it feels like almost every month since I have been here, there is another Member of this body being accused of something.

I recall 11 years ago, in fact, it was 11 years ago Monday, that the Republican Contract With America was issued in 1994. Part of that contract, from my recollection, had to do with the integrity of this House and how the Republican leadership talked then about how they were going to, and they were very sanctimonious about it, they were going to restore integrity to this institution and inspire confidence in the American people.

My constituents have a pretty significant difference in the way they define integrity. My kids are watching tonight. The 6-year-olds are awake, and they are watching and I have to go home and explain to them why this man is all over the news; and, Mommy, what did he do? I have to have that conversation, as do parents across this country, every other week.

The reason that is important is not just because we want to uphold the impression and integrity of this institution, let us bring it home here. It exemplifies why we need an independent commission. If there are Members' ethics called into question, how are the American people going to be able to expect and get an independent, objective investigation of what went wrong?

The example that the gentleman from Florida (Mr. MEEK) just used is a good one. It would be like, to use the example of Enron executives saying Mr. Prosecutor, you do not have to do the investigation about what went wrong at Enron, our CEO and our executive board will take care of that; or Tyco.

Now we are doing that in this very House of Representatives, people who have been accused of wrongdoing, for whatever reason, not related to Hurricane Katrina, but we have got to make sure that this institution's integrity is upheld and maintained.

While you have people who are in the midst of their own personal situation, it is inappropriate, on top of the fact it was inappropriate to start with, to have a partisan select committee investigate the aftermath of Hurricane Katrina, now it is underscored even more so because there are people's integrity called into question in this Chamber. We need to make sure that we can restore the American people's confidence in the direction that this country is going, in the job we are doing here, and without an independent investigation of the aftermath of Hurricane Katrina, we are not going to be able to do that.

I am hopeful in the coming years, I will be able to talk to my kids and tell them this is an institution in which they should be proud that their mom is serving and there are people who are serving in it who have the highest values.

Mr. RYAN of Ohio. Mr. Speaker, I want to try to break this down because we do not want to accuse anybody, and I want to make a different point. The indictment today that was filed against the majority leader, and everyone will read it in the newspaper tomorrow and hear it on the news, I am not explaining anything new, but the basic charge is in Texas there is a law that does not allow corporate money to get involved in political campaigns.

The charge is that corporate money went into this leadership PAC and that money made its way into the State elections for senators and legislators within the State of Texas. The Republicans then, with that money, ended up winning seats and taking control, then using that power to then reapportion congressional districts off-cycle. We normally do it every 10 years. So every 10 years when you do the Census, you reapportion congressional districts. But they did this 3 years after the Census. This did it in 2000.

This is the allegation. They took this corporate money, won the seats, did the redistricting again and got rid of four out of five Democratic Members in Congress because of the redistricting. It is alleged this corporate money made its way to influence elections here in the United States Congress and Democrats lost five seats.

Now that if it is true is horrendous and a total breach of trust for the American people, if that is true. But I want to make another point. This highlights, whether this is true or not, this highlights the number one problem in the United States Congress. There is so much money in this institution it sickens me, and I know it sickens the 30–Something Group, because that money influences too much of the policy that comes forth, and every single decision that is made in this Congress is about money. It is about fund-raising, it is about how we can squeeze somebody else for another dollar for our front-line candidates.

The policy that comes through here consistently reflects how can we raise more money. That is the problem. I think that is the issue that the incidents today lead to. This institution has become more about money than about governing. When you have your policies set around money, you end up getting bad policies and you end up getting an abuse of power. That is exactly what happened.

Look at the Medicare bill. At 3 in the morning, they told us it was $400 billion, that was a lie. It ended up being $700 billion, and the actuary was told not to tell Members of Congress, elected officials in the United States of America, that they were not allowed to know the true cost of the Medicare program. Give me a break. They knew there were Members who would not vote for a bill that cost more than $400 billion, so they said $400 billion. Weeks later we find out it was $700 billion. That was a lie.

The war and all of the nonsense leading up to it was a lie. Every single thing. We are safer now since we elected this new President and we have the Republicans in control; wrong. We saw what happened with Katrina, another lie.

We are good stewards of the government, less government more efficient; wrong. Cronyism at FEMA, eight of the top people all political hacks, and people died because of it.

Our responsibility here is to oversee this kind of thing, and everyone keeps telling us we are safer and we saw it was not true. After September 11, we do not have time to be nice. We do not have time to sit here and accept everything at face value. This has all led to an abuse of power.

Homeland Security and the FAA was used during this whole Texas debacle to track down Texas legislators who feared their government so much they flew to Oklahoma. They feared their government and they flew to Oklahoma. And then the war, again misinformation coming from the government. Again, FEMA, cronyism, abuse of power again.

And now, which really, really frightens me, we have this President talking about getting rid of the Posse Comitatus law in the United States of America which means if you do not think using Homeland Security and FAA to abuse power is not enough, if you do not think appointing cronies at FEMA to oversee emergency management in the United States of America is enough of an abuse of power, now the President is suggesting that we get rid of Posse Comitatus, which means the military can take over emergency situations and have police powers in your communities. Now wait a minute, this has got to stop somewhere.

This has got to stop somewhere, and it all comes back to this money being so ingrained into this system that it drives everything. And too much money, too much power, one party control here, House, Senate, White House, leads to an abuse of power. That is what you are seeing on the news tonight and that is what you will see on the news tomorrow. You will hear about it for the weeks and months to come because one-party rule in the United States of America is bad for our government. Power corrupts and absolute power corrupts absolutely.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, listening to the gentleman from Ohio (Mr. RYAN), I am thinking about all of the reasons I ran for Congress, and I decided that public service was a career choice for me, and that is because I want to make the world a better place. We all do. Certainly the three of us do. Our colleagues do. The vast majority of the Members here want to do that. It leaves such a bad taste.

What has happened over the last several months and what came down today with one of our colleagues on the other side of the aisle, what came down a few weeks ago with another colleague on the other side of the aisle, the whole thing swirling around with Mr. Abramoff and the lobbyist, and we even had a gangland murder connected with that in my district in Hollywood, Florida, it is so pervasive, it is so disturbing, it gives me deep concern that people end up thinking that we are all just like those individuals who have strayed.

We have got to make sure that we can restore some confidence, we can go back to why we all ran in the first place and move this country in the right direction again. You have got cronies and phonies that are infiltrating the government. The culture of corruption that has become so pervasive here, not just in this body but at the executive level as well, it is worst than startling.

Mr. RYAN of Ohio. Mr. Speaker, maybe if we were not so concerned in this House, the other body, the executive branch, about raising money and putting our political friends into certain positions all over, maybe this government would do a better job of actually executing its job. We spend so much time, not we, but the ruling party here, the Republican Party, spends so much time trying to raise money and squeeze donors and appoint their college roommate's friend to the head of FEMA. Maybe if we spent, if this government spent as much time and energy and the resources to actually govern the country, maybe we would be doing a lot better.

Poverty is up. Our education levels are not where they need to be. There is a widening gap between the wealthiest people in the country and the poorest people in this country. We saw a good example of that in New Orleans, but it is the same in every city in United States of America, structural poverty that is here in this country. Maybe if we were spending a little more time actually trying to run the country instead of raising money and appointing political hacks, maybe we would be a little better off.

We talked about the money and how it influences everything here. Is it a coincidence that through all this, all this money that is involved in this whole system, it is a coincidence that the wealthiest people in this country are getting tax breaks? That is like a direct connection. A lot of money donated from the wealthy people in the country, and the wealthy people in the country get a tax break, and everyone else seems to suffer.

We are not saying for one moment that we do not think that our government needs reform: Education, health care, it needs reform. We are the reform party. This group has had control of this Chamber for over 10 years now.

□ 2130

No reform at all. Numbers are not up where they need to be up. They are down where they need to be up, and they are up where they need to be down. It is about reform. But to see the influence of money in this Congress and then to see the wealthiest people who are contributing get the tax cuts just does not seem fair.

Mr. MEEK of Florida. Madam Speaker, reclaiming my time, I think it is important going back to protecting the institution, going back to making sure that we do what we are supposed to do as the 109th Congress. I cannot speak for the 110th Congress. It is up to my constituents if I am to make it there. But I tell my colleagues this: being a Member of the 109th Congress in the minority or the majority, I think it is important that we share with our colleagues the importance of their duty of making sure that they do what they are supposed to do, because this is not about friendships.

We were not elected to come up here to be friends with one another. We were elected to come up here to represent our districts and the American people, to be able to make sure that democracy stands for another 200-plus years

and beyond. That is our job. Our job is to come up here to protect the welfare of those individuals who cannot protect their own welfare, and we are here to make sure that there is a government in place for when they need it.

Some people in our country do not want anything from government. But guess what. When they need it, it should be there for them. No one is trying to get into anyone's life. But I can tell the Members this right now: the reason why we are here on this floor and the reason why we come to this floor week after week is to make sure that we raise the issues of the American people, Democrat or Republican alike. It does not matter. I do not ask my constituents, when they come to my office, I need to know their party affiliation. I do not go and chastise in a general sense of the word Republicans because some Republicans that I know, many that I know that are supporters of mine, either it be politically or friendship-wise or what have you, they do not share some of the things that I see the majority side acting on now.

If it was not for this side of the aisle pushing after 9/11 for an independent commission and if it was not for the work of those families, there would not have been an independent 9/11 Commission. There would not have been the testimony by not only White House officials, Pentagon officials, CIA, FBI, DEA, name it, transportation officials. We never would have gotten close to the bottom of what really happened if it was not for the push on this side.

The gentlewoman from California (Ms. PELOSI), our leader right now, was called a tainter by the Republican side for calling for an independent commission. There is a lot of name calling that goes on here on this floor. I for one do not like to name call. I just like to speak of the truth, period. When I talked about the allegations today, if they are true, then it is a problem.

The 9/11 Commission would not have seen the light of day if it was not for what we are doing right now, giving voice to those who sent us up here to give voice to them. After 9/11, Democrats called for a Department of Homeland Security. It is well documented. The majority-side leadership said we do not need a Department of Homeland Security. The White House said we do not need a Department of Homeland Security. And now we have a Department of Homeland Security, not because they thought it was a great idea. It was because of the pressure that was brought upon by us and also by the American people.

I think it is also important to talk about the issue of Social Security. The 30-something Working Group cut its teeth on the issue of Social Security, making sure that every American has the opportunity to have a guaranteed benefit. Whether it be a Democrat, Republican, young, old, disabled, retired, a survivor of someone that paid into Social Security, we fought for that. We stood here on this floor. We called out the leadership on the majority side. And the American people then, when we were making that argument, were on our side and we were on the side of the American people, period, dot.

Now when it comes down to Katrina, when it came down to responding to Hurricane Katrina, we were brought up here in special session over a case in Florida. We have got to come up here, and we have got to vote to try to save someone's life. We can get into all of that, but that is the past. We came up here for that. And after Hurricane Katrina, the Democratic leadership called for a special session. Oh, we do not need to do that. The American people demanded that the Federal Government do more than what it is doing right now. The President said, I am calling Congress back to session. There was a question, did the Democrats not call for that? Yes, they did too, but we are all in this thing together.

There should be an emergency supplemental. Oh, we do not need that, not now. Then that happened.

We called for Michael Brown's resignation because it was obvious. Here on this floor, I remember like it was yesterday, we called for it. I personally said if they are in a football game and they are within the first quarter and they have a quarterback that is not necessarily going to get them to the goal line, it is time to change personnel. A week later the President said, Michael Brown, you are doing an excellent job.

This goes into exactly what we are talking about. If it is left up to the majority, and I will not say us because we are here speaking now after 9 o'clock at night, children at home, loved ones at home, but we are here on this floor. Not because it is good for our health. It is because we care about what happens in this institution and this country. The bottom line is if it is left up to what the spin machine puts out from the majority side, we are in trouble.

Three days later, the Director of FEMA is sent back to Washington, then later resigned. We brought that issue up to the American people that he should be removed. Now we are at the independent commission. We have Members making statements that it is a shame that Democrats are not participating in the partisan commission.

The American people can see it. Go on CNN, USA Today Web site. This poll is there just as clear as my name is KENDRICK MEEK. As a matter of fact, I will give out the Web site: www.pollingreport.com disasters. We can get third, fourth-party validators. We called for an independent commission. Eighty-one percent of the American people called for an independent commission. I was talking with some of my Republican colleagues yesterday that are in leadership, and I told them they could save the country a lot of pain and frustration if they were just to say doing this in a partisan way is not the right way to do it. We should have an independent commission. If they are calling for it or the American people are calling for it, let us find a way.

I just want to finish this actual conversation that just took place yesterday. If they want it, we should just do it because we have nothing to hide. We are calling for an independent commission outside of this government because it does not have the ability to investigate itself. We cannot do it. We can just not do it because I am going to tell my colleagues right now, they say one thing and they do another. When I say ''they,'' I am talking about leadership on the Republican side.

The President said, I am a fiscal conservative. He has not vetoed one spending bill since becoming President. An unprecedented highway bill with all kinds of pork projects in it and everything. He is not even saying, I am going to stand for what I told you I would do, and we are not going to spend. Unprecedented spending. Unprecedented deficit. I mean, this is like opposite day. This is like, I am a fiscal conservative. No, I am not. I believe in responsible spending. I really do not. The action does not follow the words.

But in this case in the posture that we are in now, as Members of Congress, as we go to our districts, people cannot help but say, Wow, you are a Member of Congress? You are going to admit to that? You are actually going to admit that you are a Member of Congress? So you must not care about spending, or you must not really have control over no-bid contracts or companies that are already under investigation by the very government that has called them into question.

So what I am saying is that when we talk about credibility, when we talk about name-calling, remember the Democratic leader was called a tainter, and worse, I am pretty sure, in private. But I think it is important. And I call on all of my colleagues, Democrat, Republican, and the one Independent we have, that it is more important now than ever that we go see the wizard and get some courage and heart, and I will not even go to the third one as it relates to mine because I know that we know better. We need to be man-up and woman-up and leader-up enough to say this is not right and we have got to stop it.

And I believe, as I close on this point, Madam Speaker, that the American people will smile on those that are trying to do something about the present situation and frown on those that just watch what is happening and say that it will go away. It will not go away. This is reality. People cannot afford to put gas in their tank; meanwhile companies are making record profits and no one is saying anything about it.

Eight States have asked the Congress to look into this issue of record profits of these gas companies. Has it happened? No. Do my colleagues know what I hear today? There are Members here looking at an energy bill. We are

going to help the whole gas thing, and we have to go into the Arctic natural reserve and look for oil. People have hidden agendas that they want to carry out on the pain and suffering of Americans. As I speak right now, 100,000-plus in the middle of a basketball court in a shelter without a home, which could have been prevented if we had been on our j-o-b and making sure that the Corps of Engineers had what they needed to make sure that they can build that levee around New Orleans, to make sure that FEMA was able to respond to these folks. To make sure that the Congress, as they said, or the majority said, does what they were going to do from the beginning of being fiscal conservatives.

They have been just the opposite. The President said, I will make sure that we do not carry out wasteful spending. Maybe, just maybe, we would have no no-bid contracts going on with record profits. Maybe companies that are under investigation by this government and Departments will not continue to get billions of dollars in contracts. Maybe, just maybe, we would have some accountability if, only if, we had Members that were willing to stand up and face the music on our responsibilities and tell whoever is saying that we have to look the other way: I am sorry. We have a constitutional responsibility because someone woke up early Tuesday on election day to make sure I was elected to come here to Congress.

So whatever repercussions that may come out of this pressure, so be it. That is the bottom line because I will not, as a Member of this Congress, look my constituents in the eye and say I was in the minority and it was not much that we could do because there were powerful people on the other side of the argument who would have done things to me and would have said things about me and would have looked at me funny if I would have said something.

This country would not be independent if we had leaders like that. I would not be in Congress if we did not have leaders that were willing to fight to make sure that I could make it to Congress. The lights would not be on on this building if veterans did not lay down their life to make sure that we are able to salute one flag here today. That is how deep this argument goes.

And for those who have a problem, a problem, with our exercising democracy under this flag, then they have a problem with America. That is the bottom line. That is what it is, period, dot.

Madam Speaker, I am sorry, but I just had to share the fact that the reason why we are here is to make this country better. The reason why we are here and we argue the way we do night after night is to make sure that those who are in power, those who are committee chairmen, those who make the decisions on what bills come up, what bills do not come up, that we work on their conscience, that we remind them of their power and we remind the American people that if they want a change, then they will have their opportunity to make that change. And when they have that opportunity to make that change, then they need to make that change at the right time.

But I will tell the Members we cannot even last that long if we continue to act the way we are acting here, especially on the majority side, like it is just another day at the office.

People are suffering. People cannot put gas in their tanks. Folks are being threatened by the fact that they are going to roll back a prescription drug benefit that poor people have. Folks do not even know if their kids can get title I lunch. Meanwhile, no one speaks of billionaires getting tax cuts. We are going to sell national parks. There are questions of drilling where we have never drilled before. We do not even know if there is oil there; but because we are in this situation, we have individuals with power that want to come in and take advantage on the backs of suffering and death and lack of governance.

Ms. WASSERMAN SCHULTZ. Madam Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Madam Speaker, the thought occurs to me that people might be wondering why this even matters. I mean, so many times I talk to people and they say to me it is just the way politics is. They are going to reward their friends. They get into power and they are going to reward their friends, and that is just the way politics is.

And what I have to say to them, what we are trying to say to them, is that this culture of corruption is pervasive.

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The culture of corruption is pervasive. It would disturb me deeply if it was just Members of Congress and we could say, there are some bad apples where people have gone astray and that is all it is. But it goes so much deeper than that with this administration, with the leadership on the other side.

This is how deep it goes: We have got cronyism and corruption that runs all the way up the ladder. I will just outline for you what I am talking about. Let us look at the appointments that have been made.

As recently has come to light, Mr. Brown was totally unqualified to be the director of FEMA.

Mr. RYAN of Ohio. ''Brownie.''

Ms. WASSERMAN SCHULTZ. Brownie's previous experience was being head of the Arabian Horse Association. I saw him attempt to defend himself at the hearing the other day, and he outlined his vast array of experience being the assistant to a city manager, essentially a glorified intern. But, to me, I just feel like there needs to be a couple more lines on the resume when it comes to the man who directs the response of the Federal Government to natural disasters.

Let us take if it was just the Congress or just Michael Brown heading up FEMA where the cronyism stopped. Then I could say, you know, occasionally that is going to happen.

But let us look at the gentleman who was appointed as the Deputy Commissioner for Medical and Scientific Affairs at the Food and Drug Administration. The Food and Drug Administration is charged with assuring the safety of everything from new vaccines and dietary supplements to animal feed and hair dye. They are the one that approve medicines and say whether medication can go on the market.

So Mr. Scott Gottlieb was named the Deputy Commissioner, and he was 33-years-old. This is the 30-something Group, so we are not going to be critical of that. But this is a person who got his medical degree at Mount Sinai School of Medicine, and his previous experience prior to taking this job at FDA, and they declared him a ''noted authority'' who had written ''more than 300 policy and medical articles,'' his biography neglects the fact that many of those articles that he wrote criticized the FDA for being too slow to approve new drugs and too quick to issue warning letters when it suspects one already on the market might be unsafe.

I think if you asked the family members and people whose loved ones died from taking Vioxx and some of the other inhibitors that people have had horrendous reactions and even deaths from because some of these drugs have been raced to the market too quickly before they have been fully vetted by the FDA, I think they might take issue with the fact that the person in charge of that is slightly less than qualified.

His previous experience before that was to be the editor of a popular Wall Street newsletter, the Forbes-Gottlieb Medical Technology Investor, in which he offered such tips as ''three biotech stocks to buy now.'' This is the deputy commissioner of the FDA in charge of medical and scientific affairs.

If it was just the FDA, if we were going to stop there and it did not go further than that, I might be able to write it off. But then let us go travel over to another agency. We have another agency, the Office of Management and Budget, in which an ex-lobbyist with minimal purchasing experience was overseeing $300 billion in spending, until his arrest last week. The person who was in charge of procurement for the Office of Management and Budget was responsible for $300 billion in spending until he got arrested.

So you can see where we go. You peel back layer after layer after layer. So we are not casting aspersions randomly here. We are not just being partisan. There is a culture of corruption that is pervasive, and, my god, we have an opportunity in the next 13 months to take our message to the American people and help tell them that we are

going to come and restore their confidence; that we have got competence and we have got integrity and we know how to make sure we can expand access to health care.

Our priorities are straight. We know that the Federal Government can do something about gas prices, and not just have the President stand behind a podium and say, ''You know, if you don't have to drive, please don't.'' That is their conservation policy.

So before I go further than I should, I am going to turn it over to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. That was beautiful. You know, you play sports when you are a kid, and I know the gentleman from Florida (Mr. MEEK) was a college athlete, a college football player, a great athlete back in his day, a little slower afoot now than he used to be. But if you used to play sports as a kid and if you would not start or you did not get in the game right away, you would be watching everybody play and you knew you were better than everyone else that was playing, and you just thought, put me in coach.

Well, the Democrats are saying, put me in, coach. We will do better than this. And quite frankly, it does not seem that hard, given everything that has been going on, the corruption, the cronyism.

Democrats know how to run the government. Are we perfect? No. But we had a great FEMA director, we knew how to respond. We passed the first Family and Medical Leave Act. We know what families need and we know how to deliver.

In 1993 we balanced the budget, leading to the greatest economic expansion in the history of the United States of America, without one Republican vote. Al Gore had to come to the Senate to make the tie-breaking vote. Many people on this side of the aisle lost their seats because they made a tough vote that was in the best interests of the country, but not in the best interests of their own political careers. If you get a chance to read President Clinton's book, he highlights a couple of those people who made those tough votes.

My point is that the Democrats know how to govern. Are we perfect? Absolutely not. But you do not see this nonsense going on. They had to spend $40 million to chase our President around for something that had nothing to do with the public affairs of government. Was he wrong? Absolutely. But we are talking about the public affairs and public responsibilities.

Put us in, coach.

Mr. MEEK of Florida. Give the website.

Mr. RYAN of Ohio. The website is 30somethingdems@mail.house.gov. If you think we have cronies in government, do you think there is an abuse of power, a waste of money, things are tilted too much, the website is 30somethingdems@mail.house.gov.

Mr. MEEK of Florida. Madam Speaker, reclaiming my time, with that, I just want to thank the Democratic leader for allowing us to have this time. Also I want to commend you both for doing your homework. I believe we will be back tomorrow, the 30-something Group tomorrow afternoon after votes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. SCHMIDT). The Chair must admonish Members that remarks in debate should be directed to the Chair, and not to persons who may be viewing the proceedings.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GUTIERREZ (at the request of Ms. PELOSI) for today on account of illness in the family.

Mr. COSTA (at the request of Ms. PELOSI) for today after 5:00 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BUTTERFIELD, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Mr. POE, for 5 minutes, September 29.

Mr. MCHENRY, for 5 minutes, September 29.

Mr. NORWOOD, for 5 minutes, September 29.

Mr. GINGREY, for 5 minutes, September 29.

Mr. GOHMERT, for 5 minutes, today and September 29.

Mr. BURGESS, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DREIER, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 37. An act to extend the special postage stamp for breast cancer research for 2 years; to the Committee on Government Reform; in addition to the Committee on Energy and Commerce and to the Committee on Armed Services for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2132. An act to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

H.R. 3200. An act to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program, and for other purposes.

H.R. 3667. An act to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the ''Karl Malden Station''.

H.R. 3767. An act to designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the ''Jacob L. Frazier Post Office Building''.

ADJOURNMENT

Mr. MEEK of Florida. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, September 29, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4250. A letter from the Under Secretary, Acquisition, Techonology, and Logistics, Department of Defense, transmitting a report on status of V-22 Osprey Aircraft before resumption of flight testing, pursuant to Public Law 107–107, section 123 (115 Stat. 1031); to the Committee on Armed Services.

4251. A letter from the Engine Manager, Department of the Air Force, Department of Defense, transmitting a request for a congratulatory letter for the retirement of Master Sergeant Christopher A. Shipp; to the Committee on Armed Services.

4252. A letter from the Administrator of National Banks, Comptroller of the Currency, transmitting the issues of the Quarterly Journal that comprise the 2004 annual report to Congress of the Office of the Comptroller of the Currency; to the Committee on Financial Services.

4253. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — HIPAA Administrative Simplification: Standards for Electronic Health Care Claims Attachments

[CMS-0050-P] (RIN: 0938-AK62) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4254. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 05-44, concerning the Department of the Navy's proposed Letter(s)of Offer and Acceptance for defense articles and services; to the Committee on International Relations.

4255. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 038-05); to the Committee on International Relations.

4256. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 081805B] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4257. A letter from the Acting Deputy Asst. Admin. for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean; Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Extension of Commercial Trip Limits for Gulf of Mexico Grouper Fishery [Docket No. 050209033-5033-01; I.D. 020405D] (RIN: 0648-AS97) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4258. A letter from the Deputy Asst. Admin. for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gulf Reef Fish Limited Access System [Docket No. 050408096-5182-02; I.D. 033105A] (RIN: 0648-AS69) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4259. A letter from the Deputy Asst. Admin. for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Haddock Incidental Catch Allowance for the 2005 Atlantic Herring Fishery [Docket No. 050517132-5132-01; I.D. 051105D] (RIN: 0648-AT36) received August 12,2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4260. A letter from the Deputy Asst. Admin. for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Pacific Whiting; Fishery Closure [Docket No. 050816224-5224-01; I.D. 081005A] (RIN: 0648-AT69) received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4261. A letter from the Deputy Asst. Admin. for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Modification of Emergency Fishery Closure Due to the Presence of the Toxin That Causes Paralytic Shellfish Poisoning [Docket No. 050613158-5237-02; I.D. 090105A] (RIN: 0648-AT48) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4262. A letter from the Deputy Asst. Admin. for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Community Development Quota Program [Docket No. 050421110-5192-02; I.D. 041505F] (RIN: 0648-AT03) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4263. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #5 — Adjustments of the Recreational Fishery from Cape Alava, Washington, to Cape Falcon, OR [Docket No. 050426117-5117-01; I.D. 080805A] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4264. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 Meters) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 080805C] received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4265. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea Subarea [Docket No. 041126332-5039-02; I.D. 082505A] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4266. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 082405B] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4267. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 082405A] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4268. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 082305B] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4269. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Shore-based Sector and the Resumption of Trip Limits [Docket No. 040830250-5109-04; I.D. 081605C] (RIN: 0648-AS27) received September 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4270. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 090605E] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4271. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessles Using Trawl Gear in the Bering Sea and Aleutian Islandas Management Area [Docket No. 041126332-5039-02; I.D. 081705F] received September 16,2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4272. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 081705G] received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4273. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/''Other Flatfish'' Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 081705E] received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4274. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands [Docket No. 041126332-5039-02; I.D. 072205B] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4275. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 072205C] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4276. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 071505D] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4277. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2005 Winter II Quota [Docket No. 030912231-3266-02; I.D. 071905B] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4278. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 071905A] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4279. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; ''Other Rockfish'' in the Western Regulatory Area of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 072205A] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4280. A letter from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Changes to Implement the Cooperative Research and Technology Enhancement Act of 2004 [Docket No.: 2004-P-034] (RIN: 0651-AB76) received September 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4281. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the annual report for 2004 on the STOP Violence Against Women Formula GrantProgram; to the Committee on the Judiciary.

4282. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7889] received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4283. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4284. A letter from the General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4285. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Grounds; Hampton Roads, VA [CGD05-04-043] (RIN: 1625-AA01) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4286. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations; St. Croix, United States Virgin Islands [CGD07-05-042] (RIN: 1625-AA87) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4287. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Tchoutacabouffa River, Cedar Lake, MS [CGD08-05-034] (RIN: 1625-AA09) received August 11, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4288. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Marana Regional Airport, AZ [Docket No. FAA-2005-21005; Airspace Docket No. 05-AWP-2] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4289. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Ruidoso, NM [Docket No. FAA-2005-22160; Airspace Docket No. 2005-ASW-12] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4290. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment to Class E Airspace; Santa Teresa, NM [Docket No. FAA-2005-22159; Airspace Docket No. 2005-ASW-11] received September 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4291. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Stage 4 Aircraft Noise Standards [Docket No.: FAA-2003-16526] (RIN: 2120-AH99] (RIN: 2120-AA99) received August 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4292. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimum; Miscellaneous Amendments [Docket No. 30449; Amdt. No. 3125] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4293. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30451; Amdt. No. 3127] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4294. A letter from the Director, Regulations & Rulings Division, Department of the Treasury, transmitting the Department's ''Major'' final rule —Certification Requirements for Imported Natural Wine (2005R-002P) [T.D. TTB-31] (RIN: 1513-AB00) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4295. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2006 [CMS-8026-N](RIN: 0938-AO00) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4296. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program: Part A Premium for Calendar Year 2006 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8025-AO01] (RIN: 0938-AO01) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4297. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Update of Ambulatory Surgical Center List of Covered Procedures [CMS-1478-IFC] received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4298. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible for Calendar Year 2006 [CMS-8027-N] (RIN: 0938-AO02) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4299. A letter from the Regulations Coordinator, CMM, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Hospice Wage Index for Fiscal Year 2006 [CMS-1286-f] (RIN: 0938-AN89) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 468. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109–238). Referred to the House Calendar.

Mr. PUTNAM: Committee on Rules. House Resolution 469. Resolution providing for consideration of the joint resolution (H.J. Res. 68) making continuing appropriations for the fiscal year 2006, and for other purposes; for consideration of motions to suspend the rules; and addressing a motion to proceed under section 2908 of the Defense Base Closure and Realignment Act of 1990 (Rept. 109–239). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 470. Resolution providing for consideration of the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes (Rept. 109–240). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MURPHY (for himself and Ms. HART):

H.R. 3928. A bill to amend the Internal Revenue Code of 1986 to allow a credit for qualified expenditures paid or incurred to replace certain wood stoves; to the Committee on Ways and Means.

By Mr. CALVERT (for himself, Mr. ROHRABACHER, and Mr. GARY G. MILLER of California):

H.R. 3929. A bill to amend the Water Desalination Act of 1996 to authorize the Secretary of the Interior to assist in research and development, environmental and feasibility studies, and preliminary engineering for the Municipal Water District of Orange

County, California, Dana Point Desalination Project located at Dana Point, California; to the Committee on Resources, and in addition to the Committee on Science, 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. KIND (for himself, Mr. GILCHREST, and Mr. SCHIFF):

H.R. 3930. A bill to establish the Universal Education Account and the Universal Education Corporation to promote global education reform; to the Committee on International Relations.

By Mr. ACKERMAN (for himself, Mr. LATOURETTE, Mr. VAN HOLLEN, Mr. SIMMONS, Mr. GRIJALVA, Mr. BLUMENAUER, Mr. WEXLER, Mrs. TAUSCHER, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. CROWLEY, Ms. ESHOO, Ms. KAPTUR, Mrs. MCCARTHY, Mr. MORAN of Virginia, Mr. BROWN of Ohio, Mr. ROTHMAN, Mr. MOORE of Kansas, Ms. LEE, Mr. SHERMAN, Mr. MCNULTY, Mr. DICKS, Mr. KENNEDY of Rhode Island, Mr. HOLT, Ms. SOLIS, Mr. FRANK of Massachusetts, Mr. LARSON of Connecticut, Mr. KIRK, Ms. SCHAKOWSKY, Mr. STARK, Mr. HONDA, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. ISRAEL, Ms. KILPATRICK of Michigan, Ms. BORDALLO, Ms. JACKSON-LEE of Texas, Mr. RUSH, Ms. NORTON, Mr. OWENS, Mr. KUCINICH, Mr. OLVER, Mr. PALLONE, Ms. WOOLSEY, Mr. SABO, Mr. NEAL of Massachusetts, Mr. LANGEVIN, Mr. UDALL of Colorado, Mr. SERRANO, Ms. LINDA T. SÁNCHEZ of California, Mr. INSLEE, Mr. BARTLETT of Maryland, Mr. ABERCROMBIE, Ms. ZOE LOFGREN of California, Mr. KILDEE, Mr. MEEHAN, Mr. FARR, Mrs. DAVIS of California, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. SCHIFF, Mr. WEINER, Mr. PASCRELL, Mr. LANTOS, Mr. RYAN of Ohio, Mr. LEWIS of Georgia, Mr. PAYNE, Mrs. BIGGERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mr. FOLEY, Mrs. MALONEY, Mr. UDALL of New Mexico, Ms. CARSON, Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mrs. CAPPS, Ms. MCCOLLUM of Minnesota, Mr. RANGEL, Mr. SHAYS, Mr. WELDON of Pennsylvania, Mrs. LOWEY, Mr. FERGUSON, Ms. BERKLEY, Mr. DEFAZIO, Mr. SMITH of New Jersey, Mr. KING of New York, Mr. SANDERS, Mr. TIERNEY, Mr. WOLF, Mr. GERLACH, Mr. ENGLISH of Pennsylvania, Mr. MARKEY, Mr. GALLEGLY, Mrs. KELLY, Mr. BERMAN, Mr. SAXTON, and Mr. WYNN):

H.R. 3931. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes; to the Committee on Agriculture.

By Mrs. BONO (for herself, Mr. LANTOS, Mr. CASTLE, and Mrs. CAPPS):

H.R. 3932. A bill to prohibit human cloning; to the Committee on the Judiciary.

By Mr. FITZPATRICK of Pennsylvania (for himself, Mr. MICHAUD, Mr. SAXTON, and Mr. SIMMONS):

H.R. 3933. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban forest land and open space and contain suburban sprawl; to the Committee on Agriculture.

By Mr. KING of New York (for himself, Mr. FOSSELLA, Mr. RANGEL, Mr. CROWLEY, Mr. MCNULTY, Mrs. MCCARTHY, Mr. ISRAEL, Mr. HINCHEY, Mr. HIGGINS, Mr. ENGEL, Mr. BOEHLERT, Mr. BISHOP of New York, Mr. SERRANO, Mrs. MALONEY, Mr. SWEENEY, Mr. KUHL of New York, Mr. WEINER, Mr. ACKERMAN, Mr. TOWNS, Mrs. LOWEY, Mrs. KELLY, Mr. REYNOLDS, Mr. MCHUGH, Mr. MEEKS of New York, Mr. WALSH, Mr. OWENS, Ms. VELÁZQUEZ, Mr. NADLER, and Ms. SLAUGHTER):

H.R. 3934. A bill to designate the facility of the United States Postal Service located at 80 Killian Road in Massapequa, New York, as the ''Gerard A. Fiorenza Post Office Building''; to the Committee on Government Reform.

By Mr. ROGERS of Kentucky (for himself, Mr. BLUNT, Mr. SIMMONS, Mr. DAVIS of Kentucky, Mrs. JOHNSON of Connecticut, Mr. BONNER, Mr. WAMP, Mr. BOUSTANY, Mr. WALSH, Mr. SWEENEY, Mr. BROWN of South Carolina, Mr. LEWIS of Kentucky, Mr. CAMP, Ms. GRANGER, Mr. BEAUPREZ, Mr. MCCOTTER, Mr. DUNCAN, Ms. LORETTA SANCHEZ of California, and Mr. WICKER):

H.R. 3935. A bill to authorize the Secretary of the Treasury to issue Hurricane Relief Bonds in response to Hurricanes Katrina and Rita and subsequent flooding and displacement of residents in the federally designated disaster areas of Alabama, Florida, Louisiana, Mississippi, and Texas; to the Committee on Ways and Means.

By Mr. STUPAK (for himself, Ms. HERSETH, Mr. ETHERIDGE, Ms. PELOSI, Mr. DEFAZIO, Mr. OBERSTAR, Ms. SCHAKOWSKY, Mr. HOLDEN, Mr. KILDEE, Mr. RAHALL, Mr. MICHAUD, Ms. BORDALLO, Mrs. CAPPS, Ms. SCHWARTZ of Pennsylvania, Mr. FILNER, Mr. PASCRELL, Mr. BISHOP of New York, Mr. MCNULTY, Mr. COSTELLO, Mr. SANDERS, Mr. CONYERS, Mr. LIPINSKI, Mr. BOUCHER, Ms. ESHOO, Ms. HARMAN, Mr. EVANS, Mr. PALLONE, Ms. MCCOLLUM of Minnesota, Mr. ENGEL, Mr. MARKEY, Mrs. MCCARTHY, Mr. HINCHEY, Ms. SOLIS, and Mr. VAN HOLLEN):

H.R. 3936. A bill to protect consumers from price-gouging of gasoline and other fuels during energy emergencies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY:

H.R. 3937. A bill to include dehydroepiandrosterone as an anabolic steroid; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Tennessee (for himself and Mr. DUNCAN):

H. Con. Res. 255. Concurrent resolution expressing the sense of the Congress that the United States flag flown over the United States Capitol should be lowered to half-mast one day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts; to the Committee on House Administration.

By Mr. TOM DAVIS of Virginia (for himself and Mr. VAN HOLLEN):

H. Res. 471. A resolution supporting the goals and ideals of a ''National IT'S ACADEMIC Television Quiz Show Day''; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. BOEHLERT and Mr. MILLER of North Carolina.
H.R. 328: Mrs. LOWEY.
H.R. 445: Mr. WILSON of South Carolina.
H.R. 503: Ms. CARSON and Ms. ROYBAL-ALLARD.
H.R. 543: Mr. OXLEY.
H.R. 550: Mrs. BONO and Mr. GONZALEZ.
H.R. 552: Mr. BOOZMAN and Mr. PETERSON of Pennsylvania.
H.R. 576: Mr. WESTMORELAND.
H.R. 583: Mr. PORTER.
H.R. 586: Mr. BARTLETT of Maryland and Mr. SCHIFF.
H.R. 657: Mrs. LOWEY, Mr. MILLER of Florida, and Mr. SCOTT of Georgia.
H.R. 668: Mrs. MALONEY.
H.R. 691: Mr. GILLMOR.
H.R. 698: Mr. MICA.
H.R. 752: Mr. MARKEY.
H.R. 768: Mr. ANDREWS.
H.R. 819: Ms. GINNY BROWN-WAITE of Florida.
H.R. 867: Ms. ESHOO.
H.R. 923: Mr. MCHUGH, Mr. TOM DAVIS of Virginia, Mr. HIGGINS, and Mr. DENT.
H.R. 976: Mr. BARTLETT of Maryland.
H.R. 1083: Mr. KOLBE.
H.R. 1097: Mr. FEENEY.
H.R. 1106: Mr. DOGGETT.
H.R. 1120: Mr. STUPAK.
H.R. 1129: Mr. SALAZAR.
H.R. 1190: Mrs. DAVIS of California.
H.R. 1201: Mr. ANDREWS.
H.R. 1204: Mr. SCOTT of Georgia.
H.R. 1264: Ms. ZOE LOFGREN of California, Mr. HINCHEY, Mr. KILDEE, Ms. HERSETH, Mr. LANGEVIN, and Mr. RYAN of Wisconsin.
H.R. 1435: Mr. ANDREWS.
H.R. 1498: Mr. FORTENBERRY and Mr. WELLER.
H.R. 1545: Mr. MCKEON.
H.R. 1554: Mr. SIMMONS.
H.R. 1602: Mr. BOOZMAN and Mr. TERRY.
H.R. 1615: Ms. CARSON.
H.R. 1870: Ms. HART.
H.R. 1973: Mr. BRADY of Pennsylvania and Mr. ABERCROMBIE.
H.R. 2037: Ms. DELAURO.
H.R. 2052: Mr. RUPPERSBERGER.
H.R. 2053: Mr. RUPPERSBERGER.
H.R. 2087: Mr. TIERNEY.
H.R. 2112: Mr. TIAHRT, Ms. ROS-LEHTINEN, and Mr. FOLEY.
H.R. 2177: Mr. BILIRAKIS.
H.R. 2209: Mr. JENKINS.
H.R. 2317: Mr. SALAZAR.
H.R. 2553: Mr. ANDREWS.
H.R. 2567: Mr. JACKSON of Illinois.
H.R. 2594: Mr. EMANUEL.
H.R. 2646: Mr. FORD.
H.R. 2694: Mr. SCOTT of Georgia and Mr. CHANDLER.
H.R. 2802: Ms. ESHOO.
H.R. 2803: Mr. KANJORSKI and Mr. MOORE of Kansas.
H.R. 2807: Mr. BERMAN.
H.R. 2861: Mr. JACKSON of Illinois.
H.R. 2933: Mr. ALEXANDER.
H.R. 2963: Mr. BROWN of South Carolina and Ms. MCCOLLUM of Minnesota.
H.R. 3006: Mr. GRIJALVA, Mrs. DAVIS of California, Mr. MILLER of North Carolina, and Mr. KENNEDY of Rhode Island.
H.R. 3011: Mr. GOODLATTE, Mr. KLINE, and Mr. DOOLITTLE.
H.R. 3142: Mr. BERMAN, Ms. MATSUI, Mr. MEEHAN, Mr. FARR, Mr. SMITH of Washington, Mr. HINCHEY, Mr. JACKSON of Illinois, and Mr. LEWIS of Georgia.
H.R. 3147: Mr. UDALL of New Mexico and Mr. ALEXANDER.
H.R. 3191: Ms. KILPATRICK of Michigan.

H.R. 3196: Mr. NADLER.
H.R. 3336: Mr. WEXLER.
H.R. 3359: Mr. VISCLOSKY.
H.R. 3361: Mr. BRADY of Pennsylvania.
H.R. 3368: Mr. LEVIN, Ms. KILPATRICK of Michigan, Mr. UPTON, Mr. STUPAK, Mrs. MILLER of Michigan, Mr. CONYERS, Mr. DINGELL, Mr. KNOLLENBERG, Mr. SCHWARZ of Michigan, Mr. HOEKSTRA, Mr. ROGERS of Michigan, Mr. EHLERS, Mr. MCCOTTER, and Mr. CAMP.
H.R. 3385: Mr. LEACH.
H.R. 3417: Ms. SOLIS.
H.R. 3436: Mr. MANZULLO.
H.R. 3504: Mr. HIGGINS.
H.R. 3561: Mr. MCGOVERN and Mr. BERMAN.
H.R. 3568: Mr. CASE.
H.R. 3588: Mr. BURTON of Indiana.
H.R. 3697: Ms. BALDWIN, Mr. HOLT, and Mr. BAIRD.
H.R. 3698: Mr. DOGGETT, Mr. GONZALEZ, and Mr. FRANK of Massachusetts.
H.R. 3740: Mr. OWENS, Mr. NADLER, Mr. SNYDER, Ms. BORDALLO, Mr. RYAN of Ohio, Mr. MCGOVERN, Ms. BERKLEY, Mr. AL GREEN of Texas, Mr. ALEXANDER, Mr. PASCRELL, and Mr. NEAL of Massachusetts.
H.R. 3763: Mr. BOYD, Mr. DAVIS of Tennessee, Mr. TANNER, Mr. CRAMER, and Mr. MCINTYRE.
H.R. 3780: Ms. BERKLEY and Mr. OBEY.
H.R. 3802: Mrs. DAVIS of California, Mr. GRIJALVA, and Ms. WOOLSEY.
H.R. 3811: Mr. SAM JOHNSON of Texas.
H.R. 3829: Mr. COLE of Oklahoma.
H.R. 3838: Mr. MCGOVERN, Mr. STUPAK, Mr. GUTIERREZ, Mr. BERMAN, Mr. DOGGETT, and Mr. LEVIN.
H.R. 3841: Mr. GRAVES and Mr. HOBSON.
H.R. 3868: Mr. MILLER of Florida, Mr. FLAKE, and Mr. BURTON of Indiana.
H.R. 3869: Mrs. BLACKBURN and Mr. UPTON.
H.R. 3870: Mr. MORAN of Kansas and Mr. MILLER of Florida.
H.R. 3915: Mr. ENGLISH of Pennsylvania.
H.R. 3916: Mr. HONDA.
H.R. 3918: Mr. JEFFERSON, Mr. HALL, Mr. SAM JOHNSON of Texas, and Mr. MARSHALL.
H.J. Res. 38: Mrs. KELLY.
H.J. Res. 55: Mr. DUNCAN.
H. Con. Res. 42: Mr. MOORE of Kansas.
H. Con. Res. 112: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Mr. BACA, Mr. SCOTT of Georgia, Mrs. MCCARTHY, Mr. BISHOP of Georgia, Mr. MCNULTY, Mr. KUCINICH, Mr. PASTOR, Mr. GRIJALVA, Mr. MCDERMOTT, and Mr. GONZALEZ.
H. Con. Res. 137: Mr. PAYNE.
H. Con. Res. 158: Mr. BAIRD.
H. Con. Res. 178: Mr. ISSA.
H. Con. Res. 197: Mr. MILLER of North Carolina, Mr. BROWN of Ohio, Mr. SKELTON, and Mr. PRICE of North Carolina.
H. Con. Res. 230: Ms. HARRIS, Mr. SESSIONS, Mr. PETERSON of Minnesota, Ms. HART, Mr. GOHMERT, Mr. COOPER, and Mr. TOWNS.
H. Con. Res. 245: Mr. MILLER of Florida, Mr. MATHESON, Mr. HAYES, Mr. GINGREY, Mr. DAVIS of Kentucky, Mr. BISHOP of Georgia, and Mr. HOSTETTLER.
H. Con. Res. 248: Mr. WOLF, Mr. CANTOR, Mr. GALLEGLY, Mr. BISHOP of New York, and Ms. HARRIS.
H. Con. Res. 252: Mr. SMITH of New Jersey.
H. Res. 97: Mr. MILLER of Florida and Mr. ADERHOLT.
H. Res. 192: Mr. BISHOP of Georgia and Mr. GONZALEZ.
H. Res. 220: Mr. SABO and Mr. KING of Iowa.
H. Res. 261: Mr. DOYLE.
H. Res. 388: Mr. BOOZMAN.
H. Res. 438: Mr. CARDIN, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. TANCREDO, Mr. MCCOTTER, Mr. HIGGINS, Mr. PENCE, Ms. ROS-LEHTINEN, Mr. KING of New York, and Mr. BISHOP of New York.
H. Res. 442: Mr. NADLER.
H. Res. 444: Mrs. MCCARTHY, Mr. WALDEN of Oregon, Mr. BRADY of Pennsylvania, and Mr. LANTOS.
H. Res. 457: Mr. BARTLETT of Maryland, Mr. MCDERMOTT, and Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 463: Mr. MEEKS of New York.

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PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRSTSESSION

Vol. 151 WASHINGTON, WEDNESDAY, SEPTEMBER 28, 2005 *No. 123*

Senate

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.

Almighty Father, the giver of gifts, help us to live in purity. Make all our thoughts so pure that they will bear Your scrutiny. Make all our desires so pure that they will be rooted in Your purposes. Make all our words so pure that You will find pleasure in hearing them. Make all our actions so pure that people will know that we are Your children.

Guide our lawmakers through the challenges of this day. Keep them from words that harm and do not help, from deeds that obstruct and do not build, from habits that shackle and do not liberate, and from ambitions that take and do not give.

Give to us all the blessings of asking and receiving, of seeking and finding, and of knocking and opening.

We pray in Your sovereign 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:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 28, 2005.

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.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF JOHN G. ROBERTS, JR., TO BE CHIEF JUSTICE OF THE UNITED STATES—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of Calendar No. 317, which the clerk will report.

The assistant legislative clerk read the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States.

The ACTING PRESIDENT pro tempore. Under the previous order, the time from 10 a.m. until 11 a.m. will be under the control of the majority leader, or his designee.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate resumes consideration of the nomination of John Roberts to be Chief Justice of the United States. Tomorrow at 11:30 we will vote on this nomination. Again, I remind all Senators to be at their desks for that vote. This is among the most significant votes that most of us will cast in our Senate careers, the approval of the nomination of Chief Justice of the United States. We ask Senators to come to the Chamber around 11:20 to be seated for the 11:30 vote.

Following the confirmation on Judge Roberts, the Senate will take up the Defense appropriations bill. Senators should expect votes on Thursday, and we will be voting on Friday on the appropriations bill or any other legislative or executive items that are cleared for action.

I was talking to the Democratic leader to make sure that we are voting on Friday of this week.

We also have a continuing resolution that we must act on this week before the end of the fiscal year. Therefore, I ask that Senators adjust whatever plans they have for the weekend or for Friday to recognize that we will be voting. We will not be voting on Monday or Tuesday in observance of the Jewish holiday. But the Senate will be in session to conduct business and discussing amendments. Those amendments will be stacked for votes on Wednesday. We will notify Senators as to what time that will be. I encourage Senators to come forward and offer their amendments as early as possible so we can vote on Wednesday.

PANDEMIC PREPAREDNESS

Mr. President, on another issue, an important issue—we have so much going on in this body with the appropriations bills, and the nomination coming forward, and that is going very well in terms of the discussion on both sides of the aisle. But there are many other issues as well.

I want to focus for a few minutes on an issue I do not believe is receiving the attention it deserves given the risk that is before us.

Yesterday, I sent a letter to Health and Human Services Secretary Michael

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Leavitt regarding our Nation's pandemic preparedness. The H5–N1 avian influenza—the name of this particular strain of virus—has spread from Southeast Asia to Russia. It is spreading across the world.

If you look at a map and look at that spread, it gives you real pause—and it should. It threatens to land in Europe. Although you can't say with certainty as you look at that picture of the globe and you see that spread, it will next be in Europe and America, although we don't know what that order will be.

It has infected more people and more poultry than any previous strain. If you look at the animal population—it is called the avian or bird influenza—it has caused the death or destruction of not just a few million but 160 million birds. That includes what is called the ''culling'' that goes on. But 160 million birds have died as a result of this influenza.

It has jumped from animals, the birds and other animals, actually, with a genetic shift to humans. People ask, How many humans have been infected? We do not know exactly, but we have documented 115 confirmed human cases of this particular H5–N1 influenza.

How fatal is it? It is fatal. The mortality rate is very high. Fifty-nine people out of the 115 confirmed cases died from this particular virus. It has a very high mortality rate.

Just this week, Indonesian health officials reported that yet another person—a young woman age 30—has died from the virus. This follows last week's deaths of two young girls and a boy with very similar symptoms in Jakarta and Samarinda. Since last Monday, Indonesia has put itself on an ''extraordinary incident'' status.

Experts warn that a global cataclysmic pandemic is not a question of if but when. Like an earthquake, or like a hurricane, it can hit any time. When it does, it could take the lives of tens of millions of people.

People ask, Is that an overstatement? I don't believe it is. You only have to go back and look at the history. This August, I spent a great deal of time talking to experts around the country on the H5–N1 influenza virus. In Tennessee, over in Memphis, there is St. Jude's Children's Research Hospital. There is a group of researchers there who probably know more about this particular strain than anybody in the world, led by Dr. Robert Webster at the St. Jude's Children's Research Hospital. He is one of the leading experts of the H5–N1 strain.

He explained in very clear terms that there are 16 families of the avian influenza. Billions of mutations of the virus are occurring every day. It is constantly changing, constantly adapting. With each of these little mutations, the virus multiplies its odds of becoming transmissible from human to human. It is changing up, to be spread throughout the bird population to the human population. And with just one little, tiny change, it can be transmitted person to person to person. It is a little bit like pulling the lever on a Vegas slot machine over and over again. If you pull it enough times, the reels will align and hit the jackpot. In this case the jackpot is a deadly virus to which humans have no natural immunity.

It is very important right now. Nobody listening to me has a natural immunity to this particular virus. Infected hosts are contagious before they are symptomatic. In other words, anyone walking around who is infectious can spread the disease. They may not have any symptoms. The virus would thus have ample opportunity to spread rapidly throughout the population before it could be detected or appropriately contained—but not symptomatic. You don't know whether it can be contained or know to stay away from people.

To make matters worse, we lack our best defense. People say, If it does happen, surely in America or in the world today we have a vaccine, and we have a robust antiviral stockpile. If you think you are disposed, or if you are a physician or health personnel and go into a community to treat it, do we have enough of the antiviral pill which you can take that will protect you? The answer is no.

This particular antiviral pill is Tamifly. I will mention that shortly.

We don't have enough today for first responders, or doctors and nurses who would be taking care of you. The United States of America—the richest country in the world, and the most advanced country in the world—is unprepared in terms of the number of vaccines to treat, as well as the initial antiviral pill or therapy to treat. We do not have enough doses of the antiviral Tamifly. It is a drug which is effective today in the treatment of this particular strain. We have enough to treat about 2 million people—a little over that, 2.3 million people. We have 295 million people in this country and we can treat about 2 million people—and then that is it.

There is only one company located in the United States that produces the influenza vaccine—not the Tamifly, but the vaccine itself. In contrast, Britain, France, and Canada have tens of millions of doses on order—that is the Tamifly, the antiviral agent. We have 2 million. They have tens of millions in Britain, France and Canada.

Where does the Tamifly come from? It comes from Switzerland. That is where the manufacturing facility is located.

With our weakened domestic manufacturing capacity in this country for both something like Tamifly but especially vaccines—we do not have manufacturing plants to do it—it makes us dangerously dependent on other countries and foreign sources.

If there is an outbreak in that country and the manufacturing plant is there, it is very unlikely they will send doses to the United States of America.

The vaccine testing today indicates that an H5–N1 vaccine is safe and able to generate a robust immune response in healthy adults. That is good. That shows real progress. This data is preliminary, but it represents a very positive step that progress is being made. That is an important first step, however, and this is the key: It would take 6 to 9 months to produce 180 million of what are called monovalent vaccines. If this virus did have that transmission ability, it would be traveling and ravaging our population with no vaccine available. Two doses are required. We could make 180 million. That is enough to treat 90 million people in 9 months. It would take at least a full year to produce enough vaccine for the entire country. By that time, because this virus can be transmitted or could be transmitted so easily, the risk is that tens of thousands could die.

Some ask, why do I use such high figures? We do have a historical precedent. Look back to 1917 and 1918 and the Spanish flu. That pandemic killed not just tens of thousands but 40 million people worldwide. The Spanish flu virus killed 40 million people worldwide, the majority of whom were kids, children, and young adults between the ages of 10 and 35.

Vaccines were available for the 1957 and 1968 flu pandemics, but they arrived too late and 104,000 people died in the United States alone.

Dr. Hitoshi Ashitani at the World Health Organization warns this time around the avian flu virus may be impossible to contain. The geographic spread is historically unprecedented.

So people ask: Well, why are you giving us, Senator FRIST, all this bad news? What can and should be done? In my letter sent to Secretary Leavitt—and I had the opportunity to discuss it with him a little bit last night—I did ask him to finalize the agency's Pandemic Influenza Response and Preparedness Plan. We need a coordinated, comprehensive, aggressive plan which draws on public health and homeland security, foreign policy and defense expertise.

The plan should serve a dual purpose: First, to detect, identify, contain, and respond to threats abroad; and, No. 2, to bolster domestic preparedness and response capacity. I also urged the Secretary to purchase enough additional Tamifly to treat a large portion of the U.S. population.

These are critical first steps, but we have to do a lot more. We need to develop a bold vision of how to address this in future threats—whether they are biological weapons or infectious disease, whether they are natural, whether they are accidental, or whether they are deliberate.

That is why earlier this year I called for a Manhattan Project for the 21st Century to launch an unprecedented collaboration among the Federal Government and industry and academia. We must encourage and support advanced support and development into

prevention and treatment. We must enable the detection, the identification, and containment of any emerging or newly emerging threat. And we must ensure our domestic ability to manufacture, distribute, and administer the treatments needed to protect the American people. This should be a central focus of our national attention.

As I mentioned in opening, there is a lot going on in our response to natural disaster today. But we need to keep the focus, as well, on the potential for this pandemic. Failing to do so risks the public health and our national security.

In May 2004, the Senate passed Project BioShield and shortly thereafter President Bush signed it into law. Project Bioshield builds on the Bioterrorism Preparedness Act of 2002 and strengthens our Nation's defenses against the threat of anthrax, botulism, smallpox, Ebola, or plague, as well as a radiological fallout from a potential terrorist attack.

Building on the goals of Project BioShield, the leadership has introduced the Protecting America in the War on Terror Act of 2005 earlier this year. I applaud my colleague for the steps we have taken thus far, and I applaud them for their continued leadership. But we have much more to do. More work remains to be done. We are in a race against time, and unlike the flu pandemics of the 20th century, we have been warned.

I urge my colleagues to join me in this effort to protect the health, wellbeing, and security of the American people.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from the great State of Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COAL ENERGY

Mr. NELSON of Florida. Mr. President, I have stated that each day we are in session I am going to try to rise in the Senate to speak about the dependent condition we find ourselves in on foreign oil. Some 58 to 60 percent of our daily consumption of oil comes from foreign shores. This is not a good position for the United States. No matter how much we sounded the alarm bells over the past several years, it is hard to shake the powers that be out of our collective lethargy, to break this stranglehold that oil has running through our economy. And it has led us to our dependence on oil for well over a majority of our daily consumption.

That is not a good position to be in for the defense of our country's interests where we have to protect the free flow of oil to all of the very oil-thirsty world. A lot of those sealanes coming out of the Persian Gulf region look to the United States for the military protection to keep those lanes open so oil can flow.

Clearly, we ought to, after the reminder of Hurricanes Katrina and Rita, be on the journey quickly to weaning ourselves from the dependence on this oil. That means the collective will of this Nation to come together in a major project, like a Manhattan Project or an Apollo Project. In other words, the moonshot of this decade ought to be weaning ourselves from dependence on foreign oil, as going to the Moon as a result of the Apollo Project was to the decade of the 1960s.

Each day I am going to try to chronicle a new technology so that we can do that. Today I will talk about coal gasification, specifically coal-based integrated gasification. It is otherwise called combined cycle technology.

Our Nation has an abundance of coal. The United States has the largest proven coal reserves of any Nation in the world. At the current production levels, U.S. coal reserves should last over the next 250 years. That is the good news; the bad news is coal's high carbon content relative to other fossil fuels so that in the burning of it, it releases significant quantities of carbon.

Right now, coal combustion, the burning of coal, accounts for more than one-third of the world's carbon emissions. Those emissions in the air is what we do not want.

I will never forget being in Beijing, China, in the year 1981 in the dead of winter, January of that year. The city of Beijing was shrouded in black smog that was a result of the coal dust settling over that city because the primary source of heat was the burning of coal, with no attention to the emissions that allowed all of those particulates to go into the air. The last time I visited Beijing, about 2 years ago, after the dead of winter, I must say they have cleaned up their environment quite a bit, but they still have a ways to go.

We know the negatives with regard to burning coal. Now let's look on the positives; that is, coal gasification or coal-based integrated gasification combined cycle technology has much lower pollutant emissions, and it holds great promise. Only two such plants exist in the United States today. One of them is in my State of Florida. It is run by Tampa Electric Company. I commend TECO for being one of the leaders in this country. My State of Florida is going to have another IGCC plant—that is coal gasification—by 2011, through the Orlando commission and the Southern Company. I thank those two companies for being leaders.

This is the technology: First, the coal is gasified using a chemical process rather than just the burning of coal to generate a synthetic gas—or what we call a syngas, synthetic fuels—that is mostly composed of hydrogen and carbon monoxide. Then that synthetic gas is used to fuel a combustion engine, a turbine, and the exhaust heat is employed to produce steam for power generation and for gasification. The process has the potential to be both cleaner and more efficient than just the burning of coal in a steam boiler which is done to make electricity, and it generates considerable waste heat in the traditional burning of coal that then leads to the release of a myriad of undesirable emissions.

In contrast, coal gasification isolates and collects nearly all of the impurities, including mercury and a large portion of the carbon, before the combustion. So those things are not going to be emitted into the atmosphere. The coal is gasified with either oxygen or air, and the resulting synthetic gas or syngas is cooled, cleaned, and fired in a gas turbine, and the hot exhaust from the gas turbine passes through a heat recovery steam generator where it produces steam that drives a steam turbine.

Theoretically, the steam gasification process can be applied to any low-quality carbonaceous feedstock. The progress in developing this technology also raises interesting possibilities with respect to the future of biomass—either alone or in combination with coal—for electricity production. This has a lot of promise.

This whole process, called IGCC, could also be utilized for something called polygeneration. That is co-producing other high-valued products in addition to electricity using gasification.

Gasification could be used to produce ultraclean synthetic fuels from coal, and biomass. Carbon dioxide capture and storage would have to be developed to address the climate change issues coal-based synthetic fuels pose.

But the long and short of it is, these synthetic fuels are inherently superior to crude-oil-driven hydrocarbon fuels. This would help us in the transition to more energy-efficient technologies, such as compression-ignition-engine hybrid electric vehicles.

We could exploit our country's huge coal reserves in an environmentally responsible way. The economic and reliability challenges certainly still exist before these kinds of plants become more readily abundant. And the CO_2 carbon capture and storage must be perfected.

Those are all challenges we must meet. But it is a promising technology that would provide the United States with an alternative to electricity produced from natural gas and a way to set us on a course to wean ourselves from dependence on foreign oil.

Mr. President, I will continue to speak out on all of the alternatives in which we can try to sever our dependence on foreign oil.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to speak on the nomination of John Roberts to be Chief Justice of the United States. I speak about this at an exciting time for this country. This will be the 17th person to occupy this position. It is a rarity for this position to become available. I love this Nation.

I love the institutions of this Nation. More, I love the people of this Nation.

I know, as well, that John Roberts does too. I know from the time I have spent talking with him and hearing his comments, that he too loves this Nation. He loves the people of this Nation and he looks forward to its greater greatness into the future. I am looking forward to his service.

When the Frenchman, Alexis de Tocqueville, whom many of us quote often, visited the United States in the 1830s, he wondered how Americans could maintain a genuine representative government when the liberty they enjoyed would suggest that the average citizen would be a purely self-interested individual. If we were to give them pure liberty, they would, he believed, just pursue self-interests. So how could you have a government that would govern when everybody is focused on their self-interest?

He was amazed to find what kept Americans joined together and with their government was what he called ''habits of the heart.'' By this, he meant that citizens often were concerned about the greater public good, along with their own narrow self-interests. So, while they had their own self-interests, their hearts pulled them to a greater public good and these ''habits of the heart.'' That led to their participation in political discourse, to be involved in their communities, and take care of their fellow citizens.

Throughout our history, our ''habits of the heart'' have informed and driven America's conscience. The people knew the colonial system stifled freedom, so they rejected the British monarchy and ultimately ratified the U.S. Constitution. The people knew in their hearts that slavery was wrong, and that terrible institution was rightly brought to an end. It was difficult, and it was at a terrible cost. And the people knew that the legal promise of equal protection was empty without racial justice.

Throughout the consideration of Judge Roberts' nomination, many of my colleagues have spoken about a particular issue that I want to discuss, and its impact and relationship to that habit of the heart. This particular issue, which is at the center of the debate for Judge Roberts, is the right to privacy. They also have demanded that Judge Roberts adhere in a few cherished cases to stare decisis, that is, the practice of letting a precedent stand for the sake of stability in the law, regardless of whether the precedent reflects the correct interpretation of the law.

What is striking about this discussion is that it has not been illuminated by what Tocqueville saw in us long ago—those ''habits of the heart'' that make Americans aware of the greater good and of the justice due their fellows citizens.

To explain what I mean, consider Judge Roberts' confirmation hearing. During the hearing, Judiciary Committee members spent a lot of time discussing section 2 of the Voting Rights Act. It was often mentioned that it was critical for Congress to enact a so-called effects test in order to eradicate discrimination in voting practices. Under this test, a neutrally worded law was to be struck down if it diluted the political preferences of minority voters, even if that effect was intentional. If there was an effect where it had a negative impact on voting for minority groups, it was to be thrown out, it was to be declared unconstitutional, it was a bad effect.

It seems to me there is a broader lesson to be learned by discussion of an effects test. And I agree with that effects test in the Voting Rights Act; it is absolutely right. It seems to me there is a broader lesson to be learned about the effects test.

During the debate on Judge Roberts, some have argued about whether he will vote to affirm or reject abstract legal principles, without really considering what the real effects of these principles have been. And when it comes to the right to privacy and stare decisis, the discussion of effects has been obscured, if not ignored altogether.

The standard argument we have heard is that cases such as Roe v. Wade and Planned Parenthood v. Casey have established the right to privacy, and that such cases should be maintained for the sake of ''stability'' and ''settled expectations.'' Yet both our heads and our hearts tell us that these decisions deserve much more searching scrutiny. This is in part because we rightly resist insulated courts short-circuiting political debates. But it is also because we rightly believe that these decisions and doctrines have all-too-real effects.

And so it is with the right to privacy. Some of my colleagues have argued that this right, which has been interpreted to guarantee a right to abortion, has been beneficial to women. They argue the right to abortion has ''freed'' them to pursue such goals as full participation in the workforce. But there are certain other effects of this right which should be identified, if we are to have an honest appraisal of what this right has accomplished, and what it has wrought.

I have pointed out repeatedly that in the wake of Roe, 40 million children have been aborted in America—40 million souls who could have brightened our existence and made their contribution to the habits of the American heart. But even this general result of abortion's cold reality masks the specific costs of the Supreme Court's constitutional misadventure in Roe. For it has become clear in recent years that it is the so-called least among us, the disabled, who have paid a disproportionate price as a result of the right established in Roe and other cases.

Let me give you some examples. According to recent numbers released in November of 2004 by the American College of Obstetricians and Gynecologists, over 80 percent of pregnancies involving a child with Down Syndrome were terminated ''by choice'' in the 1980s and 1990s—80 percent. Again, that is ''by choice.'' According to the Centers for Disease Control and Prevention, out of over 55,000 pregnant women screened, 83 percent of unborn children are terminated after testing positive for cystic fibrosis. Finally, the CDC noted that for spina bifida and similar neural tube defects, at least 80 percent of pregnancies ''were electively terminated.''

These particular numbers are astonishing, and not just because they represent the wholesale destruction of generations of unborn disabled children. What makes them painfully ironic is that this trend persists even in a society that has extended significant protections to the disabled once they are born.

A prime example, of course, is the Americans with Disabilities Act of 1990, which was an historic achievement. I applaud my colleagues, Senators KENNEDY and HARKIN, and my predecessor, Senator Bob Dole, for their important role in passing this milestone legislation.

Deeming the protection of the disabled a ''human rights issue,'' the first President Bush called the ADA ''the world's first comprehensive declaration of equality for people with disabilities.'' His successor, President Clinton, stated on the ninth anniversary of the passage of the ADA that ''For too long, we have encumbered disabled Americans with paternalistic policies that prevent them from reaching their potential. But now, we endeavor to empower individuals with the tools they need to achieve their dreams.'' I would note that to dream, they have to be alive.

In enacting the ADA, the Congress explicitly made the following finding, upon which one of the protections of the ADA was based:

> People with disabilities, as a group, occupy an inferior status in our society, and are severely disadvantaged socially, vocationally, economically, and educationally.

In worthy fulfillment of the promise of the Declaration of Independence that ''all Men are created equal,'' the Congress issued in the ADA a ''clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.'' There were not qualifiers for it. They did not say at certain places or points of time in life. They said this is a ''clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities,'' period.

To enforce this mandate, Congress explicitly ''invoke[d] the sweep of congressional authority, including the power to enforce the Fourteenth Amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities.''

The ADA establishes extensive protections for persons with disabilities. It

protects them when they seek employment; it protects them when they attempt to use government services; it protects them when they wish to use public transportation; it protects them even when they want to book a hotel room or seek access to a restaurant; it even protects the hearing-impaired and speech-impaired who want to share in the benefits of the revolution in telecommunications.

Similarly, 30 years ago, Congress passed the Individuals with Disabilities Education Act, IDEA. In the act, Congress found, among other things, that ''[d]isability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society.''

These are worthy and grand statements of inclusion and support to people with disabilities.

The ADA and the IDEA demonstrate that the disabled need and deserve the protection of the law in order to fulfill their potential.

Yet ironically, it is when the disabled are most vulnerable—indeed, completely voiceless—that our society leaves them completely unprotected. The laws offer no shelter to them before they are born. In this dangerous legal vacuum has stepped the Supreme Court. In 1973, just 2 years before enactment of the IDEA, the Court invented a right to abortion—a right which has proven lethal to legions of disabled Americans. And in a cruel jurisprudential twist, it was none other than the 14th Amendment, which Congress invoked in enacting the ADA, upon which the Supreme Court based the right to abortion.

What does it say about our society that we refuse to acknowledge the damaging effects of Roe on the disabled? Where does the path lead when we ignore the habits of our hearts, which demand that we extend our compassion to these Americans? What have we become when we have jettisoned the unalienable right to life Thomas Jefferson found self-evident in favor of the moral and legal quicksand of Roe?

The sad experiences of other countries suggest a few unsettling answers to these questions. For example, China recently criminalized abortion for the purpose of sex selection. The reason for this is revealed by figures—an effects test, if you will—showing that 119 boys are born in China for every 100 girls—119 boys for every 100 girls. This gender gap can be attributed to the combination of the Communist government's one-child policy with a culture that often values sons more than daughters. So millions of parents have aborted baby girls hoping to have a boy next time. If current trends continue, some experts say that China could have as many as 40 million men who can't find spouses by the year 2020.

India faces a similar problem. Sex determination has been a serious problem there since the 1970s, when amniocentesis began to be widely used to determine the sex of the unborn child. A 1985 survey revealed that 90 percent of amniocentesis centers were involved in sex determination, with nearly 96 percent of female fetuses aborted. In response, India outlawed fetal sex determination for sex selection 8 years ago, but prenatal sex determination through ultrasonography continues.

Indeed, the situation has become so dire that the Indian Medical Association has appealed to the conscience of that country—the habit of the heart of that nation—and the world to save baby girls from abortion. The association says that up to 2 million baby girls still are killed by abortion every year. A former President of the Indian Medical Association told the BBC that the situation has led to a demographic imbalance of up to 50 million fewer women in the country than would be expected.

This selective destruction of the unborn in other countries has a grim predecessor in American history: the eugenics movement. As Edwin Black has noted in a book called ''War on the Weak'':

> [T]he eugenics movement slowly constructed a national bureaucratic and juridical infrastructure to cleanse America of its ''unfit.'' Specious intelligence tests, colloquially known as IQ tests, were invented to justify incarceration of a group labeled ''feebleminded.'' Often the so-called feebleminded were just shy, too good-natured to be taken seriously, or simply spoke the wrong language or were the wrong color. Mandatory sterilization laws were enacted in some twenty-seven states to prevent targeted individuals from reproducing more of their kind. Marriage prohibition laws proliferated throughout the country to stop race mixing. Collusive litigation was taken to the U.S. Supreme Court, which sanctified eugenics and its tactics. The goal was to immediately sterilize fourteen million people in the United States and millions more worldwide—the ''lower tenth''—and then continuously eradicate the remaining lowest tenth until only a pure Nordic super race remained. Ultimately, some 60,000 Americans were coercively sterilized and the total is probably much higher.

The source of the word ''eugenics'' is very interesting. The very word was coined by Francis Galton, the nephew of Charles Darwin. Galton believed that ''what nature does blindly, slowly, and ruthlessly, man may do providently, quickly, and kindly.'' In 1883, Galton created a new term for this manmade ordering of life. As Black describes it, Galton ''scrawled Greek letters on a hand-sized scrap of paper, and next to them put two English fragments he would join into one. The Greek word for 'well' was abutted to the Greek word for 'born' . . . and the word he wrote on that small piece of paper was 'eugenics'.'' Well born.

Among the strongest proponents of eugenics was Margaret Sanger. Sanger advocated for the mass sterilization of so-called ''defectives'' and the wholesale incarceration of the so-called ''unfit.'' She particularly supported the sterilization plan of those people she deemed unfit; she believed this plan would lead to the ''salvation of American civilization.'' She also argued for sterilization of those who were ''irresponsible and reckless,'' including those ''whose religious scruples prevent their exercising control over their numbers.'' For these people, she contended that ''there is no doubt in the minds of all thinking people that the procreation of this group should be stopped.'' She repeatedly referred to the lower classes as human waste not worthy of assistance, proudly promoting the views that these ''weeds'' should be ''exterminated.''

Sanger went on to found a group that came to be known as Planned Parenthood, the very same organization which successfully prevailed upon the Supreme Court to reaffirm Roe v. Wade in the 1992 case of Planned Parenthood v. Casey. Sanger's legacy still resonates today.

Dr. John Harris of Manchester University in England has offered a slightly milder formulation than that of Sanger. He has stated that:

> Eugenics is the attempt to create fine healthy children, and that's everyone's ambition. . . . We're not trying to do this through killing people or eliminating individuals, we're trying to do this by making choices about which people will exist in the future.

Given the experience of other countries with abortion; given our own experience with abortion of the disabled; and given the natural repugnance most people have with the eugenics movement, I would suggest to my colleagues that Roe and other related cases simply flunk the ''effects test'' we have long applied in the context of voting and other rights. These cases have carved millions of voices out of our civic core and cannot withstand moral scrutiny, much less an honest legal examination.

The right to privacy as it has been extended has not only weakened our legal culture; it has made us poorer as a people. It is impossible not to recognize the significant contributions made by those with disabilities who do survive; they help to bring out the humanity in each of us, and we are better for it. Every time I see one of these beautiful children, I am reminded of what joy they bring, and what joy their counterparts might have brought.

How can we, as a nation, stand for the principle of equality, that we are all blessed to be alive, that we are all capable of great success regardless of disability, and that we are a compassionate society, when our laws blithely allow the elective termination of more than 80 percent of a vulnerable population. It is incomprehensible.

Numerous men, women, and children with disabilities have overcome adversity and achieved great successes in their lives. I would like to take a few minutes to share a few of their stories.

Here is a picture of Abby Loy. I met her last week when she visited my office. She is a beautiful young girl and

she has Down Syndrome. She does modeling and was recently featured in a book called ''Common Threads,'' which illustrates the numerous accomplishments achieved by people with Down Syndrome. Abby and her mother came to Capitol Hill from Michigan last week to promote awareness of disability issues and to illustrate Abby's wonderful life journey.

Look at this beautiful child. This note is from her parents:

When Abby was born, physicians and social workers informed our family of all of her potential limitations, developmentally and physically. When we asked what Abby's education path might look like, we were told that she would attend special classrooms. Abby has been successfully educated with support in all regular education classes and continues to grow. We felt Abby would prove herself to be much more capable than others believed . . . It continues today.

Again, that note is from her parents.

It is a tough choice when a mother or a spouse gets a diagnosis in utero that a child has Down Syndrome; it is agonizing. I know from my own thoughts when we were having our children. Yet I ask people to look at the beauty of the child and embrace her. If they can't, there are other groups and individuals that will. It is a tough choice, but it is a child, a beautiful child, a child that can accomplish much.

I want to show another example. This one is Samuel. I have had Samuel in to testify before a subcommittee I chaired last year. I am rather partial to the name Samuel myself. In this picture he is catching fish. It doesn't look like a very big fish and the fish doesn't look too happy, but Samuel is sure happy. He has spina bifida, which most medical professionals call a devastating birth defect. These are his parents' words:

Though we were devastated by learning that our unborn son had spina bifida, we wanted to do all we could to improve the quality of his life. Ending it was never an option. Let's see what we can do to improve it. At 21 weeks gestation, Samuel had fetal repair of his spina bifida lesion. Today he is a 5-year old kindergartner. He is imaginative, funny, and compassionate. He can read, swim, and catch even the fastest lizard. He has touched many lives. We are so thankful for him and are eager to see what great things he will accomplish.

Normally, about 80 percent of children diagnosed with spina bifida are terminated and killed in utero.

I have a final example. This is a lady who looks at her Down Syndrome as an ''up syndrome'' and has started ''Up with Down Syndrome''. She has served on President Clinton's Committee on Mental Retardation. She served three terms from 1994 to 2000, one of the first two members with a disability to be appointed to this committee. Her name is Ann M. Forts. She goes around the country and talks with individuals about what she can do. The second paragraph of a letter she sent to me is particularly striking:

As I think about my active and happy life on the upside of my Down Syndrome dis''ability'', I find it extremely frightening to think of how vastly different my life would have been if my parents had taken that ill-conceived professional advice when I was born.

In other words, to put her in some form of an institution rather than bringing her home.

These are inspirations to all of us. And if you need further inspiration, just go talk to Jimmy, the elevator operator right outside the door of the Senate Chamber, who brightens all of our lives.

They will not be defeated by their disabilities, and we celebrate them for that. But think about the many more like them, think about the more than 80 percent of the beautiful capable children, similar to Abby, Ann, Jimmy, and Samuel, who are never given a chance because their lives are terminated before they are born.

We should not use bland phrases such as ''right to privacy'' or ''stare decisis'' to disguise the issue at stake with Judge Roberts' nomination to be Chief Justice of the United States. We must be truthful with the American people, as well as ourselves, and admit that this confirmation is, at its root, about the most fundamental and basic right of all: the right to life.

As Americans, it is our duty to protect and defend the weakest among us. The duty is not only mandated by our laws but nurtured by our conscience and our habits of the heart.

With the recent enactment of the bipartisan partial-birth abortion ban and bills like the Pre-Natally Diagnosed Awareness Act, which I sponsored with Senator KENNEDY, we have begun heading in the right direction. However there is still significant work to be done.

There is still a glaring inconsistency between the life that we deem to be worthy of protection under the Constitution, and the life which we do not. The value placed on certain persons and stages of life seems to be arbitrarily assigned. The Constitution clearly states in the 5th and 14th Amendments that ''no person'' shall be deprived of ''life, liberty, or property without due process of law.''

''No person.'' What does that mean? Does it extend to an unborn child? Is an unborn child a person or merely a piece of property? A person is entitled to inalienable rights established under the Constitution and laws of the United States. Property can be done with as its master chooses. I posed this question to Judge Roberts during his confirmation hearing. Because this issue may come before the Court at some point in the near future, he declined to answer directly. But the persistence of this issue simply underlines the importance of each Supreme Court vacancy.

I will support the nomination of John Roberts to be Chief Justice of the United States. I will do so based in part on his stellar credentials for the position, but also on my hope and my prayer that he understands what is at stake when the Supreme Court interprets the people's Constitution—not a sterile debate over arcane legal principles and Latin doctrines but the very habits of our hearts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I pay tribute to my colleague and friend, Senator BROWNBACK, for his eloquent speech on behalf of those who are disadvantaged and deserve protection from the law. He made an outstanding speech.

I rise to express my support of Judge John Roberts in regard to his nomination as Chief Justice of the U.S. Supreme Court. I know what the committee has done, and I know what the majority of Senators will likely do, and that is to vote in favor of Judge Roberts. But I also believe that an open-minded individual, applying Kansas common sense, would reach the same conclusion that I have come to hold.

It is no small event for a Senator to have the opportunity to participate in the confirmation of a candidate for the position of Chief Justice of the Supreme Court. Over the course of our Nation's history, the Senate has come together 155 times to vote on a Supreme Court Justice. This occasion marks the 17th time to confirm a Chief Justice. So I am humbled and honored to be part of this moment of history.

The consultation efforts on behalf of the administration with my fellow Senate colleagues in regard to this nomination have been extensive. That is probably an understatement. The President has made great efforts to open dialog and to invite input and to reach out to Members of the Senate. His nomination of Judge John Roberts is a solid choice and not one made in isolation.

Kansans understand that the words inscribed on our Founding Fathers' documents are not as delicate and fragile as the paper on which they are written. They know that the power behind these ideas is what serves as the foundation of our Nation's democratic government.

My sense from Judge Roberts is that he, too, rigorously believes in the power of the ideals set forth in the Constitution. As illustrated by his record as a judge on the U.S. Court of Appeals for the DC Circuit, he adheres to the guidelines outlined in the Constitution. Simply put, he walks the talk.

After watching Judge Roberts endure—I guess that is the best word for it—over 20 hours of questioning during the nomination hearings, I find myself not only more familiar with his many qualifications, his impressive experiences, but deeply impressed with his character. Judge Roberts' respectful demeanor and his personal humility in the face of periodic abrasive questioning from some are exactly the type of qualities that a Chief Justice should

possess. During the question-and-answer portion of the nomination hearing, testimonies of his colleagues, former clients, and others who attested to his character, Judge Roberts has shown to be a man of high integrity, wisdom, and fairness. This assessment was echoed from those representing a broad range of ideologies.

Judge Roberts does possess a brilliant legal mind and a thorough understanding of the law. He performs his duties with a vigor and a meticulous attention to detail that has been noted by all who have spoken about him. As a judge, he approaches a case to understand the legal facts involved and the laws that are affected, while avoiding the temptation to fulfill a specific judicial philosophy. His decisions are based on the merits of the law. His record has earned him the highest rating from the American Bar Association, the ABA. It is worth mentioning that the ABA has often been referred to by my colleagues on the other side of the aisle and those on this side as well as the ''gold standard'' for evaluating judges.

Most notably, in his opening statement before the Senate committee, Judge Roberts stated:

> Judges and Justices are servants of the law, not the other way around.

And concerning the rule of law, he went on to say:

> It is what we mean when we say that we are a government of laws and not of men. It is that rule of law that protects the rights and the liberties of all Americans. It is the envy of the world. Because without the rule of law, any rights are really meaningless.

Clearly, Judge Roberts understands that the role of a judge is not to rule based on his personal judgments but to adhere to the laws as they are written.

The role of the third branch under our Constitution is paramount, as the Supreme Court is often referred to as the ''gatekeeper of democracy.'' The duty to ensure that legislation passed and executed is in line with the Constitution is an important check within our Government. The lifetime appointment provided for in the Constitution is an important protection for our Justices to guard against any pressure in regard to politics. The forward thinking by the authors of our Constitution actually provided for the preservation of our democracy by including these checks and balances between these three branches.

Some have expressed concern about Judge Roberts' relatively young age to be nominated to such a powerful position. On the contrary, I believe that age will allow for a term of growth and stability for the Court. In my view, his age is of less importance when compared to his style of judging. In his response to my colleague, Senator HATCH, he explains that his style is that of a modest judge. He went on to explain that:

> It means an appreciation that the role of the judge is limited, that a judge is to decide the cases before them, they're not to legislate, they're not to execute the laws.

However, at the same time, we have witnessed judges acting beyond the scope of their duties in making decisions that in a representative democracy are legislative in their jurisdiction. We have seen that all across the country. This what I consider to be abuse of power is a source of tremendous contention, not only with folks from the great State of Kansas but with Americans nationwide on too many issues. In too many cases, we have seen decisions that are contrary to the will of the people. Americans have questioned the rulings on cases ranging from the Boy Scouts of America to the most publicized recent attack on private property rights. In Kansas, land is gold. And if land is gold, farmland is platinum. We have a healthy respect for property rights in middle America. Based on his comments, I believe Judge Roberts holds a similar opinion.

Finally, let us not forget that Judge Roberts is currently a judge. He has already experienced the confirmation process for his judgeship on the U.S. Court of Appeals for the DC Circuit. Let us also remember that the same accolades that led to Senate approval of his nomination by unanimous consent—no disagreement, every Senator—are certainly applicable as of today.

I am hopeful that through the course of debate on this nomination and the next Supreme Court nomination—the next Supreme Court nomination—we can avoid the destructive partisanship that approached the brink of absolutism and ideology, a different criteria in regard to how we select judges. We have a duty to respectfully reflect the great traditions of this Chamber and rise above partisan bickering. We must raise the level of civility in our political discourse more so than ever in regard to considering the nomination of judges.

Our democracy is only as strong as our governmental institutions. Judge Roberts will provide a strong pillar of support in the third branch of our Government. That, and for the reasons I have just enumerated, is why I will vote in favor of Judge Roberts' nomination to be the 17th Chief Justice of the United States.

I yield back the remainder of my time. I thank the Chair.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from South Carolina.

Mr. DEMINT. Mr. President, I rise today in support of the nomination of Judge John Roberts for Chief Justice of the Supreme Court of the United States. Just 1 year ago, I was in the middle of a heated Senate campaign, and one of the most important issues to the voters of South Carolina, an issue that came up again and again, was the topic of judges. At that time, I promised the people of South Carolina that I would fight for fair judges who would judge based on the facts and the law, not on their personal political opinions.

Americans simply cannot understand how certain judges arrive at decisions such as banning the Pledge of Allegiance or allowing local governments to take a person's home and give it to a business simply to generate more taxes.

Judge Roberts clearly understands and demonstrated in his hearings that he is the kind of Justice America needs. He is brilliant, fair, and independent. He has proven himself to be a person of integrity who is committed to equal justice for all Americans.

Judge Roberts is eminently qualified. He has earned the American Bar Association's highest rating of ''well qualified.'' Before being unanimously confirmed by the Senate in 2003 to the DC Court of Appeals, Judge Roberts had already established an unmatched resume in the legal world. After graduating in the top of his class from Harvard Law School, he went on to clerk for Justice William Rehnquist and then worked as a top aide in President Reagan's Justice Department. In private and public practice, he argued an amazing 39 cases before the Supreme Court, establishing his reputation as one of the Nation's top litigators.

During his hearing, Judge Roberts displayed his humble expertise, and I believe Americans warmly welcome his approach to the law. Despite what some Democrats are saying, Judge Roberts was very forthcoming at his hearing in discussing his judicial philosophy, his legal thinking, and his views on a judge's proper role within our constitutional framework.

The Senate was also allowed to review an unprecedented number of documents from Judge Roberts' service in the Federal Government illustrating his judicial philosophy and legal ability. In question after question, Judge Roberts showed an extraordinary knowledge of the law and its history. Without the use of notes or staff, Judge Roberts easily recalled facts from hundreds of years of case law.

I was pleased to see during the hearings that Judge Roberts stuck strictly to the Ginsburg rule, choosing not to comment on cases or issues that are likely to appear before the Court. In her hearings, Justice Ginsburg emphatically declared that she could give ''no hints, no forecasts, no previews'' as to how she would decide on future cases. She was right to do so. Judges are expected to be impartial and fair, looking at each case without prejudice. Senators who expected Judge Roberts to answer questions that required him to prejudge cases were ignoring the Code of Judicial Ethics and, I suspect, playing politics with the confirmation process for partisan reasons.

Nominees should never compromise their judicial independence and ability to rule fairly by advocating positions on issues that could come before them. Judges are not politicians. In fact, Judge Roberts himself put it best during the hearings when he said:

> Judges wear black robes because it doesn't matter who they are as individuals. That's

not going to shape their decision. It's their understanding of the law that will shape their decision.

Judge Roberts has earned praise for his conduct during the confirmation hearings, and he has solidified broad, bipartisan support.

I believe Judge Roberts deserves a fair up-or-down vote before the Supreme Court starts its next session in October. It is important to have a Chief Justice on the bench for the start of the session and to have the Court at full strength.

Based on my July meeting with Judge Roberts, based on his qualifications and his exemplary performance before the Judiciary Committee, I am confident he will strictly interpret the law and not legislate from the bench.

Judge Roberts has all the qualities Americans want in their Chief Justice. It is critical that the Chief Justice have the ability to listen to all sides of a debate and work well with each Associate Justice. Judge Roberts has clearly displayed his patience, fairness, and respect.

The votes tomorrow for Judge Roberts will show that an overwhelming majority of Senators agree. The votes tomorrow against Judge Roberts will reveal the Senators who would not support any of President Bush's nominees, no matter how qualified they are.

I fully support the nomination of Judge Roberts. I will cast my vote in his favor for confirmation, and I urge all of my colleagues to support Judge Roberts as the next Chief Justice of the Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I rise today, like my colleague who spoke just before me, to support the nomination of John Roberts to be the Chief Justice of the U.S. Supreme Court. To those who know me, to those who have heard me talk on this subject, this is no great surprise. But voting on a Supreme Court nomination is a very rare task. It is more historic now, as the Senate will consider a nominee for the top job of the Court.

The question I ask today is, Why should America care about this debate? This debate is more significant than a lifetime appointment of Chief Justice of the Supreme Court.

This debate is more significant than the influence that one single individual brings who is chosen. This debate is about future decisions that will affect the lives of every American, that will affect our children and our children's children. From our civil liberties, to property rights, to questions of life and death, to safety in communities, to the very basic freedoms, there is no area in our daily lives that is not somehow affected by the judicial decisions of the U.S. Supreme Court. The decisions made by the Court today will have a lasting effect long after we have gone from this institution. It is essential, absolutely essential, that we confirm not only competent, impartial judges, but those who are the very brightest and those who are good citizens and understand the task for which they have been nominated and confirmed.

Over the course of the last several weeks we have all had the opportunity to hear from legal experts, from political analysts, about Judge Roberts and the chances of the success of his nomination and his confirmation. We have had a process of very detailed hearings where our colleagues, many of whom are lawyers, have asked the most appropriate questions, with a lot of thought, a lot of time to deliver the questions, and we have seen the response of a brilliant lawyer, with no notes, quote case law from years past that appropriately answered the questions that did not affect future cases the Court might hear.

Now, I am not a lawyer and perhaps I do not judge Judge Roberts' legal background the same way lawyers might judge it, but I do understand people. I understand when I meet somebody who is a good person. I have met Judge Roberts. This is a good person. This is an individual in whom America can be proud when they refer to him as Chief Justice.

A couple weeks ago I had the opportunity to have Judge Roberts in my office. We talked about his background, his life experiences, we talked about our families. I did not quiz him about legal precedent or court rulings. I did not present him with hypothetical cases or his position on hot topics of the day. That, quite frankly, was not the ground I was focused to go on. Personally, as a husband and a father, I wanted to know where Judge Roberts truly stood and if he understood the job he has been asked to do. I wanted to know if he understood the responsibilities not just as a lawyer, not just as a Justice, but as a husband and as a father, and the implications of the decisions he would rule on and how they would affect not just his family but in a real way the people of North Carolina.

As Senators, we are all responsible for constituencies. I am responsible for more than 8½ million individuals in North Carolina, and I wanted to know, quite frankly, if Judge Roberts intends to preserve our Nation's constitutional principles by interpreting law, not by making law. I am proud today to tell you, based upon the answers he gave to me in his testimony in front of the Judiciary Committee, I am confident he will do just that—interpret the law, not write the law. Judge Roberts, as every person has heard, has the academic and the professional credentials to serve not only as a Supreme Court Justice but as Chief Justice.

There is something that concerns me today. It concerns me, and it should concern the American people: This vote will not be unanimous. This vote will be far from unanimous based upon the reports from Senators. Why? Politics. I am not sure it has ever permeated the process to the degree it has in this. As we stand here today, with one of the brightest nominees, ready to confirm, some in this institution are already suggesting the next nominee has no chance. There is not a person who has been nominated. There is a group of names that has been talked about. I might remind Senators that Judge Roberts was never talked about in the group that was purported to come up in the President's first nomination. Yet some suggest we are going to move the bar even farther for the next nominee who comes through.

The divisiveness has to stop in this institution. We choose the best and the brightest to serve this country. If we consistently move that bar, if we consistently dig to find things that no other Congress has looked for, if we are not careful, no one will want that job. If we are not careful, the best and the brightest legal minds in this country who would serve on the bench and serve with distinction, regardless of the party they are from, when they get that call, will say, Mr. President, I want to pass. I can't put my family through it. I can't put myself through it. The risk of doing it is too great to everything around me, to make a commitment to serve my country.

I ask all of us, what message are we sending to our children when the best and the brightest pass, when they elect not to go through the process we in this body have control of?

This is a defining time for the Senate. This will determine who is willing in the future to actually serve their country and to serve in one of the single most important areas, the U.S. Supreme Court.

I am confident Judge Roberts holds the academic credentials, he holds the professional credentials but, more importantly, I am confident today that Judge Roberts is a good man. He deserves the support of every Member of the Senate to become the Chief Justice of the U.S. Supreme Court.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina yields. The Senator from Oregon.

Mr. SMITH. Mr. President, I thank you for the time. It is for me a privilege to speak on behalf of Judge Roberts, but especially because while I have voted on hundreds of nominations for President Clinton and now at the present time President Bush, this is the first time I will cast a vote, an affirmative vote, for a member of the U.S. Supreme Court, and, perhaps, if Judge Roberts lives long enough, the only time I will cast one on behalf of the Chief Justice of the U.S. Supreme Court.

It is for that reason that I asked Judge Roberts to come see me. I enjoyed a delightful visit with him prior to announcing my affirmative decision to vote for him without qualification, without reservation, or any reluctance. He is, in short, a brilliant nominee and I believe he will be a brilliant judge

who will make us proud for years and years to come.

When I ran for the Senate, I ran as someone with a hat in the political arena. It is an experience where you state your position, you ask for votes. That is a fundamentally different exercise than being a judge. A judge is not someone who comes as a candidate asking for a vote, posturing in any fashion, and playing politics. The nature of the judicial branch, even the executive branch, is fundamentally different from the judicial branch. Ours is to make law. The president is to execute the law. The judge is to interpret that law.

When I was running for an election certificate, I was asked repeatedly about how I would judge nominees to the Court. The underlying question was always, what is your litmus test? Do you have a single issue litmus test? I promised Oregonians that I would have no litmus test and would vote for qualified Democrats and Republicans from the administration that put them forward because I truly believe we have to remember the characteristic distinctions between the roles of these different branches of Government. What I did tell them is that I would judge them by their intelligence, their integrity, and their temperament. By that standard, I am not sure we will ever have the privilege of voting for a nominee who is more intelligent than Judge John Roberts. His academic credentials are without equal. He is clearly qualified by his schooling and by his service in the legal community. His integrity is beyond reproach as well. He has conducted himself honorably. There has been no hint of any kind of scandal that would disqualify him from holding high public office. I like especially the fact that he and his wife late in life decided to adopt two beautiful children. Every parent in America, I think, squirmed when they watched the concerns the Robertses had when President Bush announced his nomination—the little boy Jack was fidgeting on a public occasion, and all chuckled and recognized the humanity of Judge and Mrs. Roberts, and also related to that experience.

When it comes to temperament, I think there are many qualifications Judge Roberts has that are evident in his entire life. He is overwhelmingly qualified. He has promised fidelity to the law. He has said:

> My obligation is to the Constitution, that's the oath.

The quality in his temperament, I think, that was particularly meaningful was the humility he demonstrated in the give and take with our colleagues on the Judiciary Committee. The Judiciary Committee is composed of many very bright men and women, and the back and forth was thrilling to watch for someone who loves constitutional law. He went into a heavyweight ring and he came out the champ. I was impressed and expressed that to him.

The quality of humility is one that I think bears mentioning. Judge Roberts said, in fact, to that committee:

> A certain humility should characterize the judicial role. Judges and justices are servants of the law, not the other way around.

What he is saying is that judges and justices are bound by the law, as we are as individual citizens, and as Members of the Senate we are bound by the law, and so are judges. That humility is important in the life of a judge.

I remember a great public servant once said:

> Pride is concerned with who is right, humility is concerned with what is right.

I believe Judge Roberts will be focused on what is right, not who is right. The greatest threat Judge Roberts identified to the law is that of a judicial branch beginning to act more like a political branch.

That is something many of my colleagues have spoken to. It is something I learned about in law school in a constitutional law class. It is called the political question doctrine. What that doctrine refers to is the wisdom that judges need to have, the humility they have to not intersect questions that are in the political arena, part of the discussion, the debate between we the people about where we want to go. So, instead of reaching over the people and deciding it when the issue is ripe for settlement at the ballot box, judges should be restrained in overreaching and doing things from on high that, frankly, disturb the body politic here in our country. I believe Judge Roberts will have that kind of restraint, that kind of humility.

Judge Roberts made a quote in his opening statement, again without notes; something he feels obviously in his bones and knows in his heart and mind. He said:

> The one threat to the rule of law is the tendency on behalf of some judges to take that legitimacy—the legitimacy of the law, and that authority—the authority of the law, and to extend it into areas where they are going beyond the interpretation of the Constitution into where they are making the law. Judges have to recognize that their role is a limited one.

An aside, Mr. President, I like his metaphor to an umpire.

> Judges have to recognize that their role is a limited one. That is the basis of their legitimacy. Judges have to have the courage to make the unpopular decisions when they have to. That sometimes involves striking down acts of Congress. That sometimes involves ruling that acts of the executive are unconstitutional. That is a requirement of the judicial oath. You have to have that courage.

What I find in that statement is an understanding of the political question doctrine. He is saying we have to be humble in most all instances; to respect the rights of the people. But he is also saying you have to have courage to interpret the Constitution in a way that is faithful to it.

As Cicero once said:

> We are in bondage to the law so that we might be free.

I know my time is up, so I yield the floor and urge my colleagues to vote in support of Judge Roberts. If you can't vote for him, it is hard to know for whom one could vote.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the time from 11 a.m. to 12 p.m. shall be under the control of the Democratic leader or his designee. The Chair recognizes the Senator from Iowa.

Mr. HARKIN. Mr. President, tomorrow the Senate will vote on the nomination of John Roberts to be the 17th individual to serve as Chief Justice of the United States. I have put an enormous amount of contemplation and consideration into my vote on this nomination. Some may wonder why this has been such a difficult decision for me. Clearly Judge Roberts is an individual of great accomplishment. He has an outstanding educational background and keen legal skills. He is a thoughtful, decent, modest person, impressively knowledgeable about constitutional law and the Court.

I watched much of the judiciary hearings. I have reviewed briefs and court decisions written by Judge Roberts. And, thanks to his generosity, I met with Judge Roberts for more than an hour in my office last week, talking one on one.

What I did not find in the hearings or in Judge Roberts' writings or in our meeting was a clear indication that Judge Roberts understands the critical role the courts play in protecting the civil rights of Americans and in allowing those who have suffered discrimination to be able to seek recourse and affirm their rights in Federal court. I was seeking some indication that Judge Roberts understands that the issues that come before the high Court cannot always be viewed with a cool, legal dispassion and detachment, but that the Court and its members play a critical role in protecting the powerless in our country.

This is of grave concern to me because the individual who fills this Supreme Court vacancy will have the ability to enhance and strengthen or undermine and weaken the Americans With Disabilities Act.

Judge Roberts' nomination comes at a time when there is a very significant clash occurring between the Supreme Court and Congress over whether Congress has the authority to require the States to comply with antidiscrimination laws. Unfortunately, the law caught at the center of this clash is the Americans With Disabilities Act.

As I have deliberated on this nomination, the first and foremost question in my mind has been this: What kind of Court would the Roberts Court be? Would it be a Court that serves as a refuge of last resort for the powerless in our society? Or, would it be a Court that will continue down a disturbing path seen in the later years of the Rehnquist Court, a path that limits the

ability of Congress to pass legislation that provides meaningful protections to individuals, including the 54 million Americans with disabilities?

Unfortunately, after carefully reviewing the record and talking with Judge Roberts, I am unable to conclude that a Roberts Court would guarantee the rights of the powerless and those with disabilities.

Earlier this year we celebrated the 15th anniversary of passage of the Americans With Disabilities Act. The ADA, as it is known, prohibits discrimination in employment against people with disabilities. It requires that the services and programs of local and State governments be accessible and usable by individuals with disabilities. Since its enactment, the ADA has provided opportunity and access for 54 million Americans with disabilities who, prior to the law's enactment, routinely faced prejudice, discrimination, and exclusion in their everyday lives.

As Members of this body know very well, I was the lead sponsor of the ADA. I championed it because I had seen discrimination against the disabled firsthand, growing up with my brother Frank, who was deaf. During his childhood, my brother was sent halfway across the State to a school for the ''deaf and dumb.'' He was told his career path would be limited because surely someone who is deaf cannot contribute to society. Throughout his life, Frank experienced active discrimination at the hands of both private individuals and government, and this served to limit the choices before him. Frank's experience was by no means unusual, as Congress documented extensively prior to enactment of the ADA. As part of the writing of that bill, we gathered a massive record of blatant discrimination against those with disabilities. We had 25 years of testimony and reports on disability discrimination, 14 congressional hearings, and 63 field hearings by a special congressional task force that were held in the 3 years prior to the passage of the Americans With Disabilities Act. We received boxes loaded with thousands of letters and pieces of testimony gathered in hearings and townhall meetings across the country from people whose lives had been damaged or destroyed by discrimination. We had markups in 5 different committees, had over 300 examples of discrimination by States. I know; I was there. I was the chairman of the Disability Policy Subcommittee.

Yet since enactment of the ADA the Court has repeatedly questioned whether Congress had the constitutional authority to require States to comply with the ADA. Amazingly, it questioned whether Congress adequately documented discrimination. In 2000, the Supreme Court held in a 5-to-4 decision that an experienced nurse at a university hospital—who was demoted after being diagnosed with breast cancer because her supervisor did not like being around sick people—was not covered by the ADA. Why? Because she had the misfortune to work for a State hospital.

In contrast, last year, by a 5-to-4 decision, the Court held that Congress did have the authority to require States to make courthouses accessible.

This year, the Court will look at whether a State is required to make a prison accessible. There is no guarantee that the Court will come to the same result. Instead, we could end up with a crazy patchwork where courthouses are accessible, but maybe libraries are not, perhaps prisons are accessible, but employment offices are not.

When we passed the ADA, we in Congress did not forbid employment discrimination against the disabled unless they worked for the State. We didn't say some services must be accessible. But that is what the Court has been saying. Talk about judicial activism.

I would point out here, in those years when we were developing the Americans With Disabilities Act, my friend Senator HATCH was ranking member on the Judiciary Committee. They had their staffs look to make sure we passed the constitutional tests. Attorney General Dick Thornburgh, a great supporter of the Americans With Disabilities Act, had the Department of Justice look and make sure we were passing constitutional muster. Boyden Gray, in the White House Counsel's Office, looked at it to make sure we passed constitutional muster. Fifteen Ronald Reagan appointees to the National Council on Disability, working with constitutional law experts, looked at the bill to make sure it passed constitutional muster. Yet the Court, by 5-to-4 decisions, is undermining all we did.

As a result, 15 years after passage of the ADA, the rights of those with disabilities still hang in the balance. Those rights will be determined in a very significant way by a potential Roberts Court. As Chief Justice, Mr. Roberts personally will have a major role in determining whether the balance swings for or against people with disabilities. If Judge Roberts lends his voice to those on the Court who believe in the rights of States over the rights of people, individuals with disabilities in this country will face enormous setbacks.

Judge Roberts was asked many questions at his hearing about congressional power, the ADA, and the rights of the disabled. I posed similar questions in our meeting. Judge Roberts chose not to answer those questions in any significant or revealing detail. Without some greater assurance that he would give deference to the policies passed by Congress, without solid assurance that he would be a defender of the ability of the less powerful to go to court and have their rights vindicated, without those assurances, I am left guessing and speculating, and that is not good enough.

Without clear assurances from him personally, I am left only with Judge Roberts' paper record and, quite frankly, it is a record that does not bode well for people seeking to vindicate their rights. In the interests of brevity, let me cite one example from Judge Roberts' tenure with the Department of Justice, the 1982 case of Board of Education v. Rowley. In the Rowley case, a trial court ruled that Federal law required the State to provide a sign language interpreter for an 8-year-old student who was deaf. The Second Circuit Court of Appeals affirmed that decision. The case then went to the Supreme Court and the Department of Justice had to decide whether to support the student and argue in favor of an interpreter, or support the local school board and the State and argue against an interpreter.

In a memo to the Attorney General, Judge Roberts said the lower court decisions amounted to an exercise of judicial activism and the lower courts had inappropriately ''substituted their own judgment of appropriate educational policy.''

This was not the language of a lawyer merely representing the views of a client. This was the language of an attorney in a policymaking position at the Department of Justice, suggesting that the Government should have weighed in against the right of a deaf student to have access to an interpreter under the Education of the Handicapped Act, a predecessor of today's Individuals With Disabilities Education Act. In other words, Judge Roberts thought that this law, the primary Federal law to ensure that students with disabilities have access to the same educational opportunities as all other students, should be interpreted narrowly rather than broadly.

That is not the quality I am looking for in a Chief Justice. I want a Chief Justice who brings a passion for justice to the law; who does not lose sight of the real people whose lives and livelihoods are at stake in the Court's decisions. Some supporters of Judge Roberts have argued that the Rowley case was more than two decades ago and Judge Roberts' views on statutory interpretation and on the ability of individuals to protect their rights through the courts may have evolved since then. But how are we in this body to know that, particularly when the White House has failed to provide us with all requested and directly relevant documents?

Of greatest interest to me are the decisionmaking memoranda written by Judge Roberts during his tenure as Principal Deputy Solicitor General. Again, in his role as Principal Deputy Solicitor General—a position sometimes referred to as a ''political deputy'' because it is a political appointment—Judge Roberts was not merely representing a client but was involved in crafting the Department's legal positions in some of the most important cases in recent years.

During his tenure as Principal Deputy, Judge Roberts argued before the

court that individuals shouldn't be allowed to go to court to enforce their rights under the Medicaid statute, that children shouldn't have access to courts to enforce their rights under the Adoption Assistance and Child Welfare Act, and that courts should take a restrictive view of remedies available under title IX and other civil rights laws.

Given the decision of the White House to withhold these documents from the Senate, I am forced to draw my conclusions on what I do know.

Before I conclude my remarks, I would like to describe an example of one of the ''real people'' I referred to earlier, a woman by the name of Beverly Jones. Ms. Jones, who testified before the Senate Judiciary Committee on Judge Roberts' nomination, has been using a wheelchair since a 1984 traffic accident in 1990, the year we passed ADA. She completed court reporting school and set out to work as a courtroom stenographer in order to support her family. But what she found as she traveled throughout the State of Tennessee was she couldn't get the jobs in a great majority of Tennessee's courthouses. She was forced to choose between asking complete strangers to carry her into the courthouse or into inaccessible rest rooms or simply turn down employment opportunities. That is an unacceptable choice for a single mother supporting two kids.

Ms. Jones testified to the committee that she spoke to Federal, State, and local officials about the problem of inaccessible courtrooms, but her entreaties were met with indifference, until she filed suit. I would like to quote from Ms. Jones' testimony about her experience because I think it vividly illustrates what is at stake.

She said:

> The door that I thought had been opened [with passage of the ADA] was still closed and my freedom to live my dream was still a dream, and turning into a nightmare. Nobody took either me or the law seriously until I and others brought a lawsuit.

That is what is at stake today—the right of 64 million Americans with disabilities to live their dreams, the right of the powerless in our society, the disenfranchised, to turn to the courts to take them seriously.

Unfortunately, I am not yet persuaded that a Roberts Court would protect these rights.

For this reason, I will be voting no on this nomination.

Certainly, I bear no personal animosity whatsoever toward Judge Roberts. Within this body, there are many people on the other side of the aisle whom I respect, admire, and value as friends. But I don't often vote with them because I have a different viewpoint on many issues. As I said, in our personal meeting, I found Judge Roberts to be a very decent, modest individual.

I hope the future will prove me wrong about Judge Roberts. I hope he proves to be a Justice who recognizes that discrimination in this country occurs in many areas and that Congress has both the authority and the duty to remedy it.

Judge Roberts will have an immediate opportunity to do just that. In this upcoming term, the Supreme Court will hear arguments in a case that will once again examine the question of whether Congress had the authority to order States to make public facilities accessible to people with disabilities. Knowing this, during our meeting I tried to convey to Judge Roberts how discrimination against people with disabilities was deeply ingrained across the decades and across the centuries prior to passage of the Americans with Disabilities Act. I talked with him in detail about how prior to passage of ADA people were institutionalized, segregated, taken from their families, taken from their communities, excluded from schools, excluded from educational opportunities, excluded from employment opportunities, excluded from all aspects of daily life, shopping, going to the movies, playing golf, on and on, simply because of a disability. I explained how people with disabilities were excluded in the same way African Americans were excluded prior to the passage of the Civil Rights Act.

In closing, let me quote from Thurgood Marshall in the Cleburne case, City of Cleburne v. Texas. Here is what Justice Thurgood Marshall had to say. Here is a sense of real injustice and that something needs to be done about it. This is what Justice Marshall said:

> The mentally retarded have been subject to a ''lengthy and tragic history,'' of segregation and discrimination that can only be called grotesque. . . . A regime of state-mandated segregation and degradation soon emerged that in its virulence and bigotry rivaled, and indeed paralleled, the worse excesses of Jim Crow. Massive custodial institutions were built to warehouse the retarded for life; the aim was to halt reproduction of the retarded and ''nearly extinguish their race.'' Retarded children were categorically excluded from public schools, based on the false stereotype that all were ineducable and on the purposed need to protected nonretarded children from them. State laws deemed the retarded ''unfit for citizenship.''

That has been the experience for the last 200 years or more in this country. We stepped in to remedy that with the Americans with Disabilities Act.

I hope Judge Roberts keeps these things uppermost in his mind and in his heart. Only time will tell.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New York.

Mr. SCHUMER. Mr. President, I rise to speak on the nomination of Judge John Roberts to be Chief Justice of the United States.

I thank my colleague from Iowa for his heartfelt and outstanding words.

Votes like this come about so rarely that many Senators have spent their entire careers in this body without ever having had the opportunity to vote on a Chief Justice.

And most of us in the Senate today will likely never again vote on a nominee to that incalculably important position.

That is why I have been troubled about how some have characterized the votes of conscientious Senators in this case—Senators from my party who have struggled with, and deliberated over, Judge Roberts's record in arriving at their decisions.

As will be borne out tomorrow, Democratic Senators have given this vote the profound and serious consideration that it deserves.

We are not voting monolothically, but rather each according to his or her own conscience.

And that is what this vote is.

It is a question of principle—not of politics, partisanship, or positioning, as some have cynically suggested.

Democrats have truly struggled with this vote. I know I have. Like some others, I did not make up my mind until late on the night before the committee vote.

We are not marching in lockstep, with nary a dissent like my colleagues across the aisle.

But while this vote was a close call for many, (Like myself) the next one may not be.

While this nomination did not warrant an attempt to block the nominee on the floor of the Senate, the next one might.

If the President sends us a nominee who, like Janice Rogers Brown, believes that the New Deal was the triumph of a ''socialist revolution,'' there will be a fight.

If the President sends us a nominee who, like Priscilla Owen, was criticized by her conservative colleague—Alberto Gonzalez—for an ''unconscionable act of judicial activism,'' there will be a fight.

If the President sends us a nominee who, like Miguel Estrada, refuses to answer any real questions and whose record is not made fully available, there will be a fight.

If the President sends us a nominee who is committed to an agenda of turning the clock back on civil rights, workers' rights, individual autonomy, or other vital Constitutional protections, there will likely be a fight.

And it will be a fight without any winners.

So, Mr. President, on the eve not only of the confirmation vote on John Roberts, but also the President's nomination of a replacement for the seat of Justice O'Connor—for more than two decades a pivotal swing vote on the High Court—I hope and pray that the President chooses to unite rather than divide; that he chooses consensus over confrontation.

Now let me return to the vote at hand.

This vote should be viewed against a unique—and troubling—historical backdrop.

Many are saying the Senate should not bring ''politics'' into this. Their

quarrel should be with the President of the United States if they feel that ''politics'' means figuring out a judge's ideological, judicial philosophy. Politics, if you define it as that, was introduced by a President who vowed that, if given the opportunity, he would name to the Supreme Court Justices in the ''mold'' of Clarence Thomas and Anthony Scalia.

Given the President's campaign promise and repeated declarations, there is a presumption that any nominee the President sends to the Senate is in that ''mold.''

The presumption is especially strong—and is particularly hard to overcome—with a nominee who was carefully vetted, researched, and interviewed at sufficient length by a President who professed a desire to nominate people in the mold of Thomas and Scalia; and, with a nominee who is eagerly embraced by those groups who support the views of Thomas and Scalia and who want to change America through the Courts;

The presumption can be rebutted, of course. And the way it can be rebutted is through the answering of questions and through the production of relevant documents. And here, regrettably, there was much lacking.

To be fair, Judge Roberts did partially rebut the presumption. He made some inroads.

Judge Roberts has a keen and impressive intellect. We all know that. His encyclopedic knowledge of the law and eloquent presentation certainly confirmed what his colleagues have said about him—that he is one of the best advocates, if not the best advocate in the Nation.

But being brilliant and accomplished is not the number one criterion for elevation to the Supreme Court—there are many who would use their considerable talents and legal acumen to set America back. So, while legal brilliance is to be considered, it is never dispositive.

In addition, very good lawyers know how to avoid tough questions. People have said that one of the reasons the nominee was so effective arguing in the Supreme Court is that he mastered the trick of making the point he wanted to make, rather than answer the question asked.

When I reviewed the transcript in the week after the hearings concluded but before we were called on to vote, there was often less than met the ear.

There is an obligation of nominees to answer questions fully and forthrightly, because they are essential to figuring out a nominee's judicial philosophy and ideology—to me, the most important criteria in choosing a Justice.

Many of us were disappointed in his failure to answer so many questions and is one of the contributing factors to the no votes that will be cast against Judge Roberts.

Add to that the refusal of the administration to allow the Senate to examine important and relevant documents, and we are voting on a hunch. Senators voting on the position of Chief Justice should not be relegated to voting on a ''hunch.''

We should not be left to guesswork, impressions, and hunches.

There was a bit of a game of hide and seek going on—as much as Senators tried to seek out his views, many remained hidden away.

That is why that I so badly hope that the next nominee will be more forthcoming and will answer more questions about his or her legal views, and that all relevant documents will be provided.

But, the answering of questions is only a means to an end—it is a means of finding out what kind of judge, or Justice, a nominee will make.

In this case, because there were not enough questions answered or documents provided, we are still unsure of the answer to the central question: Who is Judge Roberts?

Particularly troubling to me are the eerie parallels between Judge Roberts's testimony and then-Judge Thomas's, especially given President Bush's declaration that he would nominate Justices in the mold of Justice Thomas.

The echoes of then-Judge Thomas's empty reassurances that he was a mainstream jurist are ringing in the ears of every Senator who listened to many nearly identical statements from Judge Roberts last week.

I was particularly troubled by his answers in two areas—the constitutional right to privacy and the Congress Commerce Clause power to protect the rights and improve the lives of the American people.

At his hearing, for example, Judge Roberts said that he believes ''there is a right to privacy protected as part of the liberty guarantee in the due process clause.'' At his hearing, then-Judge Thomas made almost the identical statement. As a Supreme Court Justice, however, Justice Thomas has repeatedly urged the most narrow interpretation of a privacy interest possible, in Casey, in Lawrence, and at every other opportunity.

At his hearing, Judge Roberts repeatedly assured the Committee that he had ''no quarrel'' with various Supreme Court decisions on issues of privacy, women's rights, civil rights, education, and other important issues. The same assurance in nearly identical words were made by Justice Thomas at his hearings, but when given the opportunity to consider those cases with which he had ''no quarrel'' from the bench, Justice Thomas voted to overrule.

At his hearing, Judge Roberts repeatedly assured the Committee that he had ''no agenda.'' The same assurance was made by Justices Thomas and Scalia at their hearings.

Besides these concerns about Judge Roberts's views on the right to privacy and on the Establishment Clause, I also was troubled by his answers on the Commerce Clause. I asked him if he would disagree with Justice Thomas's extremely narrow, 19th-century, and widely-discredited view that Congress may not regulate activities occurring within a State even if they have substantial effects on interstate commerce. He refused.

There is therefore too serious a chance that Judge Roberts believes that Congress is without power to protect workers' rights, women's rights, and the environment on this widely-accepted constitutional basis.

We simply did not get definitive answers to these questions at the hearings.

At the hearings, I gave Judge Roberts every opportunity to distance himself from Justice Thomas's most extreme views. He refused.

Now, Senator CORNYN, my good friend from Texas, and others from across the aisle have said that if we can't vote for this nominee who could we vote for? Here is your answer: someone who answers questions fully and who makes his or her record fully available; someone who gives us a significant level of assurance with some answers and a record that he or she is not an ideologue;

Judge Roberts is clearly brilliant and his demeanor suggests he well might not be an ideologue.

But he simply did not make the case strongly enough to bet the farm.

There is a good chance—perhaps even a majority chance—that Judge Roberts will be like Justice Rehnquist on the bench. We know he will be brilliant, and he could well be—while very conservative—not an ideologue. That is why I struggled with this decision so long and so hard.

If he is a Rehnquist, that would not be cause for exultation; nor would it be cause for alarm. The Court's balance will not be altered.

But there is a reasonable danger that he will be like Justice Thomas, the most radical Justice on the Supreme Court.

It is not that I am certain that he will be a Thomas. It's not even that the chance that he will a Thomas is greater than fifty percent. But the risk that he might be a Thomas and the lack of reassurance that he won't—particularly in light of this President's professed desire to nominate people in that mold—is just not good enough.

Because if he is a Justice Thomas, he could turn back the clock decades for all Americans. The Court's balance may be tipped radically in one direction and stay that way for too long.

I hope he is not a Thomas. But the risk is too great to bear, and it exceeds the upside benefit.

Because of that risk and its enormous consequences for generations of Americans, I cannot vote yes. I must reluctantly cast my vote against confirmation.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, 5 years have passed since the Presidential election of 2000, and legitimate questions

about the outcome of that campaign have left too much of America too divided. Legitimate questions about the outcome of that election have given rise to an ever-growing polarization between so-called red and blue States, between liberals and conservatives, and between Republicans and Democrats in the Congress.

Despite a somewhat more convincing outcome in the 2004 Presidential election, the divisions caused by the events of 2000 show little sign of abating. Having closely observed this widening divide, I now wonder whether Judge Roberts' confirmation will add to the bitterness and distrust of the Federal Government or whether it may serve to remind the people and the lawmakers they elect that we cannot move forward as a nation if we remain dedicated to tearing each other down.

This is my first vote on a nominee to the Supreme Court of the United States, and my obligation as articulated in the Constitution is to either consent or not consent to a choice specifically entrusted to the elected President of the United States. Some of the policy watchdogs that I respect the most and agree with on so many issues have asked whether I oppose Judge Roberts because he is not one of us, because he is too conservative, because he is too young, because he may prove effective. He is not whom we would choose, they say. And on that point, I am in full agreement.

Should the test to confirm a Chief Justice be, he is not one we would choose? I ask my friends to imagine the mess we will have left for our country if the Senate uses this test and votes solely on the basis of a nominee's political beliefs. Friends who a year ago said, We don't want ideologues appointed to the Supreme Court, now want John Roberts and the next nominee to show up at the witness table to submit to an ideological litmus test.

Here is my message to those friends: A sword forged in ideology in 2005 can be used against a progressive nominee in 2009 with an equal disregard for the Constitution and the individual.

In 2008, I fully intend to work harder than ever before to elect a President who rejects the dangerous priorities that have led us to war in Iraq and an energy policy that is folly, that assures our continued dependence on foreign oil. Should this new Democratic President have to contend with a Republican Senate majority, he or she better hope that the judicial nominations in 2005 did not become purely ideology-driven contests. If these debates are purely partisan, our future will include constitutional bedlam whenever a Supreme Court opening occurs while the Senate is controlled by the opposition party.

I reject the suggestion that a Republican nominee is, per se, objectionable. A number of certainly moderate justices nominated by Republican Presidents certainly belie this claim. The decision each Senator must make should be based on the judicial nominee that is before the Senate, not the one that we wish was before the Senate.

To put this into historial perspective under the advice and consent responsibility assigned to the President, the President's judicial nominees to the Court have traditionally been given a large degree of deference. For example, in spite of the divisive national debate surrounding gays in the military, universal health care, Travelgate, Filegate, and the Whitewater investigation, this deference translated into 96 votes for Justice Ginsburg and 87 votes for Justice Breyer when their nominations came to a vote before the Senate. Yet these are two of the most progressive voices in the over 200-year history of the Court.

When I had the opportunity to meet with John Roberts in my office this past August, I pressed him to tell me how he viewed some of the issues that have most divided our country. The answers Judge Roberts gave me during the hour we spent together left me with the impression that he will be his own man on the Court.

Here are my judgments about the individual before the Senate now: One, on the basis of his public testimony, it is hard to see Judge Roberts as a man who will walk into the white pillard building across the street and set about tearing apart the fabric of our society; two, on the basis of his public testimony, it is hard to see Judge Roberts as a judicial activist who would place ideological purity or a particular agenda above or ahead of the need for thoughtful reason; three, on the basis of his public testimony, it is hard to see Judge Roberts as a divisive, confrontational extremist who would try to further exploit the divisions in our country.

What I saw in his public testimony and in our private meeting is an intelligent, thoughtful man, certainly a deeply conservative man with a tempered view of the role of Government.

At his Judiciary Committee hearings, nothing he said in public conflicted with what he had told me in private.

In addition to meeting with him, I have scrutinized Judge Roberts and his record closely, considering his Reagan-era documents, reading the news analysis printed in papers across our country and listened to the hearings and reviewed the transcripts of them as well. No one disputes that Judge Roberts has a brilliant legal mind. My analysis of his record leads me to conclude that he is not cut from the same originalist cloth as Justice Thomas and Justice Scalia. He does not seem to believe that the words of the Constitution are fossilized, leaving only a one-size-fits-all, 18th century remedy for every problem that our society confronts. It is hard not to get the sense that he believes in limited government.

Back in March, I led the effort in the Senate to block attempts to dictate a specific medical treatment in Terri Schiavo's tragic case because I believed the Constitution affords families the right to decide these matters privately. This is an area, in my view, in which the Federal Government has no business intruding. Involving itself in the Schiavo case, Congress was inappropriately meddling and blatantly ignoring the limits of its constitutional authority.

I believe that the Terri Schiavo case is the first of many such end-of-life cases that will arrive at the Supreme Court's doorstep. In my view, most of these cases will involve one individual and passionately held views. Demographic trends and improvements in medical technology assure that there will be many of these cases.

Given what is ahead, I felt I had an obligation to examine how Judge Roberts saw end-of-life issues in the context of the Constitution and whether he would be willing to manipulate its meaning to authorize Government intrusion in private family matters. When I met with Judge Roberts in August, we discussed end-of-life issues at length, not because this was a litmus test for me, and I certainly don't believe in litmus tests, but because I thought it was important to carefully consider Judge Roberts' judicial temperament on this critical issue.

Judge Roberts did not say how he would have handled the Schiavo case or any case before the Court. However, Judge Roberts did say quite a bit that made a lot of sense to me and I think would make sense to the vast majority of Americans. Judge Roberts agreed that there is a constitutionally based privacy right and that while the scope of the privacy right is still being defined in the context of end-of-life care, he said that when he approached the issue, he starts with the proposition that each person has the right to be left alone and that their liberty interests should be factored in as well.

At his hearing, Judge Roberts reiterated his position, stating that a right to privacy exists in the Constitution. He stated that privacy is a component of the liberty protected by the due process clauses of the 5th and 14th amendments, and he stated this liberty interest is protected substantively as well as procedurally.

While discussing the Schiavo tragedy during our August meeting, I also asked him about Congress's authority to legislate a particular remedy in a particular case, and Judge Roberts expressed his concern about judicial independence. It was apparent to me Judge Roberts understands there are constitutional limits to the recent enthusiasm of Congress to prescribe particular remedies in a particular end-of-life case.

Concerning States rights to regulate medical practice and the scope of the 10th amendment, Judge Roberts stated he believed the Framers expected States to do most of the regulating and that they expected most regulation to

be State-based. In his view, the basic genius of the Federal system is that it affords different States the ability to approach problems in a way that is best suited to meet their different needs, and that imposing uniformity across the country would stifle the genius of our Founding Fathers.

Judge Roberts also told me he attaches great importance to legislative history in interpreting law. He repeated this point several times during his public hearings. Those who have closely studied former Attorney General Ashcroft's challenge to the Oregon physician-assisted suicide law know there is not one word in the Controlled Substances Act, the law used to launch the case, indicating the Controlled Substances Act is aimed at or should be used to overturn or undermine the right of States to regulate medical practices within their borders.

On the extremely important matter of a woman's right to choose, I asked Judge Roberts about Roe. He did not offer specific comments, but his response indicated he would not enter the Court with an ''agenda'' and he would respect the Court's precedents. In the public hearings, he also said he personally agreed with the conclusion of the Griswold and Eisenstat decisions, which held that the privacy right protects the right of individuals to use birth control.

His opinions on the issues that matter indicate he is intelligent, thoughtful, and that he has a tempered view of the role of the Federal Government.

Judge Roberts' combination of temperament and intelligence give him the potential to be a conciliatory voice at a divisive time in American history. He has the skills to reach across the divisions in America to show that justice can be a healing force for the wounds that cut our society so deeply. He can help to unify the country by building a record of well-reasoned opinions grounded in the rule of law, not ideology.

He will receive my vote tomorrow to be the next Chief Justice of the United States.

I want to make one final point, Mr. President, a point that is important to me. There is another vacancy on the Court, and the President is expected to send forth his nominee soon. My intention to vote for Judge Roberts tomorrow should in no way be construed as a ''weathervane'' for how I might vote on the next nominee. In the past, I have not hesitated to vote against several of the President's nominees to the courts of appeals when they carried the ideological and activist baggage I believed would be disruptive to our society. If the President puts forward a nominee to replace Justice O'Connor who is unlikely to ably and respectfully fill her shoes, I will vigorously oppose that nomination.

I began by voicing my question about the impact of this nomination on the body politic of our country. Among the many awesome duties of the Chief Justice, no duty is of greater importance than the duty to unify our Nation when Americans find themselves in disagreement. Different Chief Justices have shouldered this burden with varying degrees of success. This ability to unify is what is most sorely needed at this moment in our Nation's history, and I am of the opinion that Judge Roberts possesses the nature and the desire to unify the Court and, with it, our Nation. I wish him wisdom, diplomacy, and moderation as he prepares to assume this critical role.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

The PRESIDING OFFICER. Under the previous order, the time from 12 p.m. to 1 p.m. will be under the control of the majority.

The Senator from South Carolina.

Mr. GRAHAM. Madam President, I would like to comment a bit on the nomination of Judge Roberts. I wish to make a political observation. This is certainly a political body, and the nomination process has politics to it. That is not a bad thing. That is to be expected.

From a Republican point of view, this is an easy vote. We are inclined to support a President when he is in power making a nomination. But that is not always the case, that every Republican votes for every nominee. I expect that will be the case here. Most of us on our side of the aisle are pleased with the nominee, someone of extraordinary intelligence and legal abilities and seems to be an all around good guy who has served his country well in every capacity that he has been called upon to serve. We will all vote en masse. It is an easy vote for us.

To our Democratic colleagues, it is not so easy. Any time you are in the minority, and the Court being an important part of American life and politics, there is a lot of pressure on my Democratic colleagues to say no for different reasons by special interest groups on the left. We certainly have them on the right. Our day will come. If there is ever a Democratic nominee, we will face the same pressure.

I would like to compliment my Democratic colleagues. Every one has taken the process seriously. There will be a healthy number of Democratic votes for Judge Roberts. To those who have decided to vote for him, history will judge you well. You have based your votes on the qualifications test. You have seen in Judge Roberts someone who loves the law more than politics. Over time, history will judge you well. One of the highlights of the Bush administration will be the selection of Judge Roberts to be the Chief Justice of the United States.

For those who vote no, to a person everyone has struggled with it, thought about it, cast your vote. Generally speaking, the debate in committee and in the Chamber has lived up to the best traditions of the Senate. A few months ago, we were at each other's throats, about to blow up the place. There is plenty of blame to go around, but we have sort of broken that cycle. We have had a confirmation process that is in the best tradition of the Senate. We will go forward, and I hope he gets a healthy number of votes. It looks as if he will.

One thing I wanted to take some time to discuss is some of the reasoning given to vote no and make a cautionary tale about some of the suggestions why a ''no'' vote would be appropriate. There seems to be some suggestion that if he does not have an allegiance to a particular line of cases, particularly the right of privacy cases centering around Roe v. Wade, that you can't vote for him. That one case or that line of legal reasoning is so important that without some commitment on his part to uphold Roe v. Wade or the concept of Roe v. Wade, a ''no'' vote would be in order. I would argue that could be applied on our side. Most of us are pro-life. I would say 90 percent of the Republican caucus is pro-life. Probably 90 percent of the Democratic caucus is pro-choice. The country is pretty evenly divided. If we have a litmus test about Roe v. Wade or any other case, that is not doing the judiciary a good service because you are putting a judge in a bad spot.

Senator HARKIN mentioned the Americans with Disabilities Act, something he should be very proud of. He fought hard to make it part of law, and we are a better Nation for it. There are some cases involving the Americans with Disabilities Act that will come before the Court. Senator HARKIN did not think that he could vote yes because he wasn't assured that Judge Roberts would uphold the Americans with Disabilities Act in a way that he felt comfortable with in that States have been exempted from the act. We are all dealing with that issue.

The only thing I can say about a guarantee with Judge Roberts, if you are a conservative and would like to see certain Court decisions reversed, if you are a liberal and would like to see certain decisions sustained, the one thing I can promise you about Judge Roberts is he is going to make his decision based on the facts, the briefs, the record in the particular case, and the arguments made by litigants. If he overturns a precedent of the Court, he will apply the four-part test that has been the historical analysis of how to overturn a standing precedent. He is going to do it in a businesslike fashion. He is going to apply the rule of law. If you are looking for an outcome-determinative judge, someone who is going

to see things your way before they get your vote, you are going to be disappointed. To be honest, the law is better off for those answers. He is not the only one to refuse to bargain his way on the Court.

Justice Marshall was asked by Senator McClellan: Do you subscribe to the philosophy expressed by a majority of the Court in Miranda?

That is a major league constitutional case in our Nation's history where police officers have to inform a criminal defendant of certain rights they possess under the Constitution. That was a big deal. When Justice Marshall was coming along, that case had not been long decided. He said: I cannot answer your question because there are many cases pending that are variations on Miranda that I will have to pass on if I were confirmed.

Senator McClellan: Do you disagree with the Miranda philosophy?

Justice Marshall: I am not saying whether I disagree or not, because I am going to be called to pass on it.

Senator McClellan: You cannot make any comment on any decision that has been made in the past?

Justice Marshall answered: I would say that on decisions that are certain to be reexamined in the Court, it would be improper for me to comment on them in advance.

I couldn't say it better. This idea that Judge Roberts has been evasive, that he will not give you a detailed answer of how he will decide the concept of the right of privacy or how he might rule on interstate commerce clause cases that will certainly come before the Court, he is doing exactly what Justice Marshall did when he was in the confirmation process. He was not going to bargain his way on the Court.

Justice Ginsburg gave a very famous quote: I am not going to give you hints, any previews, no advisory opinions about matters that I believe will be coming before the Court.

If that is your test, that you have to have a guarantee in your mind that a certain line of cases or a legal concept will be upheld or stricken down, Judge Roberts is never going to satisfy you. It is good for the country that he not try to do that, just as Justice Marshall avoided that dilemma.

This is a question by Senator KOHL to Justice Souter: What was your opinion in 1973 on Roe v. Wade?

Justice Souter: Well, with respect, Senator, I am going to ask you to let me draw the line there, because I do not think I could get into opinions of 1973.

Senator LEAHY: You do not have the same sense, to whatever degree you consider privacy in Griswold settled—which is the ability to engage in birth control practices—to whatever extent that is, you do not have in your own mind the same sense of settlement on Roe v. Wade; is that correct?

Justice Souter: Well, with respect, sir, I think that is a question that I should not answer. Because I think to get into that kind of comparison is to start down the road on an analysis of one of the strands of thought upon which the Roe v. Wade decision either would or would not stand. So with respect, I will ask not to be asked to answer that question.

He said it better than I read it. Bottom line is, he is telling Senator LEAHY and Senator KOHL that if you start asking me to compare one case with another that has viable legal concepts, that could be a foreshadowing of how I might rule on matters before the Court, and you are putting me in a bad spot and I like not to do that. I can talk about Griswold, but if you ask me to say am I settled about Roe v. Wade as I am Griswold, then you are basically getting a preview how I might rule on a Roe v. Wade-type scenario.

So the idea that Judge Roberts did not want to make such comparisons with the interstate commerce clause is not unknown to the confirmation process. Justice Souter did not want to go down that road with the right of privacy.

Judge Roberts was asked probing, hard, clever questions to try to get him to tip his hand. I think what he said was the right answer: I will follow the rule of law. There is a process of how to overturn a case. There is a process of how to decide a case. That process is, you look at the facts, you look at the record, you listen to the arguments of the litigants, and you don't prejudge. I think that will serve the country well.

The other concept that is coming into play is what burden does the nominee have, what deference should the Senate give to the President, what is the standard for confirmation. I have always believed that the idea that the President's nominee should be given deference by the Senate is a long-standing concept in our country. I am not the only one who believes that.

There is a lot of information out there from our Democratic friends who have gone down that same road and have come to the same conclusion. There are prominent law professors out there who have suggested that there is a presumption of a nomination by the President that the Senate should give great deference to the Presidential nominee and that our advise-and-consent role does not replace the judgment of the President but simply to see if the person is qualified, has the character and integrity and will wear the robe in the way that is consistent with being a judge and not turn it into power grab.

Professor Michael Gerhardt, who has advised our Democratic friends about the confirmation process established now and in the past, says:

> The Constitution establishes a presumption of confirmation that works to the advantage of the President and his nominee.

He also said:

> The presumption of confirmation embodied in the Constitution generally puts the onus on those interested in impeding a nomination to mobilize opposition to it.

So the general idea that the President should be given deference, in Professor Gerhardt's opinion, is accepted in terms of the practice of the Senate.

Senator BIDEN, on past nominations, has said: First, as a Member of the Senate, I am not choosing a nominee for the Court. That is the prerogative of the President of the United States and we, Members of the Senate, are simply reviewing the decision he has made. Second: Our review, I believe, must operate within certain limits. We are attempting to answer some of the following questions: First, does the nominee have the intellectual capacity, confidence, and temperament to be a Supreme Court Justice? Second, is the nominee of good moral character and free of conflict of interest that would compromise her ability—in this case it was Justice Ginsburg—to faithfully and objectively perform her role as a member of the Supreme Court? Third, will the nominee faithfully uphold the laws and Constitution of the United States of America? We are not attempting to determine whether the nominee will address with all of us—being the Senate—every pressing social or legal issue of the day. Indeed, if that were the test, no one would pass this committee, much less the full Senate.

I could not agree with Senator BIDEN more. If that is the test, we are OK. If it becomes some subjective test where you have to adopt our view of a particular line of legal reasoning, then I think you have undermined the role of the President, I think you put the Judiciary at a great disadvantage, and I think you will be starting down a road that will not pay great dividends for the Senate.

I argue that whatever votes you cast, let's not create standards that will come back to haunt the judiciary. Let's not put people in a bind, in trying to get on the Court, by making decisions or answering questions that will compromise their integrity and violate their judicial ethics to get votes.

I do not think anybody is intentionally trying to do that, but there are some disturbing comments about what the standard should be. There have been a couple of occasions on the Judiciary Committee where people have looked at Judge Roberts and said: Convince me, the burden is on you to convince me you will not do the following or you will do the following. I don't think that is helpful.

There have been some occasions in the committee where people have acknowledged the great intellect of Judge Roberts. His preparation for the job is not in question. I said in committee: If you question his intellect, people are going to question yours. He is a genius. There is no way of getting around that. He is one of the greatest legal minds in the history of the country, and I think he will be a historic choice by the President.

People have suggested: I don't know if he has the real-world experience; I know about your brain, but I don't

know about your heart. I suggest it is dangerous for us in the Senate to begin judging other people's hearts. That gets to be a slippery slope.

Senator WYDEN's statement, I thought, was dead on point. He understands the deference the body gives to the President. He pointed out, in fact, that Justice Ginsburg and Justice Breyer, two Clinton nominees, received 87 votes and 96 votes, respectively. If you start applying heart tests, I can tell you that gets to be so subjective and so political, and I think it is dangerous for the judiciary and not healthy for the Senate.

One of the issues Justice Ginsburg wrote about was the idea that prostitution should be a legal activity because to restrict women from engaging in prostitution is basically restricting a woman's right to engage in commerce.

You can agree or disagree, but from my point of view, looking at the world as I know it to be as a former prosecutor and former defense attorney who has had some experience in criminal law, if I am using the heart test or the real-world experience test, I would argue that from the experiences I have seen as a criminal defense lawyer and as a criminal prosecutor, that prostitution is hell for women; that if you really understood the life of a prostitute, it would not be a good business endeavor to uphold. It would be something we would want to deter.

That is my view based on life as I know it, having been involved in the criminal law business for 20-something years.

She said she supported the idea of Federal funding for abortion. If you wanted to try to question someone's heart from a pro-life perspective, I think it would be pretty tough to take taxpayers' dollars and use them for a procedure that millions of Americans find morally wrong.

So if we start going down the road of whether we believe a person before us has the right heart or the right real-world experiences, then you are taking the objective qualification, intellect, and character test, not an ideologue—which I think is an appropriate thing—and you are beginning to put subjective elements in it that will not be good for the judiciary and will not be good for the Senate. I can assure you, if we started looking at those type of tests for Justice Ginsburg or Justice Breyer, who was a Democratic staffer, if we started looking at their philosophy or trying to judge their heart or having their value system equate with ours to the point we feel comfortable, then they would not have gotten nearly the votes they did because it is clear to me that not too long ago Republicans, during the Clinton administration, overlooked all the differences they had with Ginsburg and voted for her 96 to 3 and overlooked all the differences they had with Justice Breyer and gave him 87 votes. It is clear to me that Democrats and President Bush 1's administration overlooked all the differences they had with Justice Scalia, and he got 98 votes.

It has been mentioned that the President has politicized this process, and there have been all kinds of veiled and direct threats about the next nominee: If you pick so and so, you are going to get a fight. If you pick Priscilla Owen, if you pick Janice Rogers Brown, you are going to get a fight, bringing back the specter of the filibuster.

What did the President do when he ran in his campaign? He talked about the Supreme Court and how important it was to him. He said, basically: If I am the President of the United States, on my watch, I am going to nominate well-qualified, strict constructionists to the Court with no litmus test, who will interpret the law and not become legislators themselves. He showed praise and admiration for Scalia and Thomas.

I would argue that something is wrong with the Senate if they can vote for someone 98 to 0 and say, If you pick someone like him, they are out of the mainstream and desiring a filibuster. How can you go from 98 to 0, someone similar to the person a decade later, and you filibuster? I would argue that if you do that, it is more about politics than it is about qualifications.

I hope we don't do that because the one thing I can assure you, knowing the President reasonably well, is that he is going to fulfill his campaign promise. He is going to send over to this body a well-qualified, strict constructionist, and to expect anything else, you ignored the last two elections. We are not going to sit on the sidelines and watch the election be overturned because of political pressure from the left. That is not going to happen.

I do expect the President to listen, as he did before he nominated Judge Roberts. I expect him to consult, as he did before he nominated Judge Roberts. I was very pleased and proud of his pick. I am encouraging the President to listen to our Democratic colleagues, listen to us all. But the most encouragement I could give the President is: Fulfill your campaign promise. Do what you said you would do when you ran for President. Send us over a well-qualified, strict constructionist conservative with no litmus test attached. If you do that, then you will have done a good service for the American people because you got elected twice telling them what you are going to do.

I have about 5 minutes, and I will let my other colleagues speak.

There were a couple of other comments about concerns with this nominee. It goes back to the memos. This nominee worked for the Reagan administration. He was in his midtwenties, and that has gotten to be a bad thing. Working for Ronald Reagan, I think, is a good thing. Justice Breyer was a Democratic staffer. No one held that against him. He worked for the Democratic side of the aisle in the Senate, and I don't remember anyone suggesting that was a bad thing.

Presidents pick people they know and with whom they are comfortable. Clinton was comfortable with Ginsburg, the executive general council for the ACLU, someone we would not have picked. He was comfortable with Justice Breyer, a former Democratic staffer, someone this President would not pick. This President picked someone who worked for his dad, President Bush 1, and Ronald Reagan.

There is an argument out there that adopting the Reagan position on extending the Civil Rights Act in toto, without a change, that would lead to a reverse discrimination test called ''proportionality'' and is out of the mainstream. Ronald Reagan won 49 States. If you can win 49 States and be out of the mainstream, I would argue the person saying you are out of the mainstream is out of the mainstream. If you picked someone similar to Scalia and that would justify a filibuster and the guy got 98 votes, there is a disconnect going on here.

One of the memos that is in question is a memo that Judge Roberts wrote about the Reagan administration's decision to grant amnesty, for lack of a better word, to illegal aliens in this country. He was writing a memo to suggest how the President should respond to an inquiry by Spanish Today, a Latino, Hispanic newspaper. He talked about the idea that it would be well received in the Hispanic community to grant amnesty. And he said to the effect that Spanish Today would be pleased that we are trying to grant legal status to their illegal amigos.

Somehow that one phrase has been suggested that this young man, working for the Reagan administration, committed some kind of a wrong that would deny him the ability to be fairly considered for the Supreme Court 20-something years later. I argue, No. 1, that if you read his writings in terms of what he was talking about, it was not meant to be slanderous, it was not meant to be a derogatory remark—he answered the question fully—that it was not meant to be that way at all. That was a commonly used term in the White House, the term ''amigos,'' and he made a correct observation: that certain Hispanic groups did welcome President Reagan's decision.

Bottom line is, if we are going to take a phrase that a person wrote when they were 26, and that is going to be a reason to vote no, woe be to anybody else coming before this committee. I would not want that to be the standard for me.

He never apologized because he did not think he had anything to apologize about. So this is much ado, in my opinion, about nothing. You have read his writings. He used Latin, French, and Spanish terms all over the place. He is kind of a witty guy. You may not like his sense of humor, but I think it is given sometimes in that vein. The idea about, you know, more homemakers becoming lawyers, who said we need more homemakers than lawyers—and I

think a lot of people agree with that, and his wife happens to be an attorney, by the way—taking these phrases out of context and not looking at life in total is not fair. Not one person came before this body or the committee to say Judge Roberts has lived his life in any way, shape, or form to demean any group in America or individual. It is quite the opposite. He has received praise from everybody he has worked with on both sides of the aisle because he is basically a very good man. So I hope we will not make that the standard in the future.

Final thoughts. The vote is not in question in terms of confirmation. The process is in question. And that to me is as important as the vote total. The President is going to get another pick. That is the way it has happened. He has had a lot of things happen on his watch historic in nature. Whatever you think about President Bush, whether you like him or not, he has had to deal with some major league events. Let me tell you, some will go down good and not so good in history. That is the life of a President. But one thing I can say for certain is that his decision to make John Roberts Chief Justice of the U.S. Supreme Court will go down well in history. It will be one of the greatest things he has done as President of the United States because he has picked one of the most uniquely qualified men in American history to serve on a Court that needs all the unity it can find, and this guy will be a consensus builder. The next one is coming and it is coming soon. There is all kind of jockeying already about what the President should do and what he should not do. I hope and pray we will remember the best traditions of the Senate, that we will listen to the Joe Bidens of the past, when he informed us that our role is to give deference to the Presidential nominee, look at their character, intelligence, and qualifications; that we will remember what Senator KENNEDY said about Justice Marshall: it is not your job, we shouldn't hold someone's political philosophy against them. We should look at who they are and what kind of judge they would be, would they be fair.

So as the next pick is about to be made, the Senate can fight if we want to or we can recognize that elections matter, we can judge the nominees based on their qualifications, integrity, and character, whether they are going to wear the robe in some improper fashion, or we can start putting political tests on the Presidency that will come back to haunt everybody and every party. If you want someone such as O'Connor—President Clinton did not think 1 minute about replacing Justice White with Justice Ginsburg. No one asked him to think about that. This idea that you have to have an ideological match is something new. What is old and stood the test of time is that Presidents get to pick once they win, and our job is to make sure they pick wisely in terms of character, integrity, and qualification. And if we will stick to that test and not substitute our political philosophy for that of the President and not require a political allegiance of the nominee to our way of thinking about a particular line of cases or a particular concept in law, but judge the entire person, we will have served the country well. If we get into the mud and start fighting each other over the second pick, because some people don't like how the election turned out, then we will set a trend that will come back to haunt this body, haunt all future Presidents, and we will be worse off as a nation.

With that, I am going to end with the idea I am optimistic that we will not go down that road, we will give the next nominee the respect and deference this nominee has, and we will vote our conscience, and the vote will come and the vote will go. And the worst thing we could do is politicize the judiciary any more than it has been politicized. If you are selected to be on the Supreme Court, there will be millions of dollars to run you down and destroy your life, and that is going to happen on both sides of the aisle if we do not watch it. The best thing the Senate can do is use this opportunity to stand up to those people who want to run down somebody and ruin their life unfairly, because our day will come as Republicans. If we can unite around the idea we are not going to let special interest groups take over the Senate, the country will be stronger.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I congratulate my colleague and good friend from South Carolina for a fine statement.

I also rise today in support of President Bush's nomination of Judge John Roberts to serve as Chief Justice of the United States.

President Bush could not have nominated an individual more qualified to be confirmed as the next Chief Justice of the United States. If one were to prescribe the ideal training regimen for a future Chief Justice, Judge Roberts' career may well serve as the model.

Judge Roberts has interacted with the Supreme Court in nearly every conceivable capacity. After law school, he held a prestigious position at the Supreme Court as a clerk to Justice William Rehnquist. He then went on to argue 39 cases before the Supreme Court, representing both public and private litigants. He currently serves as a judge on the U.S. Court of Appeals for the DC Circuit often referred to as the second highest court in the land.

In short, he has worked at the Supreme Court, represented dozens of clients before the Supreme Court, and served as a judge on the court that many consider a stepping-stone to the Supreme Court. I cannot imagine someone more qualified to now serve as Chief Justice of the Supreme Court.

After spending considerable time with Judge Roberts the nominee, I came to be equally impressed with John Roberts the man. He is humble, unassuming, polite, and respectful. In that respect, he shares the values of many of my fellow Coloradans.

The humility he exudes is reflected in his view on the role of judges and the courts. Judge Roberts says:

> [A] certain humility should characterize the judicial role. Judges and Justices are servants of the law, not the other way around.

He describes himself as a ''modest judge,'' which is evidenced in his ''appreciation that the role of the judge is limited, that judges are to decide the cases before them, they're not to legislate, they're not to execute the laws.''

This judicial philosophy is imperative to preserving the sanctity of the Constitution that is under attack by a handful of activist judges activist judges who proclaim the Pledge of Allegiance unconstitutional and attempt to redefine the institution of marriage. Unlike these activist judges, Judge Roberts will be on the side of Constitution.

As a Senator representing Colorado, I also appreciate the uniqueness of the issues important to Colorado and the West. The departure of Justice O'Connor, and now Chief Justice Rehnquist, marks the loss of a Western presence on the Supreme Court.

Earlier this year, I asked President Bush to nominate a judge with an understanding of issues important to Colorado and the West, such as water and resource law.

I asked Judge Roberts about his understanding of Western resource and water law. Judge Roberts acknowledged the loss of the Western presence on the Court and assured me that he understands the uniqueness to the West of such issues as water, the environment, and public lands.

He shared his experience working on several cases in the State of Alaska, encompassing issues on rivers, Indian law, and natural resources. He also described his practice of traveling to the site of cases when he believes it is beneficial to his understanding of the facts. This practice is demonstrative of his commitment to fully understanding cases from the perspective of both sides.

I was pleasantly surprised to learn that he currently has a law clerk from New Mexico. Law clerks sit at a judge's right hand and are integral in the judge's decisionmaking process. I am hopeful that Judge Roberts will continue to surround himself with individuals who have a Western perspective.

The Senate Judiciary Committee has reviewed Judge Roberts' record more extensively than any previous Supreme Court nominee. The Administration produced more than 76,000 pages of documents related to Judge Roberts' distinguished career in public service. Judge Roberts testified for more than 20 hours before the Senate Judiciary Committee.

During the extensive review process, the country learned a great deal about

Judge Roberts' fitness to serve on the Supreme Court.

We learned about his judicial philosophy, one which is firmly rooted in the rule of law and unwavering in its reverence for the Constitution. I believe his most telling statement was this:

I come before the Committee with no agenda. I have no platform. Judges are not politicians who can promise to do certain things in exchange for votes. I have no agenda, but I do have a commitment. If I am confirmed, I will confront every case with an open mind. I will fully and fairly analyze the legal arguments that are presented. I will be open to the considered views of my colleagues on the bench, and I will decide every case based on the record, according to the rule of law, without fear or favor, to the best of my ability, and I will remember that it's my job to call balls and strikes, and not to pitch or bat.

We learned that Judge Roberts subscribes to ''the bedrock principle of treating people on the basis of merit without regard to race or sex.'' His belief in these principles is echoed in praise from several women's and minority groups.

The Minority Business Round Table says ''his appointment to the U.S. Supreme Court would certainly uphold our core American values of freedom, equality and fairness.''

The Independent Women's Forum applauds Judge Roberts as a ''very well qualified candidate with a reputation of being a strict interpreter of the law rather than someone who legislates from the bench.''

We learned that Judge Roberts recognizes the limitations on the government's taking of private property and the role of the legislature in drawing lines that the Court should not. The Court in Kelo permitted the transfer of property from one private party to another private party to satisfy the Constitution's ''public use'' requirement, essentially erasing this fundamental protection from its text. Judge Roberts says the Kelo decision ''leaves the ball in the court of the legislature. . . . [Congress] and legislative bodies in the States are protectors of the people's rights as well. . . . [Y]ou can protect them in situations where the Court has determined, as it did 5–4 in Kelo, that they are not going to draw that line.''

We learned that Judge Roberts will rely on domestic precedent to interpret the U.S. Constitution, not foreign law. Judge Roberts said, ''as a general matter . . . a couple of things . . . cause concern on my part about the use of foreign law as precedent . . . . The first has to do with democratic theory. . . If we're relying on a decision from a German judge about what our Constitution means, no President accountable to the people appointed that judge, and no Senate accountable to the people confirmed that judge, and yet he's playing a role in shaping a law that binds the people in this country.''

Given his keen intellect, impartiality, temperament, sound legal judgment, and integrity, it is not surprising that Judge Roberts enjoyed bipartisan support by the Senate Judiciary Committee. I expect that he will enjoy similar bipartisan support in his confirmation vote tomorrow morning.

I want to commend President Bush on the unprecedented level of bipartisan consultation he engaged in with the Senate prior to this nomination. The Constitution grants the power to the President to nominate and the Senate to provide advice and consent. Although Senators can provide input, the Senate does not co-nominate. When the President sends forth highly qualified candidates, this body has an obligation to the American people to provide a timely up-or-down vote.

I commend my colleagues on the respectful hearings and expeditious process. The Ginsburg Standard was applied to Judge Roberts fair, respectful hearings; no prejudging of cases likely to come before the court; and a timely, up-or-down vote.

With consultations on the next nominee already well under way, and an announcement imminent, I am hopeful that my colleagues will apply the same standards.

Judges are not politicians. The Senate debate should reflect that the job of a judge is to review cases impartially, not to advocate issues. Judges should be evaluated on their qualifications, judicial philosophy, and respect for the rule of law.

I am confident that President Bush will send forth a highly qualified nominee to replace Justice O'Connor, and I am hopeful that my colleagues will continue to build on the spirit of bipartisanship witnessed during this confirmation process.

In conclusion, I cannot imagine a better qualified candidate than Judge Roberts to lead this nation's highest Court into the 21st century. I believe his rhetoric matches his actions.

On behalf of the citizens of Colorado, I thank Judge Roberts for his willingness to serve our country. I am hopeful that the fair and respectful hearings accorded to him by this body will serve to inspire the best and the brightest of future generations to make similar sacrifices in the name of public service.

I strongly urge my colleagues to cast a vote in favor of Judge John G. Roberts' confirmation as the 17th Chief Justice of the United States.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, after listening to my friend from Colorado and my good friend from South Carolina, and then to look at the statement that I have, it appears we are all saying about the same thing, but we just all haven't had the opportunity to say it yet. I will try to put a little different slant on it.

We know the qualifications of this man, Judge Roberts. He has consistently shown me excellence in all aspects of his previous academic and his professional career. He is widely thought of as one of the best legal minds in the country, is highly respected by his colleagues as a fair-minded, brilliant, and temperate jurist. He graduated from Harvard College summa cum laude. He did it in only 3 years. He then graduated from Harvard Law School at the top of his class.

Less than 3 years ago, Judge Roberts was confirmed by a unanimous vote to the DC Court of Appeals, which is often referred to, as my friend from Colorado says, as the second highest court in the land. He was also a partner in the prestigious law firm of Hogan & Hartson. He specialized in U.S. Supreme Court litigation, arguing numerous cases before the very Court to which we seek to confirm him today. Further, he had an active practice in appellate law.

I guess what we look for in the men and women we like to see on the country's highest Court is pretty much found in all the qualifications of Judge Roberts. He had worked in the private sector. He also worked in the White House under President Ronald Reagan as Associate Counsel. In addition, he earned a highly prestigious clerkship on the Supreme Court for Chief Justice William Rehnquist—that in 1980 and 1981. Then he was nominated by this President and went before the Judiciary Committee.

We watched those hearings with a great deal of interest. I speak not as a member of that committee or even as an attorney, but what we heard more than anything else—and this is important to my State of Montana—is that we will have a qualified, fair, and competent Supreme Court Justice. That is important. When questioned on all of those qualifications, fairness, and competence, no one challenged any part of those elements. In this respect, Judge Roberts earned the ''well qualified'' rating from the American Bar Association, which is the highest rating that association offers. There was no challenge there.

He continually impressed my colleagues in the Senate by showing his immense knowledge of the law while reflecting his vast understanding of the rule of law and the importance of precedent. There was no challenge there.

What becomes important is that we know that our Supreme Court Justices understand their duty is to interpret the law as it is reflected in the cases that come before them and refrain from personal biases and from legislating or putting their biases into those cases.

He impressed me when he said that he wanted to be the umpire. He didn't want to be the pitcher or the batter; he just wants to call the balls and the strikes. I appreciate that. I spent a lot of years on a football field, and I was one of those who wore the striped shirt. When I look back on that game, maybe our judiciary should be a little bit like this great American sports feature of football. When you think about it, 4 old referees—some of them overweight

whom I could talk about—go out on a field of 22 young men who are hostile, mobile, and bent on hurting each other, and we have very few problems because those striped shirts are the arresting officers, the judges, and the penal officers. They do it in 30 seconds, and they do it without very many complaints. Thus the discipline of the game: 22 young men in armor and dead set on winning the contest.

Throughout his hearings before the Judiciary Committee, Judge Roberts proved over and over that he understands the role of the judiciary as an interpreter and not a legislator and why it is important to our governmental system that our judges across America refrain from overstepping their duties. The law is the law. Yes, it can be a subject of interpretation, but look how simple our Constitution is. It doesn't use very many big words. They are very simple. There is a lot of difference between the word ''may'' and the word ''shall,'' and you can interpret them.

He explained his judicial style during his hearings by saying:

> I prefer to be known as a modest judge . . . It means an appreciation that the role of the judge is limited, that a judge is to decide the cases before them. . . .

They are not to change it or use their biases to execute a judgment. That is pretty important.

When you look at his private life, the values of how he has progressed in his professional life, how he has carried himself and what is personally important to him—family, being a good husband, a provider—we see all of those values that we Americans hold in very high esteem.

Then we move it over into now what kind of a judge will he be. He was questioned on a lot of social issues that the courts have no business even considering. That falls on us, the elected representatives of America, and our constituency. What their values are should be reflected here. Yet what I heard was questions on human rights.

It is a wonderful thing, this Constitution we have. The Constitution was not written for groups, it was written for you as the individual. It is your personal Bill of Rights and how we structure our Government and the role of each one of those equal entities and how they relate and interact with each other—the executive, the judicial, and the legislative.

It is important to me and the people I represent that we have judges on the bench who will not prejudge cases. He may have a bias one way or the other, but what does the law say as it pertains to me as an individual citizen? This judge made his own commitment to listening, to hearing both sides of the case, and is committed to a fair and reasonable outcome, whether the judge personally likes or dislikes the eventual results. His approach to the law, simply put, is one of restraint. He is shown not to be an ideologue with an intent of imposing his views or his biases on the law.

Will he always rule in a way that would be consistent with my philosophy? I would say no. I have a feeling, though, however he rules will be fair, and he will not compromise any of the principles of the law as written. He explained:

> As a judge I have no agenda, I have a guide in the Constitution and the laws that are precedents to the court, and those are what I apply with an open mind after fully and fairly considering the arguments and assessing the considered views of my colleagues on the bench.

I am not sure if it is the job to really draw a consensus when you have nine men and women who have strong views of the law and the Constitution and maybe would interpret them in many different ways, but what this man has shown us is strong character, integrity, and his immense knowledge of the law.

Uphold the Constitution, which protects us all—and we have heard a lot about that lately. People who are maybe short of patience would come up to us and ask, What is taking Iraq so long to get a constitution? I said, You know, it took almost 3 years to put ours together.

I still question: If we had had television and news channels, spin meisters, commentators, and reporters who seemed to inject their bias every now and again into the news, I am not real sure we would have a Constitution yet.

This man has shown us he has all the qualifications to be a judge, especially a judge on the highest Court in the Nation.

On behalf of my constituents in Montana, and from all that I can read and all the information I can gather, I strongly urge my colleagues to join me in voting aye on Judge Roberts as Chief Justice of the United States.

When the premise was wrong, he wasn't afraid to challenge the premise. That is unique when coming before any kind of a committee in a legislative body. That is what impressed me. The premise is assumed instead of factual. That is the importance to all of us when making judgments that affect so many of us in our daily lives.

I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COBURN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, it is, indeed, a privilege for me to——

The PRESIDING OFFICER. Will the Senator abstain for a moment.

Under the previous order, the time from 1 to 2 p.m. is under the control of the Democratic side.

Mr. WARNER. That is correct. I see one of my distinguished colleagues rising to be the floor manager of this period of time, but he very courteously said I could open up, if that is approved by the Chair.

Mr. President, as I said, it is a great honor for me to first and foremost stand on this floor at this great moment in contemporary history. Tomorrow, this Chamber will, I anticipate, with a strong bipartisan vote, exercise its constitutional right of giving consent to the nomination of John Roberts to serve as the next Chief Justice of the United States.

I am privileged to know the nominee by virtue of the fact that we both, at different times in our careers, served in a very prestigious and revered law firm in our Nation's Capital, the law firm of Hogan & Hartson. When I joined the firm approximately forty-five years ago, Nelson T. Hartson was very active in Hogan & Hartson. I had the good fortune of being one of his aides-de-camp. Mr. Hartson's philosophy and his standard of ethics permeated that law firm then, as they still do today.

As a consequence of our mutual affiliation with Hogan & Hartson, I was privileged to be asked by Judge Roberts to introduce him when he was nominated by the President to serve on the United States Court of Appeals for the District of Columbia Circuit. In the 2 years he served on that court, he established an extraordinarily fine record.

I was privileged to once again introduce Judge Roberts to the Judiciary Committee some two weeks ago at the start of his confirmation hearing to serve in this highest of positions in our land.

I would simply say this: As I have come to know this magnificent individual, he is, in my judgment, an unpretentious legal intellectual. I say that because he is a man of simplicity in habits. He has a lovely family. He has a marvelous reputation among colleagues in the legal profession who are both Democrats and Republicans and conservatives and liberals. He is admired by all. In that capacity, as an unpretentious legal intellectual, he is, in my judgment, a rare if not an endangered species here in America for his personal habits and extraordinary intellect and for the manner he conducts himself every day of his life.

In fact, in the 27 years I have been privileged to serve in the Senate, slightly more than 2,000 judicial nominations have been submitted by a series of Presidents to the Senate for ''advice and consent.'' John Roberts stands at the top, among the finest.

I commend our President on making such an outstanding nomination—a nomination which will receive strong bipartisan support in the Senate.

Just 4 months ago, with the judicial confirmation process stalled in the Senate, and with the Senate on the brink of considering the so-called nuclear or constitutional option, there was an aura of doubt, at the time, that any Supreme Court nominee would receive a vote reflecting bipartisan support.

But on May 23, 2005, 14 U.S. Senators, of which I was one, committed themselves, in writing, to support our Senate leadership in facilitating the Senate's constitutional responsibility of providing ''advice and consent'' in accordance with article II, section 2.

In crafting our Memorandum of Understanding, the Gang of 14 started and ended every discussion with the Constitution. We discussed how, without question, our Framers put the word ''advice'' in our Constitution for a reason: to ensure consultation between a President and the Senate prior to the forwarding of a nominee to the Senate for consideration.

Accordingly, in the Gang of 14's Memorandum of Understanding, Senator BYRD and I incorporated language that spoke directly to the Founding Fathers' explicit use of the word ''advice.'' That bipartisan accord reads as follows:

We believe that, under Article II, Section 2, of the United States Constitution, the word ''Advice'' speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.

Such a return to the early practices of our government may well serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate.

With respect to the nomination before us today, I believe that the President has met his constitutional obligations in an exemplary way.

In my view, that consultation between the President and individual Senators laid a foundation for the confirmation of John Roberts with bipartisan support.

The Gang of 14's Memorandum of Understanding provided a framework that has helped the Senate's judicial confirmation process. It has enabled the Senate to have six up-or-down votes on judicial nominations and now the Senate is about to confirm Judge John Roberts.

While I thoroughly understand that President Bush didn't choose a nominee that some in the Senate might have chosen if they were President, that is not what the Constitution requires. Indeed, in Federalist Paper No. 66, Alexander Hamilton makes it clear that it is not the Senate's job to select a nominee. It is the Senate's responsibility to provide advice to a President on who to nominate and then to grant or withhold consent on that nomination. On the other hand, it is the President's responsibility, and solely the President's responsibility, to nominate individuals to serve on our courts. As Hamilton so clearly wrote:

It will be the office of the President to nominate, and, with the advice and consent of the Senate, to appoint. There will, of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the Executive, and oblige him to make another; but they cannot themselves choose—they can only ratify or reject the choice of the President.

In my view, the Senate was given a meaningful opportunity to provide its advice to the President, and the President respected the Senate's views when he nominated John Roberts. Soon, the Senate will provide its consent to that nomination.

John Roberts' credentials are well-known and of the highest quality.

He earned a B.A., summa cum laude, from Harvard College and his law degree, magna cum laude, from Harvard Law School. At Harvard Law School, he served as managing editor of the Harvard Law Review. Subsequent to graduation, Mr. Roberts worked as a Federal law clerk for Judge Friendly on the U.S. Court of Appeals for the second Circuit, and later as a law clerk for Justice William Rehnquist on the Supreme Court. He has worked in the Department of Justice, the Reagan administration, the George H.W. Bush administration, and he practiced law for many years in private practice.

But while John Roberts' legal credentials are unquestionably impressive, equally important is the type of person that he is. Throughout his legal career, both in public service, private practice, and through his pro bono work, John Roberts has worked with and against hundreds of attorneys. Those attorneys who know him well typically speak with one voice when they tell you that dignity, humility, and a sense of fairness are hallmarks of John Roberts.

In my view, all of these traits came across to those of us who watched the hearings before the Senate Judiciary Committee. John Roberts unquestionably demonstrated a mastery of the law and a commitment to decide cases based upon the Constitution and the law of the land, with appropriate respect and deference to prior Supreme Court precedents. He views his role as one of impartial umpire, rather than as one of ideologue with an agenda. He testified to all of this under oath.

To me, all of these qualities—John Roberts' legal credentials and his temperament—represent the embodiment of a Federal judge, particularly a Chief Justice of the United States. And, I am confident that the vast majority of the millions and millions of Americans who watched his confirmation hearings agree.

Indeed, the American Bar Association has given John Roberts its highest rating, unanimously finding him ''well qualified'' for this position. And just slightly more than 2 years ago, the Senate unanimously confirmed him for a Federal appeals court judgeship by voice vote.

Before I conclude my statement in support of this outstanding nominee, I would like to highlight a few key facts of Senate history and tradition with respect to Supreme Court nominees. I find these facts particularly illustrative.

Over the last 50 years, America has seen a total of 27 Supreme Court nominees. Six of those nominees received the unanimous consent of the Senate by voice vote. Another 15 of those nominees, including seven current members of the U.S. Supreme Court, received the consent of the Senate by more than 60 votes. In fact, only three nominees to the Supreme Court over the course of the last 50 years have failed to receive the consent of the Senate.

Chief Justice Rehnquist was confirmed to the Court as an Associate Justice in 1971 with 68 votes in support, and later confirmed as Chief Justice with 65 votes. John Paul Stevens received the consent of the Senate 98 to 0. Justice O'Connor, Justice Scalia, and Justice Kennedy were all confirmed by the Senate unanimously. Justice Souter was confirmed via a vote of 90 to 9. Justice Ginsburg was confirmed by a vote of 96 to 3. And Justice Breyer received the Senate's consent by a vote of 87 to 9.

Like all of these highly qualified Americans who came before him seeking Senate confirmation to the Supreme Court, John Roberts has earned, over a lifetime, the strong vote of bipartisan support he is about to receive.

Mr. President, I will yield the floor to my distinguished colleague at this time who will be the manager of this period. I say to my colleague, thank you for participating in the Gang of 14, as we have become known. Perhaps in the course of our remarks today we can talk about the mission, the challenge of that group, and how, in my humble judgment, we did succeed in enabling our leadership to once again put in motion the Senate's role in the confirmation of those nominated by our President for the Federal judiciary.

I think back when there was a great uncertainty about that process, and even some thought of invoking certain rules of the Senate by way of change, and how my distinguished colleague from Nebraska and I stood, with others in that group, and were able to lay a foundation which, I say with a deep sense of humility, may well have contributed to our being here today and casting that historic vote tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I first thank you for the opportunity to speak today. And I say to my distinguished colleague from Virginia, it was a pleasure to get to know you better through the Gang of 14 in our efforts to bring about advice and consent with the White House in the nomination process for the Supreme Court.

It is always difficult to take either less or more credit than you deserve, but I think in this situation, by working together, we were able to bring the Senate into fulfilling its obligation to deal with the confirmation of judicial nominees. It made it possible for us to be able to have a nomination and a process that works so well that it will now result in an up-or-down vote on Judge Roberts.

The Senator from Virginia is right. There were suggestions that we needed

to change the rules because of certain practices on the part of certain Members of the Senate that raised doubts about the process, whether we could get up-or-down votes on judicial nominees, particularly appellate court nominations and perhaps Supreme Court nominees. But by working together, we found a solution that I believe in very many ways held on to the traditions of the Senate that are good but also invoked a process that has resulted now in what we are going to be able to accomplish tomorrow. We were able to refuse to engage in extreme partisanship but worked together in partnership to develop a compromise. We paved the way. We preserved the traditions. And I believe in some respects we have also assisted in leading to the historic outreach by the White House to an overwhelming number of our colleagues for their input under the advice and consent portion of our agreement that we shared with the White House.

I personally thank the White House for reaching out. The administration has reached out to many of our Members on several occasions. Most recently, I had the pleasure and the privilege of being contacted for my thoughts about the next nominee and the process that would be used there.

I think we have also learned not to believe everything we hear about the Senate not being able to accomplish much, the criticism that Senators are lost in partisanship and deadlock through the unwillingness of people to compromise or be able to work together. I believe we disproved that theory with this Gang of 14.

We have gone through divisive elections. We know America needs to be brought together. We do not seek to further divide ourselves. We need to work together. It gave us an opportunity to, in many ways, reduce the partisan tension that was ripping this body to the extent that it was difficult to get anything done, particularly as it might have been difficult to get through the nomination process for the Supreme Court.

So it is a pleasure for me to be here on the floor and a real privilege to be associated with my colleague from Virginia. We have been joined by other members of the Gang of 14 who I know have some similar thoughts they would like to express.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, if I might say, the distinguished Senator from Nebraska was a leader among the Gang of 14. I say to the Senator, I guess you might say you were one of the ''Founding Fathers'' of that group, and modesty prevents you from acknowledging that leadership. We are joined on the floor by two of our colleagues. I purposely scheduled my appearance to coincide with members of the Gang of 14 whom I am privileged to be with today.

But I think, as the Senator pointed out about the advice and consent clause, we, the Gang of 14, want to acknowledge the important contribution of Senator BYRD of West Virginia. He and I sort of partnered together to draw up that short paragraph which recognizes and points out the Founding Fathers put the word ''advice'' in the Constitution for a specific purpose. As the distinguished Senator from Nebraska said, indeed, our President fulfilled that. But I wanted to acknowledge Senator BYRD's very major participation in our group.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I rise today to comment with respect to the Gang of 14. I join my good friend from Nebraska and my good friend from Virginia and my good friend from Arkansas here today in again reminding ourselves as a Chamber that the 14 Members of the U.S. Senate who came together came here to do good. What they decided to do and we decided to do in the formation of that agreement was to transcend partisan politics to try to find a common purpose for the benefit of this great institution, the U.S. Senate, and for the benefit of our Nation.

I commend the leadership, particularly of our senior members of that group of 14 Senators, including the great Senator from West Virginia, ROBERT BYRD, who worked closely with the Senator from Virginia, especially on the advice and consent portions.

All of the members of the group were very instrumental in putting the compromise together.

I would offer two observations with respect to that process and that agreement. The first is, it is my hope, as the newest Member of the U.S. Senate, the Senator who still ranks No. 100, that this is a kind of template that can be used as our Nation faces difficult issues in the future. We were able to put aside partisan politics to get beyond the gridlock that had existed in this body for some period of time.

We must be able, as a Chamber to do the same thing with respect to other very difficult issues, such as the Federal deficit or how we engage in the recovery of the gulf coast or how we deal with the issues of health care, because my involvement in this group was based on the fact that I believe it is our responsibility as leaders in our country to get about doing the people's business. What was happening was we had gotten too involved in this impasse that had been going on for a very long time.

The second point I wish to make is to underscore the importance of the advice and consent provision of our Constitution. It was Senator BYRD and Senator WARNER who believed it was important to include that provision as part of the agreement. It was in recognition there is a joint responsibility between the President of the United States and the Senate in the appointment and confirmation of persons to the bench that that advice and consent provision really needed to be part of that agreement.

From my point of view, it is very important that advice and consent provision of the Constitution be honored because of the fact that, as we make our decisions, it is very important that these decisions, which will have a long-lasting impact on the history of America, be based on the most informed consent possible. The way you get the most informed consent possible is that there be a communication and a free flow of information between the President and the White House and the members of the Judiciary Committee and this body.

So I again commend the Senators from Virginia and West Virginia for having worked so hard on that long weekend to craft language that became a keystone of this document.

Finally, I would say that through this process I also became comfortable with Judge Roberts, recognizing that he is in the mainstream of political and, more importantly, legal thought of America. I think the Members who were part of this group, led by the Senator from Nebraska and the Senator from West Virginia, are also part of that mainstream of America.

Mr. President, I thank my colleagues from Virginia and Arkansas and Nebraska.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, one of the things that was surprising to my constituents in Arkansas is that I would actually come to Washington, DC, and join a gang. They sometimes wonder what we do up here and why we do it. I am very proud to be part of this gang, with my 13 colleagues who stood tall and exercised some of the best traditions and best judgment that Senators can. One of the lessons we learned through the Gang of 14 process and trying to take the nuclear option off the table—and also trying to get some up-or-down votes on some more nominees—is that good things happen when Senators talk to each other.

I have learned since I have been in Washington that we spend a lot of time talking about each other and not enough time talking to each other. I hope this serves as an object lesson. It shows we can work together in this political environment. The truth is, we talk about how bad things are, and sometimes they do get bad. But basically, we are all sent here by our States. Each State gets two Senators. Even the two Senators from the same State don't always agree. We don't have to agree. But certainly all 100 of us should, as the Book of Isaiah says, reason together. We should come together and put the country first and put others' interests ahead of our own. We should try to continue to work together and build on not just a bipartisan approach but in many ways a nonpartisan approach where we look at

the challenges facing our country and try to approach those as best we possibly can.

I know a lot of people around the country and in this Chamber and this city are focused on the next nomination. We haven't even had a vote on John Roberts. Nonetheless, a lot of people are concerned about the next nomination. I understand that. In some ways, and rightfully so, we should be focused on that. My colleagues have touched on it already. But part of the language Senator WARNER and Senator BYRD crafted during this agreement—we all helped in different ways on this language and had our thoughts incorporated in the language, but Senator BYRD and Senator WARNER took the lead on the language—is the advice and consent portion of the agreement. Basically all we do is encourage the President to take the Constitution literally. When the Constitution says that it shall be with the advice and consent of the Senate, we take that literally. We hope the President will seek our advice.

Supposedly either the President or the White House reached out to about 70 of us when we received the John Roberts nomination. That works, and that is very positive. I hope we see that again.

Some of my constituents in Arkansas have asked me: Don't you have some anxiety about John Roberts? Gosh, he used to work for the Reagan administration. There are things in his background that various people don't agree with.

My response is: Certainly, I have anxiety about John Roberts. I have anxiety about any nominee that any President will nominate to the Supreme Court. It is a lifetime appointment. There is no question about the influence and the impact that one Supreme Court Justice can have on the American system of justice and on American society. I have anxiety about anybody. I certainly have some about John Roberts. But nonetheless, he has the right stuff to be on the Court.

I am proud of the courage my colleagues showed in the time when it mattered and we came together and worked it out, the Gang of 14.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, today I am announcing my support for Judge John Roberts to be Chief Justice of the United States.

From the beginning, I told the White House I would like to see a nominee that the vast majority of the American people would say, yes, that is the quality of person who ought to be on the Supreme Court. When the nomination of Judge Roberts was first announced, my initial impression was that he met that test. I had a chance to visit with him personally at some length in my office, and I concluded from that visit that Judge Roberts is exceptional. Not only is he of high intelligence and strong character, he also is someone of midwestern values of honesty and decency.

I have looked at his record. I find that he is in the judicial mainstream. Yes, he is a conservative, but my own belief is that the Court is strengthened by a range of views. I don't think we should have all progressives or all conservatives. We need to have people of differing views and differing backgrounds to make the Supreme Court function appropriately.

When Judge Roberts came to my office, I asked him about his association with Judge Friendly. He clerked for Judge Friendly. He is reported to be very impressed by Judge Friendly's service. I asked him what impressed him about Judge Friendly. He told me one of the things that most impressed him is that Judge Friendly did much of his own work. He didn't just rely on clerks to do the work. I also asked him what else impressed him about Judge Friendly.

He said: You know, you could not tell whether he was a liberal or a conservative, a Democrat or Republican. All you could tell from his rulings was that he had profound respect for the law.

I thought that was a pretty good answer. I went on to ask him: Judge, at the end of your service, how would you want to be remembered?

He said: I would want to be remembered as a good judge, not as a powerful judge but as a good judge.

I said to him: What does that mean to you, being a good judge?

He said to me: Listening to both sides, putting aside one's personal prejudices to rule based on the law. He said: I have a profound respect for the law.

In the confirmation hearings, we saw Judge Roberts perform brilliantly. His mastery of the law, his judgment, his demeanor confirmed for me that he is someone who deserves my support.

Beyond that, I had a chance to talk to Judge Roberts again on the phone last week. I said: Judge, I saw in your confirmation hearings that you said you are not an ideologue.

He said: Senator, I can tell you, I do not bring an ideological agenda to the court. What I bring is a profound respect for the law.

I told him I believed him. I think he is absolutely conservative. That is not disqualifying. I also think he is somebody of extraordinary talent and somebody who will listen to both sides and rule based on the law. He has a healthy conservatism, believing that the job of a Justice is not to make the law but to interpret the law. That is the appropriate role for a judge in our system. He has it right with respect to that issue.

I believe Judge Roberts has the potential for greatness on the Court. Rarely have I interviewed anyone in my 19 years who so impressed me with the way their mind works and their basic demeanor. I have interviewed others who struck me as arrogant and pompous and filled with themselves, somebody I would never want to have in a position of power over the people I represent. I do not feel that way in the least bit about Judge Roberts. He is someone who is steady and even. He is somebody who is thoughtful and quite exceptional.

I know there are groups who feel very strongly on one side or another. There are colleagues who have made different judgments. I respect that. But I believe Judge Roberts is the kind of nominee who deserves our support, and he will have mine.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our distinguished colleague from North Dakota. That was truly a beautiful set of remarks. It is not just that you indicated that you will cast your vote in support; it was a very thoughtful reflection on a very important responsibility we as Senators have.

I thank again the Senator from Nebraska, the Senator from Arkansas, the Senator from Colorado. We have been a team together for some time. I am delighted to have had the privilege to be here on the floor with each of them.

In conclusion, I reflect back on, once again, the Federalist Paper No. 66 in which Alexander Hamilton said: It will be the office of the President to nominate and, with the advice and consent of the Senate, to appoint. There will, of course, be no exertion of choice on the part of the Senate. They may defeat one choice of the executive and oblige him to make another, but they cannot themselves choose. They can only ratify or reject the choice of the President.

We are on the eve of accepting that choice, giving our consent. Again, in my 27 years in this institution, I cannot recall a more humble and yet enjoyable group I have worked with than these 14 Senators. It had been my hope that our distinguished colleague from West Virginia could join us today. I asked him and he said he would if he possibly could. But were he here, we would all stand again and thank him for his guidance as we worked through this situation.

I thank my colleague from Nebraska and yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Virginia for his wise counsel through the process of bringing together 13 other colleagues to bring about a confirmation process and nomination process that has worked. Now we are on the eve of this confirmation vote on the 17th Chief Justice of the United States. The question is, what is next? We also have another Supreme Court vacancy to fill. I hope the President and the White House will continue to reach out and seek the advice of our colleagues so we

can face that nomination with the same kind of input we did in the case of Judge Roberts.

Let me say that the late Senator from Nebraska Ed Zorinsky said on so many occasions that in Washington there are too many Republican Senators and too many Democratic Senators and not enough United States Senators. I can say as the gang of 14 got together, there were less Republicans and less Democrats than there were United States Senators, anxious to work and bring about a resolution to the judicial impasse, but also to pave the way for where we are today and where we are going to be tomorrow and where we are going to be in the next confirmation process.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the time from 2 to 3 p.m. will be under the control of the majority.

Mr. SUNUNU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TALENT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. TALENT. Mr. President, I ask unanimous consent that the next hour under majority control be allocated as follows: 15 minutes for Senator TALENT, 10 minutes for Senator VITTER, 15 minutes for Senator THUNE, and 20 minutes for Senator BUNNING.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALENT. Mr. President, it is really a privilege for me to spend a few minutes visiting with the Senate about Judge Roberts. He is probably the most analyzed and evaluated Supreme Court nominee ever. Based on my study of his record and my discussions with him—which have certainly not been extensive but have been enough to help me get a feel for the man—I believe that he will turn out to be one of the best Chief Justices ever.

We have learned a great deal about who he is. We know about his extraordinary professional accomplishments. We have seen the overwhelming bipartisan support that he has earned from his colleagues in the legal profession. We heard from John Roberts himself on the rule of law, on the judicial role, and the kind of service he intends to provide to the Nation as Chief Justice should the Senate confirm him.

I said before he is one of the most analyzed and evaluated Supreme Court nominees. He spent almost 20 hours before the Judiciary Committee while Senators asked him 673 questions. Senators then asked him 243 more questions in writing. And I am sure he thought the bar exam was a struggle. Judge Roberts provided nearly 3,000 pages to the Judiciary Committee, including his published articles, congressional testimony, transcripts from interviews, speeches, and panel discussions, and material related to the dozens of cases he argued before the U.S. Supreme Court.

The Judiciary Committee obtained more than 14,000 pages of material in the public domain. And as if all of that were not enough, the committee obtained a staggering 82,943 pages of additional material from the National Archives and both the Reagan and Bush Libraries regarding Judge Roberts' service in those administrations.

If you total that up, there was more than 100,000 pages of material on a 50-year-old nominee, which amounts to 2,000 pages for every year of his life.

What did all that material reveal? Simply put, that Judge Roberts is one of the finest nominees ever to come before the Senate. His professional record speaks for itself, but I am going to speak about it for a minute.

He was an excellent student. He graduated from Harvard—I can forgive him that—in only 3 years as an undergrad. I am a University of Chicago lawyer myself. He became the top graduate in law school and became editor in chief of the Harvard Law Review. He served as clerk for Judge Friendly, who was, by consensus, one of the greatest circuit court judges ever. He served as clerk for Chief Justice Rehnquist. He went on to become Deputy Solicitor General of the United States. He became one of the top partners in one of the top law firms in the country and argued 39 cases before the Supreme Court. In 2003, he was confirmed unanimously by this Senate to be a judge on the Court of Appeals for the District of Columbia Circuit.

We learned a lot about him as a person as well. He embodies the idea of being fair, being thoughtful, and being capable. He is certainly hard working. He is certainly brilliant. He managed his testimony before the Judiciary Committee without a note. He is a man of integrity, he is honest, and he is devoted to his family.

Those are the qualities we want in the men and women who serve our Nation on the High Court. They are the kind of qualities that will move America forward and move the judicial branch forward, and more on that in a minute or two.

He has proven beyond any doubt that he has the qualifications, the temperament, the knowledge, and the understanding to serve as America's next Chief Justice. I was particularly impressed by the humility he showed through the process. I think it is very important that judges have a judicial temperament and, for me, that begins with the idea of service.

When you are a judge, the people who come before you have to treat you with respect because of your position. You should conduct yourself in that position so they want to treat you with respect, they feel that is owing to you, not just because of your office but because of how you conduct yourself in office.

I would hazard to say even those who will oppose his nomination for other reasons would agree that he has that kind of a temperament. He wants to be on the Court because he loves the law, and he wants to be a judge because he wants to serve the United States of America. Those are the right reasons to want to be on the Supreme Court of the United States.

We have had this opinion ratified by the individuals who know him the best—by his colleagues on the bar, Democrats and Republicans alike, who have overwhelmingly supported his elevation to the Supreme Court. I think it is very important when you look at judicial nominees to make certain they have support from people from all parts of the political spectrum and all parts of the jurisprudential spectrum.

A point I made on other occasions on this floor about judicial nominations is that it is misleading in a way to talk about a judicial nominee being in or out of the mainstream of American jurisprudence because the truth is, there is more than one mainstream. Lawyers are divided over which jurisprudential theory ought to guide judges in interpreting statutes and interpreting the Constitution. They may differ as to theories or constructs, if you will, as they approach different parts of the Constitution.

There is not one mainstream, and often there is not any one completely correct answer when you are interpreting a vague provision of the Constitution. But that does not mean there are no incorrect answers. Just because reasonable people looking at the history and the text of the document might disagree as to what is exactly the right answer does not mean there are no wrong answers.

The wrong answer, as Judge Roberts said so eloquently and so often in his testimony, is one that does not respect the rule of law. A wrong answer is one that is based on an idea of the judicial role that allows the judge to do whatever he or she thinks they would want to do if they were in control of the policy in issue. Whatever their theory of interpreting the Constitution is, they should be consistent in applying it. They should be circumscribed by their own jurisprudence. They should have a standard against which they measure their decisions, and that standard has to be other than their own predilections on the underlying issue.

It is one thing to be ruled, to some extent, by judges. We are talking about officers of the Government. So the decisions have the power of law, and we have always, to some extent and in appropriate ways, been ruled by judges. It is another point to be ruled by judicial whim. This is the distinction Judge Roberts made over and over again, for which I think we should all be grateful.

Because of his attitude in that respect, more than 150 Democratic and Republican members of the DC Bar, including well-known Democrats such as

Lloyd Cutler and Seth Waxman, wrote to the Senate calling Judge Roberts one of the very best and most highly respected appellate lawyers in the Nation.

The American Bar Association has given Judge Roberts a rating of ''unanimously well-qualified,'' its highest possible rating. As Steve Tober, the chairman of the ABA Standing Committee on the Federal Judiciary, explained: Judge Roberts has the admiration and respect of his colleagues on and off the bench, and he is, as we have found, the very definition of collegial. This is another quality that I hope and believe Judge Roberts will bring to the role of Chief Justice. I think he can operate in that Court in a way that pulls the Justices together where their convictions honestly allow them to be pulled together. It is one thing to disagree when you have strongly different opinions on the jurisprudential matters before the Court; it is another to disagree because over time you have become part of one faction or you have become alienated or estranged on some other grounds from some of the other Justices.

That is not good, and I believe, just my gut opinion after talking with him and watching him is that this is a person who can lower the temperature on the Court, who can shed light rather than just heat on many of the issues that are before the Court.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes remaining of the 15 minutes allocated.

Mr. TALENT. I did not want my eloquence to outstrip the time I had available, Mr. President, so thank you for that.

We have heard a lot from Judge Roberts himself, and maybe it is good for me to close by quoting some of what he has said about the judicial function. I thought he did an excellent job of explaining to people what the judicial role is. Of course, to explain something clearly you have to, to some extent, oversimplify it, and he admitted the times he was doing that.

He talked about the judge being the umpire, and somebody else basically writes the rules. The judge is the umpire. Believe me, that gives plenty of discretion and authority to the judge to develop the law in one direction or another but to develop it within the constraints of an objective rule of law.

Judge Roberts said about this:

> If the people who framed our Constitution were jealous of their freedom and liberty, they would not have sat around and said, ''Let's take all the hard issues and give them over to the judges.'' That would have been the farthest thing from their mind. Now judges have to decide hard questions when they come up in the context of a particular case. That is their obligation. But they have to decide those questions according to the rule of law, not their own social preferences, not their policy views, not their personal preferences, but according to the rule of law.

That leaves room for Supreme Court Justices, for the rule of law, to include their views developed over time carefully with respect to colleagues and arguments from litigants about how particular provisions of the Constitution ought best to be interpreted in a range of cases so as to reflect the purposes of the document and the impulses of the Framers.

There is room there for that, but always according to the rule of law, not according to a desire to make the case or make the result be a particular thing, or to make Americans live the way the judge wants them to live, rather than the way they have chosen to live in the decisions they make about their own lives or the decisions they make through their representatives. I think Judge Roberts understands that. He understands that is a judicial role with which we can all live.

He clerked for Judge Henry Friendly. Another great court of appeals judge—he had an interesting name—was Learned Hand. If I had met his parents, I would have asked them why they called him Learned Hand, but they did. Judge Hand said one time, and he was referring to the same thing Judge Roberts was referring to about the rule of law: I would not choose to be governed by a bevy of platonic guardians even if I knew how to choose them, which I most assuredly do not.

The first right, the first birthright of every American, is to participate through the representative process in their own governance. The first and most basic right is the right to govern yourself through the processes set up in our Constitution. And it is not out of a desire to avoid difficult decisions but out of a respect for that right that Judge Roberts talked about the rule of law. He manifested in those hearings a confidence that I think we should all reflect on in the judgment and the decency of the American people. It is OK, whether your views about social policy are on the rightwing or whether they are on the leftwing, whether they are someplace in the middle, it is OK basically to leave the development of our culture and our society to the wisdom and the decency of the American people. The center will hold. The people will move us in an orderly and decent direction as they have for 200 years. We don't need to be ruled by platonic guardians or dictators, whether they are in the form of judges or anybody else. There is plenty of scope, in the Senate, on the other end of Pennsylvania Avenue, and in the Supreme Court building as well, for the exercise of individual leadership and appropriate discretion to try to move the people in a direction that we think is appropriate, with their consent. But there is no reason to feel out of some fit of desperation or panic that courts or anybody else have to make the American people do something they have not chosen the orderly processes to do. That is what Judge Roberts meant when he was talking about the rule of law.

That is why I believe, because of that and also his professional qualifications, he is going to do an outstanding job as Chief Justice of the United States, and that is why I think he will be confirmed by an overwhelming majority of this body.

I thank the Chair, and I yield back whatever remains of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from South Dakota is recognized for 15 minutes.

Mr. THUNE. Mr. President, I rise today to voice my strong support for the nomination of Judge John G. Roberts to be Chief Justice of the United States. This is a historic moment, Mr. President, as many of my colleagues have already noted. This moment marks only the 17th time in the history of our Republic that the U.S. Senate has considered a nominee to be Chief Just1ce.

As one of the Senate's newest Members, it is a great privilege for me to participate in this process. To have had only 16 individuals lead the judicial branch of government in our history illustrates the most important characteristic of the judicial branch, and that characteristic is lifetime tenure.

I believe the guiding question for each of us in determining a nominee's fitness for this post should be whether the person is dedicated to applying the Constitution to every case considered by the Court, and not adding to or changing the Constitution's text to suit his or her own personal policy preferences.

I was pleased to have met privately with Judge Roberts just yesterday. I came away from that meeting even more convinced that this man has the ability and temperament necessary to lead the Supreme Court. I believe Judge Roberts is dedicated to the rule of law and the principle of judicial restraint, and most importantly, will not substitute his own policy preferences for those of the elected representatives in the executive and legislative branches of our government.

The Supreme Court gets the last word on some of the most challenging and divisive issues of our day. Because Federal judges and justices have lifetime tenure, we must ensure that those who populate Federal bench are people of strong character and high intellect, with a passionate commitment to applying the law as it is written, rather than legislating from the bench.

Judges and justices must say what the law is, not what they believe it should be. That is the job of the Congress. That is what the authors of the Constitution intended.

I believe Judge Roberts' career embodies these principles. As Judge Roberts stated during his hearing, judges are like umpires, and umpires don't make the rules, they apply them. I do not believe Judge Roberts will engage in the judicial activism that we have witnessed on the Supreme Court and the lower Federal courts in the past few decades.

Even in the recent past, we have witnessed several instances of judicial activism. Judicial activism manifests itself when justices detect ''penumbras, formed by emanations'' in the Constitution, as Justice Douglas did in the case of Griswold v. Connecticut—in other words, judges who rely on their personal views rather than the Constitution when deciding matters of great importance.

We have seen what damage the Supreme Court is able to do when it is composed of individuals who are not committed to judicial restraint. Instead of acting as umpires and applying the law, some on the Supreme Court and the Federal bench are pitching and batting.

The most recent example came in the case of Kelo v. City of New London, decided just this past June. As you know, Mr. President, the Constitution says the government cannot take private property for public use without just compensation. However, in the Kelo case, the Supreme Court emptied any meaning from the phrase ''for public use'' in the fifth amendment.

In Kelo, the Supreme Court held that a city government's decision to take private homes for the purpose of economic development satisfies the ''public use'' requirement of the fifth amendment. This case makes private property vulnerable to being taken and transferred to another private owner, so long as the government's purpose for the taking is deemed ''economic development.''

While I understand that many of the principles reflected in the Constitution are written broadly, and sometimes can be subjected to conflicting interpretations, I think we can all agree that the Supreme Court cannot be adding or deleting text from the Constitution. Yet that is what happened in the Kelo case. The majority effectively deleted an inconvenient clause in the fifth amendment.

The Supreme Court is also engaging in a troubling pattern of relying upon international authorities to support its interpretations of the laws of the United States. In Atkins v. Virginia, the Court cited the disapproval of the ''world community'' as authority for its decision. In Lawrence v. Texas, the Court cited a decision by the European Court of Human Rights as authority for that decision. Most recently, in Roper v. Simmons, the Court cited the U.N. Convention on the Rights of the Child—a treaty never ratified by the United States—as authority for that decision.

Article II, section 2 of the Constitution requires two-thirds of the Senate to ratify a treaty. Democratically elected Members of the Senate, accountable to the people, have refused to ratify the U.N. Convention on the Rights of the Child.

Unfortunately the Supreme Court chose to ignore this fact and based their judgment in part on a treaty never ratified by the United States. Clearly, some on the Supreme Court are substituting the policy preferences of democratically elected representatives with their own. This is judicial activism at its worst.

As we near the completion and expected confirmation of Judge Roberts, I want to take a moment and look ahead as the President will soon make another nomination to the Supreme Court. It is important that the nominee to replace Justice O'Connor share Judge Roberts' commitment to judicial restraint and dedication to the rule of law. It is important because the Supreme Court will be considering several cases in the near future that may have far-reaching consequences.

The Supreme Court will probably consider the Pledge of Allegiance case that was recently decided in the Ninth Circuit at the district court level. In that case, the district court held that the words ''under God'' in the Pledge of Allegiance violate the establishment clause of the first amendment. However, in the Fourth Circuit, the appellate court came to the opposite holding—that the Pledge of Allegiance did not violate the establishment clause. Where there are conflicting holdings in the lower courts, the Supreme Court must become the final authority on the matter, and it is important that Judge Roberts and individuals who share his approach are on the court to confront this issue.

During the next term, the Supreme Court will also consider a case about a State's parental notification law and possibly a case about partial-birth abortion. Again, these are instances where the Supreme Court will have the last word on one of the most divisive moral issues of our time. It is critical that those who confront these cases are deferential to the elected branches of our government, exercise restraint, and follow the law.

After our confirmation vote tomorrow on Judge Roberts, the President will forward his nominee to fill the seat vacated by Justice O'Connor. It will then become our duty in the Senate to provide our advice and consent on that nomination. It is a responsibility that we should all take very seriously. The manner in which we handle that nomination will say a lot about the Senate as an institution.

I read in today's edition of the Washington Post that several of our Democratic colleagues, as well as the Democratic National Committee chairman, are already threatening to filibuster the next nominee to the Supreme Court. It is shocking to me that they are threatening a filibuster of the next nominee before they even know who the nominee is going to be. They are even threatening to filibuster possible nominees who were just confirmed to the appellate courts and explicitly included in the Memorandum of Understanding that seven Democrats and seven Republicans signed onto last May.

That is wrong and the American people will see it for the blind partisanship that it is. I would remind my colleagues on the other side of the aisle that they have sworn to uphold the Constitution through their representation in this body, not to thwart its intent or reshape its application to suit the nattering liberal elite and their special interest groups. I implore my Democratic colleagues not to blindly abuse the filibuster. These threats are symptomatic of the breakdown of the nomination process, and they must stop.

The process by which justices and judges are nominated and confined has degenerated to a point where ideological litmus tests are too often applied and nominees are torn apart by personal attacks.

The nomination process should not be brought down to the level of personal attacks on the nominee or fishing expeditions into the nominee's political allegiances. I believe there is a lot of room for improvement in the process, and I hope to see such improvement as we consider the next nominee.

One ideological litmus test I am hearing about a lot these days is that the Supreme Court must somehow maintain its ''balance.'' Where in the Constitution does it say that a certain balance must be maintained on the Supreme Court? According to the Constitution, the President is entitled to nominate the individuals he desires to have on the courts, and we in the Senate must determine whether the nominee is fit and qualified. There should be no ideological litmus test for nominees. If a nominee is fit and qualified, he or she should be confirmed.

I believe Judge Roberts is eminently fit and qualified to serve as the next Chief Justice. I will proudly cast my vote for him, and I urge my colleagues to do the same.

Thank you, Mr. President. I yield the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the Senator from Louisiana is recognized for 10 minutes.

Mr. VITTER. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Louisiana is recognized for 10 minutes.

Mr. VITTER. I thank the Chair.

I, too, rise in strong support of the nomination of John Roberts to be Chief Justice of the U.S. Supreme Court. I do that for two reasons, two equally important reasons. One is the strong qualification and background of Judge Roberts. But the second and perhaps just as important or even more important is the fact that this nomination and this confirmation process I believe has gotten us back as a Senate, as a country to the process that the Founders intended and the sort of values and the sort of qualifications, the sort of judgment by the Senate that the Founders intended.

We are finally remembering that it is the President's prerogative to nominate qualified persons to fill judicial vacancies, and in the past the Senate

has accorded great deference to the President's selection. Justice Ginsburg was overwhelmingly confirmed 42 days after her nomination. Justice O'Connor was overwhelmingly confirmed 33 days after her nomination. So we are returning to that determination of the President's prerogative.

The White House is to be commended for engaging in unprecedented consultation with respect to this nominee. So we are also returning to a very robust and full and healthy consultation process. I understand that the Bush administration consulted with more than 70 Senators on the Roberts nomination, countless conversations and phone calls and meetings and now is a strong part of our tradition which we are certainly returning to.

Moreover, few would disagree that President Bush could not have nominated a more qualified person for this position. John Roberts has an impressive academic background, a distinguished career in Government service, private practice, and as a Federal judge.

So we are also returning to that fine tradition that actual qualifications matter. It is not all about ideology and political positions but qualifications, judicial temperament, those sorts of important considerations matter, first and foremost.

Certainly, Judge Roberts has those. He graduated summa cum laude from Harvard college, my alma mater. He also graduated from Harvard Law school, magna cum laude. I guess he couldn't get into Tulane Law School, as I did, but I congratulate him on his accomplishments at Harvard. After graduation, he law clerked for Judge Henry Friendly on the U.S. Court of Appeals for the Second Circuit and then for William Rehnquist on the U.S. Supreme Court.

Judge Roberts enjoyed a distinguished career as a public servant in many different positions during the Reagan administration and became a partner at a major and highly respected law firm in Washington, DC, where he acquired the reputation as one of the finest Supreme Court advocates in the country. In fact, he argued an impressive 39 cases before the Supreme Court. Of course, as we all know, Judge Roberts was appointed in 2002 by President Bush for the U.S. Court of Appeals for the District of Columbia Circuit—those sort of mainstream qualifications.

Academic, practice, smarts, judicial temperament—all are certainly very important. But I think the single most important factor which qualifies Judge Roberts for this esteemed position is his appropriate view of what it means to be a judge, his appropriate view of the limited role of the judiciary and what that means in our system of government.

He has said, frankly and refreshingly, in a straightforward way, that judges should not place ideology above thoughtful legal reasoning. He is not the sort who will legislate from the bench. His judicial philosophy is based on the rule of law and on respect for the Constitution.

Let's think about what he said in his own words. This is what he said on September 12 at his confirmation hearing:

> [A] certain humility should characterize the judicial role. Judges and justices are servants of the law, not the other way around. Judges are like umpires. Umpires don't make the rules, they apply them. The role of an umpire and a judge is critical. They make sure everybody plays by the rules but it is a limited role. Nobody ever went to the ball game to see the umpire.''

He also said on the same occasion:

> . . . I come before the committee with no agenda, I have no platform. Judges are not politicians who can promise to do certain things in exchange for votes. I have no agenda. But I do have a commitment. If I am confirmed, I will confront every case with an open mind. I will fully and fairly analyze the legal arguments that are presented. I will be open to the considered views of my colleagues on the bench, and I will decide every case based on the record, according to the rule of law, without fear or favor, to the best of my ability, and I will remember it is my job to call balls and strikes, and not to pitch or bat.

That, first and foremost, is the tradition we are getting back to with this confirmation. I sincerely hope that it is a tradition in which we remain grounded. Let's remember again the lessons of this nomination and this confirmation. Let's remember that it is the President's prerogative to nominate qualified persons to the bench. Let's remember that the Senate does have an important consultative role and let's all encourage the President to perform that consultation in a full and robust fashion, as he did with Judge Roberts. Let's remember that qualifications—smarts, academic credentials, practice history—are very important when you are talking about a judicial nominee. And let's all remember, first and foremost, that judges are umpires, they are not the players in the baseball game. That is the crucial distinction that I think we have lost over the past several decades and that we are finally trying to pull back to.

It is very important for us as a body to remember that lesson of this nomination of this confirmation as we move on. As we move on, I do think that is the most important open question. As the previous speaker mentioned, already certain Democrats in this body are threatening a filibuster without having the foggiest notion who the next nominee to the U.S. Supreme Court may be. Already they are threatening a filibuster of circuit court nominees who have basically been agreed to in terms of no filibuster in the Senate.

That would move us dramatically in the opposite direction from the one I have spoken about. That would turn the clock back. That would move us 180 degrees and point us again in that wrong direction.

I will be proud to join with other Members of this body tomorrow for this historic confirmation vote. I will be proud to vote yes for Judge John Roberts to be the next Chief Justice of the U.S. Supreme Court.

Just as proudly, just as fervently, I will argue and fight to make sure that where we are today is where we remain in terms of future nominations and future confirmations; that we all remember that we are talking about an umpire to enforce the rules of the game, not a player—not a batter we like or a fielder we prefer but the umpire to enforce the rules as written.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky is recognized for 20 minutes.

Mr. BUNNING. Mr. President, I rise in strong support of John Roberts to be the next Chief Justice of the U.S. Supreme Court. Confirmation of a Supreme Court Justice, particularly the Chief Justice, is one of the most important duties we have in the Senate. I hope we can put politics and partisanship aside and swiftly confirm him.

Earlier this year, we found ourselves in an unprecedented position. The Democratic minority decided to use Senate rules to block judicial nominees. The minority tried to take away the power of nomination that the Constitution gives the President. But President Bush was solidly reelected last fall, and during the campaign he stressed the type of judges he would nominate—those who respect the law and the Constitution and who will not legislate from the bench.

The American people knew what they were getting when they reelected President Bush. President Bush kept his word. His judicial nominees have been highly qualified and worthy of confirmation. The minority's obstructionism ended earlier this year, or at least for now. Many on the left want to see a filibuster against John Roberts, but I have no doubt that John Roberts will be confirmed soon. Our job is to determine the qualifications of the nominees. Then we should vote to approve or oppose them. Anything else is to disregard the oath we took when we joined the Senate.

Our job is not to oppose nominees because we think their views are different from ours. We should not oppose nominees to keep our political base happy. Regardless of all the excuses, nominees deserve a vote. That is it.

John Roberts is extremely qualified to serve on the Supreme Court, and he is as qualified to be Chief Justice. He is, no doubt, one of the most qualified nominees to come before the Senate since I have been here. He is a brilliant legal scholar, an accomplished attorney, and a fine judge. I will strongly support him.

I do not need to spend too much time restating John Roberts' qualifications. They have been stated. He graduated with honors from Harvard college and its law school. He clerked in the Second Circuit Court of Appeals and for Chief Justice Rehnquist when he was an Associate Supreme Court Justice.

John Roberts also worked for the Attorney General, the White House counsel and Solicitor General in previous administrations.

In private practice, he was one of the best appellate and Supreme Court litigator's in the Nation. He argued an unprecedented 39 cases before the Supreme Court. Now he is a judge on the DC Circuit Court of Appeals, where he has been since we confirmed him unanimously in 2003.

His resume is not what convinces me that he will be a fine Chief Justice. What is clear is that John Roberts respects the law and Constitution and will be faithful to the proper role of a judge. In his confirmation hearings, Judge Roberts used an example to explain the proper role of a judge. It has been stated before. He said a judge is like an umpire, not a player or a coach. And similar to an umpire, a judge applies the rules to the situation at hand. An umpire doesn't rewrite the rules or enforce what he thinks the rules ought to be.

I know a little bit about umpires. I have dealt with them, and all types of them, for years. Some are liberal and some conservative with the strike zone. Some were unpredictable and made the strike zone up as the game went along. The worst umpires decided the outcome of the game by playing favorites or enforcing their own version of the rules. The best umpires applied the rules as written in the rule book and let the rules and the players dictate the outcome of the game.

As Judge Roberts said, that is how judges should act. The law, and not judges, should decide the outcome of the cases. The rules of the game, the writing of the laws is done by Congress. The President implements and enforces the laws, the judiciary settles disputes by applying laws and the Constitution. Judges are not lawmakers as umpires are not players. If umpires want to be players, that umpire should quit and join a team. If a judge wants to write laws, he should run for Congress.

We have seen courts try to replace Congress and legislatures. Social issues have been taken out of the political process and decided by unelected judges. The voice of the people has too often been ignored. Activism of a few judges threatens our judicial system.

If judges keep exercising powers not granted to them, the public and its servants may tune out the courts and ignore them altogether. That would be bad and we would all suffer. I think Judge Roberts sees that danger. As Chief Justice, he will protect the Constitution and reputation of the courts.

At his confirmation hearing, Judge Roberts recognized the damage of an activist judiciary. Their activism undermines the authority and respect needed to overturn truly unconstitutional actions. Courts must not be activists and settle public policy disputes. Judge Roberts also sees that danger, and I trust he will work hard to keep the Court within its boundaries and implore judges to exercise restraint in decisionmaking. A key part of that restraint is to not wade into public policy disputes. I imagine it is tempting for judges to impose their personal views when making decisions.

But I believe Judge Roberts will exercise restraint and encourage the Federal court system to do the same.

Many of my colleagues are frustrated over Judge Roberts not revealing his views on public policy.

As Chief Justice, Judge Roberts is not going to act like a Senator. He will not let his personal views influence his decision and rulings.

The complaints of some of my colleagues led me to believe that they did not understand the role our Founding Fathers intended for the courts. Congress is the policymaking branch of government. The President and the administration enforce the laws. And the courts act as neutral decisionmakers when disputes arise.

But my colleagues know this.

And so I fear they see the courts as a political arm to implement their liberal policy agenda.

To them—the Supreme Court is a super legislature. But that is not what our Framers envisioned. And that is not how Judge Roberts will use his position as Chief Justice.

The left turns to the courts to impose their agenda because they cannot advance it through elections. They cannot pass their laws through Congress or legislatures. They cannot even get elected by running on their liberal policies. So they must use the courts to impose their agenda.

What is that agenda?

Unlimited abortion on-demand; banning schoolchildren from saying the Pledge of Allegiance; banishing the Ten Commandments from public places; rewriting the definition of marriage; and banning arms for self-defense.

That agenda does not sell with America or in Congress.

So the last great hope for liberals is the judicial bench. And that is why they oppose nominees who do not agree to their liberal activist agenda.

The only thing stopping the rewriting of our Constitution are judges that will support the rule of law.

John Roberts is one such judge. He will not write new laws from the bench.

As Chief Justice, he will set an example for the court system to follow the same principles.

Many Senators have expressed frustration at not knowing Judge Roberts' political views. I do not know his views either.

I have not asked him. And I will not ask him.

They do not matter. I trust him not to let his political beliefs influence his decisions.

During his hearing, Judge Roberts rightly declined to answer how he would rule in specific cases.

The current Supreme Court Justices also declined to answer similar questions.

Answering those kind of questions would corrupt and politicize the process.

Judicial nominees would turn into politicians campaigning for office to get confirmed—pledging to vote a certain way in order to gain votes.

They would also have to make promises to the President in order to get nominated.

Judges must be selected based on their qualifications.

I have not asked Judge Roberts about his personal political views. I have not asked him about his legal views. I do not need to know how he will rule in a certain particular case—because I know his approach to the law—and that is all I need to know.

John Roberts will lead by example and earn the respect of the other Justices and the American public. He will also be joined on the Court by another new Justice.

I trust President Bush will choose another highly qualified nominee to replace retiring Justice Sandra Day O'Connor.

If the new nominee is in a similar mold and has the same respect for the rule of law, then I will be glad to support the next nominee.

I have seen comments from some of my Democrat colleagues that they will filibuster certain nominees. That is most unfortunate. And it could bring us back to the point where we were earlier this year.

I hope and pray the minority does not do this.

But make no mistake about it. We will ensure that the next nominee receives fair treatment in the Senate and gets a vote.

I thank President Bush for keeping his promise to nominate outstanding individuals to our courts.

I thank Chairman SPECTER for ushering this nomination swiftly through his Judiciary Committee.

And I thank John Roberts for his service to our country.

I vow very strongly to vote for him when his vote comes up tomorrow.

I yield the floor.

Mr. SESSIONS. Mr. President, I would like to express my agreement with the Senator from Kentucky. He stated the case very clearly for the proper role for a judge. I know he faced many an umpire in his Hall of Fame baseball career. But he knows when they make the call, they are stuck with it, and he has every right to expect that that umpire is going to make the call not based on whether they favor one team or another or one side or another but what the rules of the game are.

I think that metaphor Judge Roberts utilized as he talked about the role of a judge is an apt one.

I saw Senator BURNS here. He used to be a football referee. I wanted to ask him: Senator BURNS, if you thought that the holding call was a little bit inadvertent and it wasn't too a bad a holding call but the penalty called for

15 yards, should the referee be free to impose 10 yards because they think that might be more fair? No. Of course, not. Those are the basic principles of rules.

I am pleased that we have a nominee who I think understands it.

Activism is a concern of the American people. It is something that should concern all of us because it represents a movement by unelected, lifetime-appointed judges to impose policy decisions and values on the American people. If it is required by the Constitution, that is their job. If it is not required and not a part of the Constitution, they should not be engaged in those kinds of issues.

The high point I think of activism was when two Supreme Court Justices in every death penalty case declared that they dissented and they would oppose all death penalty cases in the United States because they believed the Constitutional prohibition on cruel and unusual punishment prohibited the death penalty. That might sound plausible. But the Constitution itself has half a dozen references to capital crimes. That means crimes for which you may take somebody's life. It has references to not being able to take life without due process of law. Obviously, you could take life with due process of law. And when the Constitution was written, every single State, every single Colony, members of the Confederacy, had the death penalty, and they did when the Constitution was written.

So it is obviously the judges' decision that they didn't like the death penalty. They declared it was unenlightened public policy involving a standard of decency and all of that, and that justified their opinion. But that wasn't so, was it? Because State after State has maintained the death penalty. Many have enacted death penalties after they eliminated the death penalty.

It is not what the American people rejected, in fact, and would never have been rejected by the members of the legislatures of all the States.

They tried to say the Constitution prohibited any State from having a death penalty.

That is an extreme abrogation of power, and it is something we should be concerned about.

What did Judge Roberts say?

I see my chairman, Senator SPECTER, who has done such a great job in moving this nomination forward. I want to speak long and will yield the floor to him. I had my opportunity to make a few remarks earlier.

But I think it is important for us to listen to the eloquent, beautifully repeated—I am going to touch on a few of his statements—but the repeated statements of Judge Roberts in different ways that affirm so clearly that he knows what the role of the judge is in the American legal system. I picked out a few.

It is that rule of law that protects the rights and liberties of all Americans. It is the envy of the world, because without the rule of law any rights are meaningless.

Mr. Chairman, I come before this committee with no agenda. I have no platform.

Neither the President nor Members of our side of the aisle are asking any nominee to impose our political agenda on this country. I would never do that. That is not the role of a judge. But neither do I think the judge ought to be opposing any agenda. And I certainly am offended when they oppose the agenda which I don't agree with, which I think is the province of the legislative branches. Judge Roberts understands that.

Then he goes on:

That's a paraphrase, but the phrase, calmly poise the scales of Justice if, if anything, the motto of the court on which I now sit. That would be the guiding principle for me whether I am back on that court or a different one, because some factors may be different, the issues may be different, the demands may be different, but the Bill of Rights remains the same. And the obligation of a court to protect those basis liberties in times of peace and in times of war, in times of stress and in times of calm, that doesn't change.

What a beautiful statement.

Another:

Like most people, I resist the labels. I have told people when pressed that I prefer to be known as a modest judge, and to me that means some of the things that you talked about in those other labels. It means an appreciation that the role of the judge is limited, that a judge is to decide the cases before them, they're not to legislate, they're not to execute the laws.

Another:

I don't think the courts should have a dominant role in society and stressing society's problems. It is their job to say what the law is.

Isn't that correct?

But the Court has to appreciate that the reason they have that authority is because they're interpreting the law, they're not making policy, and to the extent they go beyond their confined limits and make policy or execute the law, they lose their legitimacy, and I think that calls into question the authority they will need when it's necessary to act in the face of unconstitutional action.

That is a brilliant statement.

If a court consistently abuses its power, does not remain faithful to the Constitution, at some point it may have to take a very unpopular stand to truly and rightfully defend the Constitution against congressional Presidential overreaching.

Will they have the credibility to do so? Not so, perhaps, if they have squandered it by improper legislation for many years that has undermined public confidence in the Court.

That is exactly what he is saying—a beautiful statement.

If you believe in our Constitution, if you believe in the laws to protect our liberties and that laid the foundations for our prosperity, one must believe that we have to enforce the Constitution, even if you might not agree with some part of it.

He was asked, ''Are you an originalist? Are you a strict constructionist? What label do you put on yourself, Judge?''

He said this:

I do not have an overarching judicial philosophy that I bring to every case, and I think that's true. I tend to look at the cases from the bottom up rather than the top down. And like I think all good judges focus a lot on the FACTS. We talk about the law, and that's a great interest for all of us, but I think most cases turn on the facts, so you do have to know those, you have to know the record.

In other words, we were asking him to blithely make his views known on how he would rule on this case or that case. By the time it gets to the Supreme Court of the United States there has been a full trial and maybe hundreds, maybe thousands of pages of transcript and records. There are facts that underlie the dispute, and it is only after the facts are asserted that a judge needs to be making a decision about the outcome of a case.

Judges apply the facts to the legal requirements of the situation, and only then make a decision. He refused to make opinions on cases that may come before him. Of course, he should not make opinions on that. He has not studied the record, the transcript, talked with the other judges, read the briefs, or heard the oral arguments of counsel. He should not be up there making opinions on the cases. That is so obvious. He was pushed, pushed, and pushed to do that and criticized for not doing so. That is the rule of the law: Do not make a decision until you know the facts and the law.

I will say this: We have had a tutorial on the rule of law under the American system. We have had a classroom exercise beyond anything any Member could ask for on the role of a judge in the American system. It was a beautiful thing. I am pleased to see many of my colleagues on the other side of the aisle have seen fit now to announce they intend to support Judge Roberts. That is the right thing. I am confident, also, the President will submit another nominee, just like he promised, who will be consistent with the same philosophy of Judge Roberts—one who does not seek to impose any political agenda, liberal or conservative, on the American people, but will simply consider the facts, consider the arguments of counsel, and decide the case before them.

That is what we have a right to ask and to insist on to preserve the rule of law in this country, which, more than any other country in the world, reveres and respects and venerates law and order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, before the distinguished Senator from Alabama yields the floor, I thank and compliment him for his comments and for his work on the Judiciary Committee. He has been steadfast in his participation in all matters but especially with the nomination proceedings as to Judge Roberts. It ought to be noted for the record.

Mr. President, Senator DOMENICI was here seeking an opportunity to speak. I ask unanimous consent he be sequenced following my speech.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition today to comment on a story which is in the Washington Post today captioned ''Filibuster Showdown Looms in the Senate: Democrats Prepare For Next Court Pick.''

I suggest it is in the national interest that there be a lowering of the decibel level of the partisan rhetoric. There is no doubt that the process for the nomination, hearings, and confirmation of a Supreme Court nominee is part of the political process. I further suggest partisanship has its limits.

The partisanship which is demonstrated in this report by the Washington Post today seems to me to be flagrant, extreme partisanship, flagrantly excessive partisanship, really out of bounds and out of the mainstream.

The core objection raised by certain Democratic political activists as outlined in the Washington Post story is frustration among party activists who think their elected leaders did not put up a serious fight against Judge Roberts.

I was present as chairman of the committee during the entire proceeding. I can state it was a very vigorous fight. It is not necessary to have ARLEN SPECTER's characterization of it. The record speaks for itself. We had experienced Senators on the Democrat side of the aisle who questioned Judge Roberts very closely and who came to the conclusion they would vote no, which they did in the committee proceedings. Senator KENNEDY, who can doubt his tenacity? Senator BIDEN, who can doubt his sincerity? And Senator FEINSTEIN questioned eloquently in many directions. Senator SCHUMER was on top of all of the issues not only in three rounds of questioning which we had, 30 minutes and then 20 minutes and then 30 more minutes, but in the submission of written questions. And Senator DURBIN, the assistant minority leader, spoke and all voted against Judge Roberts because that was their conclusion.

But who can say they didn't put up a strong and tough fight? That is an insult to those dedicated Senators tending to their business to say they did not put up a professional fight.

There are at this moment some 18 announced or reported Senators on the Democrat side who are going to vote in favor of the Roberts nomination: Senator BAUCUS, Senator BINGAMAN, Senator BYRD, Senator CONRAD, Senator DODD, Senator DORGAN, Senator FEINGOLD, Senator JOHNSON, Senator KOHL, Senator LANDRIEU, Senator LEAHY, Senator LEVIN, Senator LIEBERMAN, Senator NELSON of Nebraska, Senator NELSON of Florida, Senator PRYOR, Senator SALAZAR, and Senator WYDEN.

Among those 18 Senators are some veterans of the Senate whose credentials cannot be challenged as progressive, as liberal, as forward-thinking Senators.

I will quote from just a few of the comments which they have made. Senator LEAHY was the first among the Democrats to speak out in favor of the nomination of Judge Roberts to be Chief Justice. As the ranking member, I sat next to him during the entire proceeding. I can attest firsthand the conscientious way Senator LEAHY approached this nomination. It was not a matter of our discussing the merits. It was not a matter of my trying to persuade him.

I have served with Senator LEAHY for 25 years, and many years before that, back in 1969 when I was the host at the National District Attorney's Association Convention in Philadelphia, I was Philadelphia's D.A., and Pat Leahy, a young prosecutor from Burlington, VT, was the prosecuting attorney in his jurisdiction. I could see him struggle with the nomination as a matter of conscience. He came to the conclusion that was where his conscience led.

I identified with his courageous move in the committee. It is not easy to go against the party line, and Senator LEAHY was prepared to do that.

His statement was a very thoughtful statement, as Senator LEAHY is accustomed to be: He commented extensively on Judge Roberts' reliance on the Raich decision, moving away from Lopez and Morris on the commerce clause. He comments extensively on the precedence of Roe and Planned Parenthood v. Casey and forcefully on a number of occasions regarding the recognition to the right to privacy embodied in Griswold v. Connecticut.

Senator LEAHY commented about the assurances which he accepted from Judge Roberts about taking the mold of Justice Jackson, moving away from being a partisan in the administration as Attorney General to being an impartial judge.

There is much more, but the record of what Senator LEAHY has said speaks for itself.

In addition to Senator LEAHY, there are other very well established Senators on the other side of the aisle, impeccable standing in the liberal community. Senator LEVIN spoke in favor of Judge Roberts; Senator DODD spoke in favor of Judge Roberts for Chief Justice; Senator FEINGOLD in the committee; Senator LIEBERMAN. I have already enumerated the Senators.

So when there are some so-called Democrat political activists who speak up and are critical, as they were of Senator LEAHY after he made the opening declaration, first of the Democrats to speak—we are all subject to comment and we are all subject to criticism, but I was taken a little aback by the criticism which came to Senator LEAHY after he made his declaration. I have been the object of such substantial criticism myself, so I know what it was like. But I think it goes a little too far when the so-called political activists are raising these objections out of purely partisan motivations. One activist was quoted in this story as saying that Democrats must vote against Judge Roberts, otherwise ''we will not win an election.''

The political process, I submit, goes only so far. And as foreign policy debate stops at the water's edge, at least it used to traditionally, I think that extreme partisanship stops at the consideration of a nominee for the Supreme Court of the United States. That is a line at which party loyalties ought to end and there ought to be independence. That is the confluence of the three branches of Government where, as we all know under our Constitution, the President nominates, where the Senate conducts proceedings and confirms or rejects, and where the nominee, if confirmed, if approved, then takes a seat on the Supreme Court. That is a line in the administration of justice in the United States where partisanship, rank, extreme partisanship ought to end.

The so-called political activists are blunt in what they had to say. Their concern is ''restoring enthusiasm among the rank and file on the left.''

I suggest there is a higher calling on selecting a nominee for the Supreme Court, and especially for a Chief Justice, which transcends appeal to extremes at one end of the political spectrum or the other.

This kind of comment, I believe, is only going to inspire corollary comment from the other end of the political spectrum. We simply do not need it. I sensed, and have commented publicly on, a lot of frustration bubbling just below the surface in the Roberts nomination hearings. I am concerned about the next nomination. We are looking at a replacement for Justice O'Connor, who was a swing vote. I have stated both publicly and privately my hope we will find someone in the mold of Judge Roberts.

The statements which were made by Senator LEAHY, by Senator LEVIN, by Senator DODD, by Senator FEINGOLD, and others all focused on the approach of Judge Roberts to modesty and stability. And it was more than the words he uttered, it was the way he conducted himself. It was the way he spoke about the cases when he answered the questions and when he did not answer questions. I spoke at length earlier, on Monday, about questions which I thought he should have answered but he did not answer. But that is the nominee's prerogative. And then the Senator's prerogative is to make a decision on how the Senator is going to vote. But when you talk about a filibuster, this body was at the risk of a virtual civil war, with the Democrats filibustering and with Republicans threatening to exercise the constitutional or nuclear option. I took the floor earlier this year on several occasions to urge an independent stand. I

heard so many Democrats say they did not like the idea of a filibuster and I heard so many Republicans say they did not like the idea of the constitutional or nuclear option, but Democrats felt constrained to the filibuster and Republicans felt constrained to the nuclear or constitutional option.

I urged my colleagues to take an independent stand, that when you talked about the long-range composition and the long-range approach of the institution of the Senate, it was more important than the passions of the moment. I went into some detail and quoted how the Senate saved judicial independence in the impeachment proceedings of Supreme Court Justice Chase in 1805 and 1806 and how the U.S. Senate saved the independence of Presidential prerogatives in the impeachment proceeding of President Andrew Johnson. The Congress had passed a law saying there had to be consent by the Senate for the President to remove a Cabinet officer. Secretary of War Stanton bolted himself in his office. He would not leave. Because President Johnson would not tolerate that kind of usurpation of Presidential power, he was impeached. In this Chamber, he was saved. The Senate saved him.

When you talk about the institutions of the Senate, we do not need outsiders telling us when to filibuster. We do not need outsiders and political activists on either side telling us when to filibuster or when to exercise the constitutional option. We were elected. They were not.

When you have men of the stature of Senator LEAHY and Senator DODD and Senator LIEBERMAN taking a position, those positions ought to be respected. When you have hard-fighting Senators such as KENNEDY and BIDEN and SCHUMER fighting a nomination and voting no, their positions ought to be respected.

So I hope as to this headline in the Post about ''Filibuster Showdown Looms in Senate,'' it is the last time we will hear the word ''filibuster'' and that we will have a nominee who will command respect, that we will have an orderly, dignified proceeding in the Judiciary Committee in another round of hearings, and that we will acquit ourselves with distinction.

At a time when the Congress is under a very heavy fire on all sides for so many items—or the response to the hurricane and for the highway bill and for spending and for a lack of offsets—I have heard many comments that the Senate has acquitted itself very well throughout the entire confirmation process, not just what was done in the Judiciary Committee, but what has been done on the floor of the Senate, and what will be concluded tomorrow when the full body votes.

So we do not need outsiders telling us how to conduct our business. They can make their suggestions. They have freedom of speech. But it ought to be within bounds. This sort of extreme, excessive partisanship has no place in the selection of the next Supreme Court Justice.

In the absence of any Senator seeking recognition, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, is it proper now to speak on the nomination of Judge Roberts?

The PRESIDING OFFICER. Yes, it is in order.

The President pro tempore is recognized.

Mr. STEVENS. Mr. President, having lived and studied alongside one of the greatest legal minds of my generation, I believe Judge Roberts' capability and knowledge of the law is superior to any of his generation. When I was at Harvard Law School, my roommate was H. Reed Baldwin. He had abilities quite similar to those of John Roberts. He was the top of our class, No. 1, and on the Harvard Law Review. He was what I call a Renaissance man. He could handle almost any subject. Unfortunately, he suffered an untimely death; otherwise, he might have once been in the same place John Roberts is today.

During the Judiciary Committee's hearings, Juneau Mayor Bruce Botelho testified in support of Judge Roberts' nomination. Bruce, whom I know well, was Attorney General for the State of Alaska from 1994 through 2002. He employed John Roberts to represent our State before the Supreme Court on a wide range of issues, including the Venetie case involving Indian country claims and cases related to submerged lands issues, natural resource matters, and the Alaska Statehood Act. As a matter of fact, I met with Judge Roberts then and have met with him since. He has a brilliant legal mind.

I am not alone in that opinion. Judge Roberts has been to our State many times, and he has won the respect of Alaskans who hold a wide range of political beliefs and opinions.

Judge Roberts also won the respect of the bar association of the District of Columbia, of which I am a member. In 2002, when Judge Roberts was nominated to serve as a Federal court of appeals judge on the U.S. Court of Appeals for the District of Columbia Circuit, more than 150 Members of the DC bar sent a letter to the Judiciary Committee of the Senate supporting his nomination. I know many of the bar members who signed this letter. They are a distinguished and bipartisan group of lawyers, law professors, and public servants. I think they said it best:

John Roberts represents the best of the bar.

I agree with their opinion and the opinion of many Alaskans who have worked with him. I shall vote to confirm Judge Roberts as the 17th Chief Justice of the U.S. Supreme Court. I urge all of my colleagues in the Senate to do the same.

I ask unanimous consent that the letter I mentioned be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 18, 2002.

Re Judicial Nomination of John G. Roberts, Jr. to the United States Court of Appeals for the District of Columbia Circuit.

Hon. TOM DASCHLE,
Hon. ORRIN HATCH,
Hon. PATRICK LEAHY,
Hon. TRENT LOTT,
U.S. Senate, Washington, DC.

DEAR SENATORS DASCHLE, HATCH, LEAHY, AND LOTT: The undersigned are all members of the Bar of the District of Columbia and are writing in support of the nomination of John G. Roberts, Jr., to serve as a federal court of appeals judge on the United States Court of Appeals for the District of Columbia Circuit. Although, as individuals, we reflect a wide spectrum of political party affiliation and ideology, we are united in our belief that John Roberts will be an outstanding federal court of appeals judge and should be confirmed by the United States Senate. He is one of the very best and most highly respected appellate lawyers in the nation, with a deserved reputation as a brilliant writer and oral advocate. He is also a wonderful professional colleague both because of his enormous skills and because of his unquestioned integrity and fair-mindedness. In short, John Roberts represents the best of the bar and, we have no doubt, would be a superb federal court of appeals judge.

Thank you.

Sincerely,

Donald B. Ayer, Jones, Day, Reavis & Pogue; Louis R. Cohen, Wilmer, Cutler & Pickering; Lloyd N. Cutler, Wilmer, Cutler & Pickering; C. Boyden Gray, Wilmer, Cutler & Pickering; Maureen Mahoney, Latham & Watkins; Carter Phillips, Sidley, Austin, Brown & Wood; E. Barrett Prettyman, Jr., Hogan & Hartson; George J. Terwilliger III, White and Case; E. Edward Bruce, Covington & Burling; William Coleman, O'Melveny & Myers; Kenneth Geller, Mayer, Brown, Rowe & Mawt; Mark Levy, Howrey, Simon, Arnold & White; John E. Nolan, Steptoe & Johnson; John H. Pickering, Wilmer, Cutler & Pickering; Allen R. Snyder, Hogan & Hartson; Seth Waxman, Wilmer, Cutler & Pickering; Jeanne S. Archibald, Hogan & Hartson; Jeannette L. Austin, Mayer, Brown, Rowe & Mawt; James C. Bailey, Steptoe & Johnson; Stewart Baker, Steptoe & Johnson.

James T. Banks, Hogan & Hartson; Amy Coney Barrett, Notre Dame Law School; Michael J. Barta, Baker, Botts; Kenneth C. Bass, III, Sterne, Kessler, Goldstein & Fox; Richard K. A. Becker, Hogan & Hartson; Joseph C. Bell, Hogan & Hartson; Brigida Benitez, Wilmer, Cutler & Pickering; Douglas L. Beresford, Hogan & Hartson; Edward Berlin, Swidler, Berlin, Shereff, Friedman; Elizabeth Beske (Member, Bar of the State of California); Patricia A. Brannan, Hogan & Hartson; Don O. Burley, Finnegan, Henderson, Farabow, Garrett & Dunner; Raymond S. Calamaro, Hogan & Hartson; George U. Carneal, Hogan & Hartson; Michael Carvin, Jones, Day, Reavis & Pogue;

Richard W. Cass, Wilmer, Cutler & Pickering; Geogory A. Castanias, Jones, Day, Reavis & Pogue; Ty Cobb, Hogan & Hartson; Charles G. Cole, Steptoe & Johnson; Robert Corn-Revere, Hogan & Hartson.

Charles Davidow, Wilmer, Cutler & Pickering; Grant Dixon, Kirkland & Ellis; Edward C. DuMont, Wilmer, Cutler & Pickering; Donald R. Dunner, Finnegan Henderson Farabow Garrett & Dunner; Thomas J. Eastment, Baker Botts; Claude S. Eley, Hogan & Hartson; E. Tazewell Ellett, Hogan & Hartson; Roy T. Englert, Jr., Robbins, Russell, Englert, Orseck & Untereiner; Mark L. Evans, Kellogg, Huber, Hansen, Todd & Evans; Frank Fahrenkopf, Hogan & Hartson; Michele C. Farquhar, Hogan & Hartson; H. Bartow Farr, Farr & Taranto; Jonathan J. Frankel, Wilmer, Cutler & Pickering; Johnathan S. Franklin, Hogan & Hartson; David Frederick, Kellogg, Huber, Hansen, Todd & Evans; Richard W. Garnett, Notre Dame Law School; H.P. Goldfield, Vice Chairman, Stonebridge International; Tom Goldstein, Goldstein & Howe; Griffith L. Green, Sidley, Austin, Brown & Wood; Jonathan Hacker, O'Melveny & Myers.

Martin J. Hahn, Hogan & Hartson; Joseph M. Hassett, Hogan & Hartson; Kenneth J. Hautman, Hogan & Hartson; David J. Hensler, Hogan & Hartson; Patrick F. Hofer, Hogan & Hartson; William Michael House, Hogan and Hartson; Janet Holt, Hogan & Hartson; Robert Hoyt, Wilmer, Cutler & Pickering; A. Stephen Hut, Jr., Wilmer, Cutler & Pickering; Lester S. Hyman, Swidler & Berlin; Sten A. Jensen, Hogan & Hartson; Erika Z. Jones, Mayer, Brown, Rowe & Maw; Jay T. Jorgensen, Sidley Austin Brown & Wood; John C. Keeney, Jr., Hogan & Hartson; Michael K. Kellogg, Kellogg, Huber, Hansen, Todd & Evans; Nevin J. Kelly, Hogan & Hartson; J. Hovey Kemp, Hogan & Hartson; David A. Kikel, Hogan & Hartson; R. Scott Kilgore, Wilmer, Cutler & Pickering; Michael L. Kidney, Hogan & Hartson; Duncan S. Klinedinst, Hogan & Hartson; Robert Klonoff, Jones, Day Reavis & Pogue.

Jody Manier Kris, Wilmer, Cutler & Pickering; Chris Landau, Kirkland & Ellis; Philip C. Larson, Hogan & Hartson; Richard J. Lazarus, Georgetown University Law Center; Thomas B. Leary, Commissioner, Federal Trade Commission; Darryl S. Lew, White & Case; Lewis E. Leibowitz, Hogan & Hartson; Kevin J. Lipson. Hogan & Hartson; Robert A. Long, Covington & Burling; C. Kevin Marshall, Sidley Austin Brown & Wood; Stephanie A. Martz, Mayer, Brown, Rowe & Maw; Warren Maruyama, Hogan & Hartson; George W. Mayo, Jr., Hogan & Hartson; Mark E. Maze, Hogan & Hartson; Mark S. McConnell, Hogan & Hartson; Janet L. McDavid, Hogan & Hartson; Thomas L. McGovern III, Hogan & Hartson; A. Douglas Melamed, Wilmer, Cutler & Pickering; Martin Michaelson, Hogan & Hartson; Evan Miller, Hogan & Hartson.

George W. Miller, Hogan & Hartson; William L. Monts III, Hogan & Hartson; Stanley J. Brown, Hogan & Hartson; Jeff Munk, Hogan & Hartson; Glen D. Nager, Jones Day Reavis & Pogue; William L. Neff, Hogan & Hartson; J. Patrick Nevins, Hogan & Hartson; David Newmann, Hogan & Hartson; Karol Lyn Newman, Hogan & Hartson; Keith A. Noreika, Covington & Burling; William D. Nussbaum, Hogan & Hartson; Bob Glen Odle, Hogan & Hartson; Jeffrey Pariser, Hogan & Hartson; Bruce Parmly, Hogan & Hartson; George T. Patton, Jr., Bose, McKinney & Evans; Robert B. Pender, Hogan & Hartson; John Edward Porter, Hogan and Hartson (former Member of Congress); Philip D. Porter, Hogan & Hartson; Patrick M. Raher, Hogan & Hartson; Laurence Robbins, Robbins, Russell, Englert, Orseck & Untereiner; Peter A. Rohrbach, Hogan & Hartson; James J. Rosenhauer, Hogan & Hartson.

Richard T. Rossier, McLeod, Watkinson & Miller; Charles Rothfeld, Mayer, Brown, Rowe & Maw; David J. Saylor, Hogan & Hartson; Patrick J. Schiltz, Associate Dean and St. Thomas More Chair in Law, University of St. Thomas School of Law; Jay Alan Sekulow, Chief Counsel, American Center for Law & Justice; Kannon K. Shanmugam, Kirkland & Ellis; Jeffrey K. Shapiro, Hogan & Hartson; Richard S. Silverman, Hogan & Hartson; Samuel M. Sipe, Jr., Steptoe & Johnson; Luke Sobota, Wilmer, Cutler & Pickering; Peter Spivak, Hogan & Hartson; Jolanta Sterbenz, Hogan & Hartson; Kara F. Stoll, Finnegan, Henderson, Farabow, Garrett & Dunner; Silvija A. Strikis, Kellogg, Huber, Hansen, Todd & Evans; Clifford D. Stromberg, Hogan & Hartson.

Mary Anne Sullivan, Hogan & Hartson; Richard G. Taranto, Farr & Taranto; John Thorne, Deputy General Counsel, Verizon Communications Inc. & Lecturer, Columbia Law School; Helen Trilling, Hogan & Hartson; Rebecca K. Troth, Washington College of Law, American University; Eric Von Salzen, Hogan & Hartson; Christine Varney, Hogan & Hartson; Ann Morgan Vickery, Hogan & Hartson; Donald B. Verrilli, Jr., Jenner & Block; J. Warren Gorrell, Jr., Chairman, Hogan & Hartson; John B. Watkins, Wilmer, Cutler & Pickering; Robert N. Weiner, Arnold & Porter; Robert A. Welp, Hogan & Hartson; Douglas P. Wheeler, Duke University School of Law; Christopher J. Wright, Harris, Wiltshire & Grannis; Clayton Yeutter, Hogan & Hartson (former Secretary of Agriculture); Paul J. Zidlicky, Sidley Austin Brown & Wood.

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Is it appropriate now for the Senator from New Mexico to speak?

The PRESIDING OFFICER. It is appropriate.

Mr. DOMENICI. Is there a time limit?

The PRESIDING OFFICER. There is none.

Mr. DOMENICI. I thank the Chair.

Mr. President, it is, indeed, a privilege to come to the Senate Chamber to speak on behalf of such a distinguished nominee for Chief Justice of the Supreme Court. I have a unique perspective on Judge Roberts because I practiced law for 16 years before I came to the Senate, during which time I got to meet and try cases, and read opinions by many judges. I have also been here for 33 years, during which time I have had the luxury and privilege of hearing from, reading transcripts of, and voting for 10 Supreme Court nominees. So everyone sitting on the Supreme Court now I have had the luxury of considering through the confirmation process, which means I have heard what each of those eight justices said, and I have seen what qualifications they came before the Senate with.

Based upon my previous experiences, it is almost as if Judge Roberts were destined to be a Supreme Court Justice. As I have listened to him, read what he has written, reviewed his background, and watched his conduct before the Judiciary Committee, it has become clear to me that he exemplifies many great qualities. When I look at him in comparison with nominees of the past, considering those men and women that I have previously voted for, it has become clear to me that he was born to serve his nation on our highest court.

Frankly, in all deference to the judges I have voted for heretofore, I have never been more confident that the President picked the right person for the right job at the right time as I am today.

If there is a perfect judge that can be visualized based upon all of the judges I have seen, listened to, read about, and voted for, this man seems to me to be extremely close to such a picture. He will be a judge for whom I will be extremely proud to have voted for.

Many people have described the message I am trying to convey about Judge Roberts in different ways, and there have been some excellent analyses of his qualifications. The largest newspaper in my home state of New Mexico wrote: ''In addition to his encyclopedic fluency in constitutional law and the flesh and blood history behind it, Roberts exhibited a fine quality for a Chief Justice: collegiality. Justices, like Senators, disagree. Roberts showed he can disagree without disrespect, leaving open the door to work toward consensus. If Democrats cannot accept Roberts, is there any suitable Republican nominee?''

I appreciate those words from the Albuquerque Journal, and I agree with the question they raise. Democrats who want a Democratic nominee who fits their mold and agrees with their positions will have to wait until there is another Democratic President for such a nominee to come before the Senate. That is the way it has always been, and my friends from the other side of the aisle cannot expect a Republican President to nominate an individual who will carry their beliefs onto the court. Such a belief is not consistent with history or with tradition.

I will close by saying that I have great confidence that in 5 years, God willing, in 10 years, God willing, I can look back at Judge Roberts' performance as our Chief Justice and say: I was right in how I analyzed what he has been, what he is today, and what he will be as a Supreme Court Justice. I don't think I will be surprised or let down.

And I know, looking back at nominees for whom I voted, that such is not an ordinary expectation. Some judges for whom I voted did not turn out to be what I expected. But I am quite confident that Judge Roberts will not be anything but the great judge I expect as I look back on his tenure in the ensuing years.

I congratulate the Judge on his nomination. I hope he will remain loyal to what he has said and the way he has said it when he pledged what he wanted to be and what he would be. I wish him the very best because if he is successful, it will be good for America. His success in this job is correlated with good relationships under our Constitution between the great powers of the executive, legislative, and judicial branches.

I yield the floor and thank the Senate for listening.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I appreciate the opportunity to comment on the issue before us, which of course is Judge John Roberts. Certainly we have been hearing all about him for the last several days and nearly everything that is to be said has been said at least once. But I do want to take the opportunity to say I am very impressed with this candidate for Supreme Court Chief Justice. I am convinced that he will be a strong defender of the Constitution, that he has an exceptional ability to interpret the Constitution with respect to the law, and that certainly he has the background and qualifications to do that.

I am not an expert in law, but I do feel strongly that the Court is there to measure what is done in other places, what is done in the executive branch, and what is done in the legislative branch with respect to how it fits into the Constitution.

I have met with Judge Roberts, and I appreciated the opportunity to get better acquainted with him. I am very impressed with his demeanor and his character. It is comforting to see someone you think is extremely qualified for such an exceptional job and, at the same time, seems to see the world pretty much from the standpoint we all do, just as a human being, a person who wants to live in a country with freedom, in a country with constitutional law, in a country that does the best for everyone, and I have that impression. So I feel very good about him.

He has great respect for the rule of law and that, it seems to me, is one of the most important aspects of our country. I have had a chance to visit other places. I have had a chance to talk with kids about other countries. As I have gone about, one of the big differences is we have a rule of law, not a rule of people who happen to be in a strong position at the time, but a rule of law that exists and continues in the Constitution to be interpreted by the Supreme Court.

Of course, Judge Roberts has credentials that are outstanding. His educational background is great. He has been a White House Counsel, so he knows how that works. He has been a Deputy Solicitor General, so he knows how that aspect of it works, too. And he is a circuit judge, so he has a background as a judge. I believe that is very important.

I am very impressed, I am very pleased, and I am very proud to be a part of voting for him. I think the vote will be strong.

I shared with Judge Roberts a few areas about which I am concerned. I did not ask his opinion on them, but rather in the State I am from, Wyoming, we are very concerned about venue shopping. We are very concerned about the idea of people filing suit or going to the proper district court or area to get one that is sympathetic. That is not the way it ought to be. The Federal court that deals with the issue from an event in our history has to be in that history, and I wanted to share that with Judge Roberts.

I am very concerned about emminent domain, with regard to people's rights and property, gun rights, endangered species. Again, I did not ask him for his opinion on those issues because that is not the issue. The issue is, as legislation is passed, are they consistent with the Constitution, and that is, indeed, the role of judges—to listen to the facts and see how they apply to the rule of law.

I was very impressed, as most of us were as we watched some of the interrogation in the committee, with his conduct. Of course, he was pressed many times with different kinds of questions and tried to be pushed into making specific stands on his own opinion on issues, which really is not what it is all about. That is for him to decide when those issues come up with respect to the law, with respect to the Constitution. He handled that situation very well.

We have the opportunity—and a very pleasant opportunity—to support a man who has the qualifications, who has not politicized his background, a learned lawyer, a well-trained lawyer. I am persuaded he will be a strong defender of the Constitution.

I must confess that is the strongest point I support and seek to see the Court do. I think that will happen.

Mr. President, if I may, during this time, I wish to divert from this subject for a minute or two.

GOVERNMENT REORGANIZATION AND PROGRAM PERFORMANCE IMPROVEMENT ACT OF 2005

Mr. President, I wish to talk about a condition that is very much important to us, where we have unusual events happening in our country. We have the situation in Iraq. We are defending ourselves there and the freedoms of this country there. I just came from a hearing. I am very proud of what is happening in Iraq, and I think we are making some progress towards getting people to take care of their own country. That, of course, is the goal, and I am sure we will be there until that goal is achieved.

Then comes along the problems with the disasters on the gulf coast. Both of those events, of course, have given us special needs for spending, and we have had to spend. It is right to spend when we have emergencies that arise of that nature, but then we find ourselves in the position of, what do we do about this excessive spending and how do we handle it?

I see it as the same thing we undertake in our families. If an emergency happens in the family, you have to handle it. You have to find some way to deal with that emergency. At the same time, your family activities go on and you have to take care of those. Then you have to decide: How can I make some changes in my economic situation to deal with this excessive spending because of an emergency.

That is where we are now. We are talking about all kinds of ways. I hope we take enough time to deal with these situations on the gulf coast and give the help those people need. That is the responsibility of the Federal Government. I hope we make sure there is accountability with those moneys spent, that we can be sure they are spent the way for which they are defined to be spent. I hope we make sure the Federal Government does what it is supposed to do and that the other units of government—State, local, and private sector—do what they are supposed to do. But we still will spend a great deal of money and, indeed, we should.

We also have to consider that over the past year, because of Iraq and other events, we have also had an increase in our deficit. Our deficit has gone up. So we need to find some ways to do something about it. Obviously, we will take a look at spending and see what areas we can reduce. I hope we do that as we finish our budget for this year. We need to.

We should take a look at some of the ways we raise money, in the case of some taxes, that probably we might otherwise change. Perhaps they will have to be left as they are for a while and continue to offset some of these costs.

I wish to specifically mention a bill I am currently sponsoring that requires the regular review of Federal programs. This should be done anyway, but it makes it particularly important as we look toward this business of spending. It is called the Government Reorganization and Program Performance Improvement Act. It creates the necessary mechanism, I believe, to set up some commissions to take a look, No. 1, at programs that have been in place, let's say, for 10 years, and to determine if, in fact, the program is still as needed as it was 10 years ago, to see if it accomplished what it was set up to do 10 years ago and now is completed, could be ended, or could be put in with some other program, or could be reduced because the situation may not be the same as it was when a program was put in place. Even though there probably was a very good reason to have

the program then, is the reason still good? Should we be changing it?

It is really a modernization effort, something we would do in every business, something we should do, which is take a look at what we have done historically and see if they are appropriate and can be done better.

The second half is to not only look at programs that might be unnecessary or wasteful, but take a look at programs that will continue, but are they being done as efficiently as they can be.

One of the issues we have to take a look at in terms of excessive spending is controlling the size of the Federal Government. It has continued to grow and grow. We have sort of developed a political notion that if there is anything needed anywhere, let's get the Federal Government to pay for it.

Well, that is a nice thing to do. The fact is we are supposed to be divided up, and there are local governments, State governments, and the Federal Government, each of which has its own responsibilities and its own areas and we ought to be seeking to define what the role of the Federal Government is and sort of restrict those things to that area so that we can control size.

So this program would inventory the programs, would have proactive steps toward improving and eliminating unnecessary and redundant efforts, and it would help us return to fiscal responsibility. It is kind of common sense in Government. It provides a framework to do that. I don't think anybody will disagree with the notion that we ought to evaluate programs to see if they are still efficient, effective, and needed, if they could be more productive. Nobody would argue that concept, but we don't really have a system to do that. I believe this is a good Government measure, and I certainly urge my colleagues to take a look at the bill S. 1399 and urge their consideration and sponsorship of this bill.

Mr. President, we always have a responsibility to make sure that Government is as efficient as possible, that spending is as effective as possible, that we hold spending to the minimum to do the things we need to do but not in excess of that, and I think we have an opportunity to put that kind of measurement into place and to ensure that those things can happen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I ask unanimous consent that the next hour under majority control be allocated as follows: 20 minutes for Senator CORNYN, 5 minutes for Senator COCHRAN, 15 minutes for Senator BENNETT, and 20 minutes for Senator ALLEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

Mr. President, I am going to talk about the nominee that we presently have before the Senate, Judge John Roberts, in a moment. First, let me express my concerns about a Washington Post story that was published today entitled ''Filibuster Showdown Looms in Senate.'' The curious thing about this article is it does not talk about the nominee for Chief Justice of the United States, John Roberts, the nominee that is actually pending before the Senate. Rather, what this article talks about is the next nominee of the President of the United States to fill the seat of Justice Sandra Day O'Connor.

I am afraid it is perhaps a sign of the times in which we are living and perhaps a sign of the contentiousness with which the nomination for a vacancy on the Supreme Court has met in the Senate that some of my colleagues are already talking about a filibuster of the next nominee of the President when that nominee has not yet been named. I think it takes partisanship to a new level, to threaten to block an up-or-down vote on the Senate floor when we do not even know who that person is yet and, indeed, some apparently cannot conceive of the possibility that this President would nominate someone on whom they would at least allow an up-or-down vote. We are not talking about a Senator not following their conscience but talking about Senators, a minority in the Senate prohibiting a bipartisan majority from casting an up-or-down vote without even knowing who that nominee is going to be.

We ask that nominees for the courts not prejudge cases that will come before them. I would think that we should also ask Senators not to prejudge nominees who have not even been nominated by the President yet. Whomever the President nominates should be entitled to an up-or-down vote on the Senate floor. We are not a country that believes in the tyranny of the minority but, rather, we believe in a fair process and an up-or-down vote and majority rule. That is all we would ask for this yet-to-be-named nominee.

But now let me go to the business at hand and say that I will vote to confirm Judge John G. Roberts as the next Chief Justice of the United States. Before I explain why I am going to vote for his confirmation, I first want to explain the reasons why I am not.

First, I am not voting for his confirmation because he told us how he would rule on cases or issues that might come before the Supreme Court. Some of my colleagues have said that they will not vote to confirm Judge Roberts because they are not certain how he would rule on cases or issues that will come before the Court. They are not certain whether he will vote in favor of abortion rights, for example. They are not certain that he will vote in favor of racial preferences and quotas. They are not certain whether he will vote to give the Federal Government unlimited regulatory power to the exclusion of State and local government. I am not certain how Judge Roberts is going to vote on these issues either, but although my constituents are as concerned and as interested in these issues as anyone, I am not going to refuse to vote for this nominee on that basis. Judges are not politicians. They do not come to Washington to run on a political platform. They do not say: Vote for me, and I will put a chicken in every pot. They are not supposed to come before the Senate and promise to vote this way or that way on a matter that will come before them. Certainly, I understand as well as anyone why the American people, and Members of the Senate included, are curious about how Judge Roberts is likely to rule on future cases. I am curious about that, too. But sometimes we have to put our curiosity aside for a greater good. We do not want to create a situation where a Justice cannot win confirmation to the Supreme Court unless he pledges to vote this way or that way on certain hot-button issues of the day. Judges are supposed to be impartial, and they are supposed to be independent. That is why they have lifetime tenure once confirmed. Judges cannot be either impartial or independent if they are forced to make promises to the Senate of how they will vote in order to get confirmed.

Some of my colleagues have said they simply cannot or will not put promises to politicians aside for this greater good of independence and impartiality. One of my colleagues says she wants to know who will be the winners on certain issues when Judge Roberts is on the Court. I can tell you who the winners will be. The winners are going to be the parties whose positions are supported by the Constitution and laws of the United States of America. Judge Roberts eloquently explained this during his confirmation hearing. He was asked whether he would rule in favor of the little guy. His answer was that if the Constitution and laws of the United States supported the little guy's position, the little guy will win. But if the Constitution says that the big guys are supported, their position is supported by the Constitution and laws of the United States and the facts in the case, then he will vote in favor of the big guy.

This is exactly how it should be. Over the Supreme Court of the United States, as you look at that stately edifice, it says, ''Equal justice under the law,'' not that justice will be rendered in favor of the little guy all the time or against the big guy all the time or, conversely, for the big guy all the time and against the little guy. That is the antithesis of equal justice under the law. As a matter of fact, we all recall that Lady Justice wears a blindfold for a very good reason—because justice is about the law, not about persons who are sitting in front of a judge.

Mr. President, second, I am not voting for this confirmation because he turned away clients with legal positions with which my constituents or some of us might disagree. Some of my colleagues have said they will vote against Judge Roberts because they are unsure of his heart. They are saying that his heart may not be pure because

in private law practice he would not turn down clients with positions anathema to liberal special interest groups. Now, although they acknowledge that Judge Roberts has donated his time to clients who, for example, were on the liberal side of a lawsuit over gay rights, they criticize Judge Roberts because at his confirmation hearings he said he would have donated his time to clients on the conservative side of that same issue had they approached him first.

This is perhaps the strangest argument of all against this nominee. My colleagues are going to vote against him because they think it is heartless to take on clients regardless of whether he agreed with them or not? That is the very essence of being a lawyer, a professional, an advocate. Lawyers are somewhat like public accommodations in a sense. Similar to hotels, restaurants, and the like, when lawyers place their shingle out and say, I am willing to entertain cases that people may bring to me, they are supposed to serve anyone who comes through the door, as long as they have an arguable legal position or factual position with which the Court might ultimately agree. As a matter of fact, our adversarial system of justice depends on lawyers not just taking cases with which they perhaps ideologically are inclined to agree but, rather, they are supposed to take the facts and the legal arguments and do the very best they can so that in a clash that plays out in our adversarial system of justice in the court room, the judge can make the best decision based on the best legal arguments and that jurors can decide what the truth is based on this clash of opposing positions.

People are not supposed to be judged by the lawyers. Rather, in our system they are supposed to be judged by a jury of their peers. But if lawyers were constrained or prohibited from representing people with whom they might personally not agree, then they would never have a chance to be judged by a jury of their peers because they would not have a lawyer to take their case so that it could be presented to that impartial conscience of the community.

I wish to ask where this reasoning of my colleagues might lead. There are any number of clients who few people would support politically but who need legal representation in our adversarial system. Criminal defendants are the most obvious example. Do my colleagues plan on punishing a lawyer who did not refuse to represent someone who is accused of a crime? Do they plan to disqualify anyone from service in the Federal judiciary who has ever represented someone accused of a crime? Or do they plan to disqualify only those lawyers who did not shun conservative clients or causes? I do not believe you can tell anything about a person's heart, that is, a legal professional, professional advocate by whom that person has represented as a lawyer. But even more important, I do not think the confirmation process should be about the nominee's heart. I, for one, do not want judges sitting in judgment in a court of law who are going to be guided by their heart and sympathies, rather than the law of the land and the facts as found by the trier of fact. I want judges who will side with the party who has the best argument and whose position is most consistent with established law that we all can recognize and read and understand for ourselves.

Again, Lady Justice is blindfolded for a reason. Justice should not depend on who you are or who you know. It should depend on who has the law on their side.

Third, I am not voting for John Roberts because he will preserve some hypothetical quixotic ideal of balance on the Supreme Court. Some of my colleagues have said they will vote for Judge Roberts because he is not any more conservative than his predecessor, Chief Justice Rehnquist, whom he will be succeeding. But they issued the warning that I started out with: Mr. President, don't you dare nominate someone we disagree with next time or we will use this unconstitutional filibuster. We will break with 200 years of precedent in the Senate and the very premise of our law, which is based on majority rule. We will break with that and we will filibuster in the Senate and prevent your nominee from ever taking the bench if you nominate someone we perceive is more conservative than Sandra Day O'Connor.

My colleagues have said this is important because they want to preserve balance on the Court. Preserving so-called balance on the Court has never been the basis of a Supreme Court confirmation vote. The examples of this are legion. One of the last Supreme Court nominees to win confirmation was Justice Ruth Bader Ginsburg, who replaced Justice Byron White. Justice Ginsburg, I think it is clear, I think we would all agree, was an unabashed liberal and one of the most zealous supporters of abortion rights who has ever been confirmed to the U.S. Supreme Court.

Justice White, nominated by President John F. Kennedy, was fairly conservative by contrast and indeed was one of the dissenters in the celebrated case of Roe v. Wade. Yet Justice Ginsburg, a self-avowed liberal, replaced a moderate to conservative Justice on the Court, and she was confirmed by a vote of 96 to 3. No one argued that Justice Ginsburg should be defeated because she would somehow shift this ideological balance on the Court.

But she is only one example. Justice Clarence Thomas, one of the most conservative members of the Court, was nominated and confirmed to succeed Justice Thurgood Marshall, arguably one of the most liberal.

Chief Justice Burger, President Nixon's antidote to judicial activism, replaced Chief Justice Earl Warren, whose name, in the minds of some, was synonymous with the phrase judicial activism.

Justice Goldberg, who believed the ninth amendment gave the Supreme Court a license to invent new constitutional rights, replaced Justice Frankfurter, the father of judicial restraint.

So it is clear this has never been the way it has been, historically. Nor is there any precedent or any obligation of a President to try to seek ideological balance when nominating someone to the Supreme Court. The reason why is very simple. Elections are supposed to have consequences. The President is entitled to put the people on the Supreme Court who share his values and his judicial philosophy; in this case one who believes the policymaking ought to primarily emanate from the elected representatives of the people in Congress, not life-tenured judges who are unaccountable.

If Presidents were not entitled to change the Supreme Court, then Abraham Lincoln could not have changed the Dred Scott case, and Franklin Delano Roosevelt could not have changed the Lochner Court. I doubt my colleagues who are arguing for this ideological lockstep, or uniformity, would have favored that.

But that brings me to why I am supporting this nominee, and the reasons are actually pretty simple. First, Judge Roberts is simply one of the most qualified individuals ever nominated to serve on the Supreme Court. Indeed, he may very well be the best qualified. We have heard it before. He graduated the top of his class, he clerked for two of the finest judges in the Nation, he served, with great distinction, two Presidents. He has argued 39 cases before the U.S. Supreme Court and is widely regarded as the finest oral advocate before the Court living today.

In only 2 years on the D.C. Circuit Court of Appeals, he has already acquired a reputation as one of the most respected judges in America. Even the New York Times, which has editorialized against this nomination, has conceded that few lawyers in America could compete with Judge Roberts in professional accomplishments.

There was a time not too long ago when a brilliant career such as Judge Roberts' was sufficient to win confirmation to the Supreme Court, when we did not have ideological tests, litmus tests; when we didn't have filibusters that blocked the majority from actually having an up-or-down vote to confirm a nominee.

Whereas Judge Roberts has spent his career representing clients on both sides of every issue, we saw in Justice Ginsburg, whom I mentioned a moment ago, a jurist spending most of her career representing the single client, the American Civil Liberties Union, on one side of these issues. She voiced support for some pretty extreme positions. She

supported taxpayer funding for abortions. She thought there was a constitutional right to polygamy and prostitution. Suffice it to say, her ideas were far outside of the legal, not to mention the political, mainstream of America.

Finally, I am going to vote to confirm this nominee because this judge understands the proper role of an unelected Supreme Court Justice in a democratic Nation.

Mr. President, I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. To repeat, Judge Roberts understands the proper role of an unelected Supreme Court Justice in a democratic Nation. Ours is not a nation where nine judges sit in a marble edifice and decide what is good for us. Nor is it a Nation conceived on the premise that these nine unelected judges should be primarily policymakers. Rather, our notion of justice and law is based on consent of the governed. You can read it in the Declaration of Independence. Obviously, were unelected, lifetime-tenured judges to depart from the text of the Constitution, depart from precedent, and get into a mode of sort of freewheeling ad hoc public policymakers, they would have departed in the extreme from the framework laid down by our Founders and from the framework ensconced in our Constitution.

I will vote to confirm this nominee. I hope my colleagues will do likewise. I hope further that my colleagues, who have already stated their intention to filibuster the next nominee, will wait until the President has in fact named a nominee to succeed Justice Sandra Day O'Connor. It is just possible—it is just possible they will be surprised and they will find the President has, indeed, selected another nominee in the mold of John Roberts, who will be overwhelmingly confirmed as Chief Justice of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. COCHRAN. Mr. President, I appreciate the opportunity to speak on behalf of Judge John G. Roberts' nomination to serve as Chief Justice of the United States. The Members of the Senate may disagree on many legal and political issues, but I am confident a majority of the Senate will agree that Judge John Roberts should be confirmed. He has provided the Judiciary Committee with the story of his life. He has answered questions on a wide range of issues. In the process, he has demonstrated the ability, the temperament, and the wisdom to serve as Chief Justice of the United States.

The process of providing advice and consent on a Supreme Court nomination is one of the Senate's most significant constitutional responsibilities, although it is not something we are called upon to do very often. Eleven years have passed since the Senate last exercised its duty to provide advice and consent to the President on his selection of a Supreme Court nominee; 19 years have passed since the Senate last considered a nominee for Chief Justice.

By now, all Senators and most Americans have come to know the impressive life story of John G. Roberts, Jr. He is a summa cum laude graduate of Harvard University and an honors graduate of the Harvard Law School. He was an editor of the Harvard Law Review.

After graduating from law school with high honors, Judge Roberts served as a law clerk to a judge on the Second Circuit Court of Appeals and as a law clerk to then Associate Justice Rehnquist on the U.S. Supreme Court. He has also served as a Special Assistant to the Attorney General of the United States and as an associate counsel to President Ronald Reagan.

After those years of public service, he spent 3 years in private practice at a well-respected law firm, specializing in civil litigation. Judge Roberts then returned to public service as the Principal Deputy Solicitor General of the United States.

During these years of service at the Department of Justice and as a lawyer in private practice, Judge Roberts argued 39 cases before the U.S. Supreme Court. His performance before the Court earned him a reputation as one of the Nation's premier appellate court advocates.

Two years ago Judge Roberts was unanimously confirmed by this Senate to the U.S. Circuit Court of Appeals for the District of Columbia. This circuit court is considered by many to be the Nation's second highest court.

Judge Roberts is a devoted husband, a dutiful father of two young children, and he is a good and honest man. I closely followed the Senate Judiciary Committee's hearings on his nomination to be Chief Justice. It is clear to me that he is the right person for this very important responsibility. Judge Roberts has served with distinction in every job he has ever had. His record is compelling evidence that he would be an able and thoughtful member of the Supreme Court, and that his experience and his respect for the rule of law demonstrate he would be an outstanding Chief Justice of the United States.

The quality and correctness of opinions and decisions by the Supreme Court will depend upon the conscientious application of reason and the rule of law by Chief Justice Roberts and his colleagues on the Supreme Court. I think Judge Roberts fully understands the role of the Supreme Court Justice and is totally qualified to discharge the duties of Chief Justice. I believe he will be fair to all and, in the application of the rule of law, impartial and unbiased.

This is serious business. The members of the Federal judiciary are charged with the responsibility of protecting our rights as American citizens, adjudicating our grievances, promoting order and justice, and serving as stewards of the rule of law. The Chief Justice of the United States is the highest ranking official in the judicial branch of our Federal Government. He is in charge of the management and administration of the highest Court in the land. I believe Judge Roberts has what it takes to be an outstanding Chief Justice.

I congratulate the President for his selection of Judge Roberts and I commend the President for his nomination. His nominee will be in an important position in our Government. I am pleased, indeed, that I will be able to vote in favor of his confirmation by the Senate.

The PRESIDING OFFICER. Under the previous order, the Senator from Utah is recognized for 15 minutes.

Mr. BENNETT. Mr. President, most of the speakers who have discussed this subject have talked about Judge Roberts' qualification. There is no point in my referring to them or repeating them again.

There is a point that I do wish to make with respect to the entire process, which I think needs to be emphasized and stressed. It is this: Nominations are not elections.

Read the Constitution, and we see that it allows for elections. It provides for elections. It says there are places where elections are appropriate. The President is elected. The Vice President is elected. The Members of the Senate and House are elected. But members of the Cabinet are not; they are appointed by the President. And to allow the election process to have an influence, they have to be confirmed by the Senate. But they are not elections.

The same thing is true very much with respect to the judicial branch. A nomination for the Supreme Court is not an election.

The reason I make such stress of that is because there are many groups out there who think this is an election. There are big ads on television. They are organizing demonstrations. They are walking around with placards. That is what you do when you try to influence voters in an election. This is not an election. The Founding Fathers understood that it should not be an election.

There are some who have made up their minds long in advance of any nomination as to what they are going to do. I think, quite frankly, if President Bush were to somehow resurrect John Marshall and send his name to the Senate to be the Chief Justice of the United States, People For the American Way and Ralph Neas would insist that he was badly out of the mainstream and unqualified to be Chief Justice, even though history says he was the greatest Chief Justice in our history. But if he were picked by George W. Bush, that group would immediately say he is radical, he is out of the mainstream.

We are getting the same thing with respect to Judge Roberts—an election

campaign complete with television ads and placards and demonstrations saying that Judge Roberts is out of the mainstream.

I do not know where you go to find mainstream today. I do not know exactly where the mainstream is. I know where the left bank of this particular stream is. The New York Times is against Judge Roberts. That was predictable. That was as sure as the Sun would rise—that the New York Times would be opposed to anybody George W. Bush proposed.

The Washington Post is usually thought of as being fairly close to the left bank, but the Washington Post looked at this nominee and said this is a qualified nominee.

The American Bar Association tries to be as much of the mainstream as they can. They have given Judge Roberts' nomination their highest support, ''well qualified,'' unanimously. Maybe they are not mainstream enough for some of these people who are using this argument.

The Los Angeles Times is not thought of as a rightwing organization. The Los Angeles Times said it would be a travesty if we didn't confirm Judge Roberts by a wide margin.

Why do we want to confirm somebody like Judge Roberts? Why is the President's nomination a good one? In my view, it is because Judge Roberts understands one fundamental truth. Along with the one I have just given, a second fundamental truth, if you will, is that nominations are not elections and judges are not politicians, or more appropriately judges are not legislators. You have elections for legislators. You should not have elections for judges.

Judge Roberts put it this way in describing his understanding of his responsibility. We have heard this before with respect to this nominee, but it is worth repeating. He said to the committee:

> I come before the committee with no agenda. I have no platform.

Again, judges are not legislators.

> Judges are not politicians who can promise to do certain things in exchange for votes. I have no agenda but I do have a commitment. If I am confirmed, I will confront every case with an open mind. I will fully and fairly analyze the legal arguments that are presented. I will be open to the considered views of my colleagues on the bench, and I will decide every case based on the record, according to the rule of law, without fear or favor, to the best of my ability. I will remember that it is my job to call balls and strikes and not to pitch or bat.

In other words, he is the umpire, he is not a player. We have seen an example brought up in an effort to try to derail Judge Roberts' nomination of how he called ''balls and strikes'' and how he was not a legislator. It has been dropped now because those people who raised it didn't realize that it was going to be analyzed properly and turn out to be embarrassing to them rather than to the judge.

But there was the case of the 12-year-old girl in Washington who, while waiting with her friend at the Metro station to buy a Metro ticket, happened to eat a single french fry, and she was arrested, handcuffed, and taken down to the station. Judge Roberts upheld the action of the Metro Police.

Horrors, came the groups. There is an election. We can grab onto this as an example that we can sensationalize and win votes on. Then they examined the matter very carefully, and we got Judge Roberts' actual opinion in this case. He did not victimize a 12-year-old girl who was arrested for eating a french fry. This is what he said in his opinion that once again outlines the truth of his position that he will be an umpire, not a player, not a legislator.

He said:

> No one is very happy about the events that led to this litigation. A 12-year-old girl was arrested, searched and handcuffed, all for eating a single french fry in a Metro rail station. The child was frightened, embarrassed, and crying throughout the ordeal. The District Court described the policies that led to her arrest as ''foolish,'' and, indeed, the policies were changed after those responsible endured the sort of publicity reserved for adults who make young girls cry. The question before us, however, is not whether these policies were a bad idea but whether they violated the Fourth and Fifth Amendments to the Constitution.

He put the emphasis in the right place. This was a stupid law. It was passed for some other reason and turned out in administration to be a stupid law. It was passed by legislators, people with legislative responsibility. It was repealed by legislators. It should not be repealed by the judge just because it is stupid.

I remember a conversation that took place after the Supreme Court ruled on the bipartisan Campaign Reform Act. It is no secret that I opposed that act as vigorously as I could. We passed it nonetheless. The President signed it. Then a lawsuit was filed. It went all the way to the Supreme Court. The Supreme Court found that the law was constitutional and upheld it.

I will not reveal names because these were private conversations, but a Member of the Senate had the occasion to have a conversation with a member of the Supreme Court. The Member of the Senate said to the member of the Supreme Court: How could you uphold that law? That is a terrible law.

The member of the Supreme Court appropriately said: You are right. It is a terrible law. You shouldn't have passed it.

In other words, the Supreme Court should not be the one that corrects our mistakes unless we violate the Constitution. The Supreme Court should not take a position unless we violate the Constitution. The Supreme Court is not made up of legislators who fix things; it should be made up of people who examine the law.

Even if the law is foolish enough to punish a 12-year-old girl for eating a french fry on the Metro, the Supreme Court should say: Legislators, this is a dumb law. You ought to fix it. But it is not our responsibility to legislate.

The real reason so many groups have tried to turn Judge Roberts' nomination into an election rather than a nomination is because they lost the election and they are hoping they can turn the Supreme Court into a superlegislature that is beyond the reach of voters. Clearly, that is not what the Founding Fathers had in mind. Clearly, when they put the responsibility to make the choice in the hands of the President, they were saying this will be a nomination and not an election. If the Founding Fathers had wanted the Supreme Court at the national level to be open to the electoral process, they would have done what others have done at the State level. There are States where the appointment to the supreme court of the State is an electoral process. Whether that is good or bad is the subject for another conversation. But in this circumstance, we are talking about the U.S. Constitution, which every Member of this Chamber has taken an oath to uphold.

If we are going to uphold the Constitution of the United States and defend it against all enemies who would undermine it, be they foreign or domestic, we should preserve the constitutional process of nominations coming from the President of the United States. He has to answer to the people for his decisions. He should be the one to make the nomination. He is the one who is given the powers specifically.

We can say, Mr. President, we don't consent to that because we think you made a mistake, but we in the Senate should not condone those who are trying to turn the nomination process into an electoral process. Because we should understand as Members of the legislature that members of the judiciary are not legislators, and we should not move in a direction of turning them into legislators by participating in an election-type process in vetting their credentials. If this man is qualified, he should be confirmed. If he is unpopular with the electorate, that should be irrelevant. The Constitution does not allow for that to intrude upon the confirmation process.

There is no question but that John Roberts is qualified.

I end with a conversation I had with one of my colleagues who made up his mind to oppose Judge Roberts. I said to him: In a theoretical situation, suppose you had everything you own on the line in a nasty lawsuit, and you had a legal problem where you could lose everything. Who would you choose to defend you? Which lawyer would you hire, John Roberts or a member of the Senate Judiciary Committee? He laughed immediately. He said: Bob, it isn't even close. If John Roberts is the obvious choice for a personal attorney for someone who needs real help, why should he not be the obvious choice for the Nation that needs real help?

He will be a superb Chief Justice, and I will vote for him with great confidence.

The PRESIDING OFFICER. Under the previous order, the Senator from Virginia is recognized for 20 minutes.

Mr. ALLEN. Thank you, Mr. President.

Mr. President, I rise this afternoon in strong support of the confirmation of Judge John Roberts to be the 17th Chief Justice of the United States.

When we first learned of this vacancy on the Supreme Court earlier this summer, I laid out the principles of what kind of judge I believe the President should nominate and how the nomination process should proceed. It should be a dignified approach as a due process. It should be fair, and there should be a vote.

Federal judges are appointed for life. When one recognizes those debates in the founding of our country, Mr. Jefferson wanted judges appointed for terms, and Mr. Hamilton wanted them for life. Unfortunately, in my view, Mr. Hamilton won. The only time there is any scrutiny on the part of the public is at this time of confirmation. While some may not like the editorials, some may not like the TV ads, the demonstrations, and all the speeches. I don't think judges ought to be legislators, and I don't agree with some of their perspectives in our free country. Let us as Senators not say that people are wrong to demonstrate, run TV ads, advocate and express their views, even if we may not be in agreement with them. That is one of the foundational principles of our country. Ultimately our role is to listen, to examine judicial nominees based upon our criteria. Obviously, we can listen to the people and then ultimately it is our responsibility to vote.

The following are the criteria I use to judge a judge. I have always believed the proper role of a judge is to apply the law, not invent the law. The proper role of a judge is to uphold the Constitution, not amend the Constitution by judicial decrees. The proper role of a judge is to uphold the intent of the Constitution and the principles of our Founders, not to indulge in self-satisfying judicial activism. The proper role of a judge is to protect and, indeed, to defend our God-given rights, not to create or deny rights out of thin air.

I believe it is my responsibility and the responsibility of all Senators to make sure that America's courts, including, of course, and most importantly, the Supreme Court, are filled with qualified men and women who possess the proper judicial philosophy in our representative democracy.

Laws are to be made by the representatives of the people. The people are the owners of the government. At the local level, they elect city councils, parish leaders, county boards of supervisors. Then we have State legislators, Governors, and, of course, Federal legislators, Congress, and the President.

However, colleagues, every week, and almost every day, we see the consequences of activist judges who do not properly respect our representative democracy. They do not understand or respect the proper role and responsibilities of a judge not to be an executive and not to be a legislator.

Let me share with my colleagues two examples of judicial activism, decisions where the rule of law which is one of those foundational bedrock pillars of a free and just society, where these concepts have been eroded and ignored by judges.

Exhibit A comes from the Ninth Circuit Court of Appeals. The Ninth Circuit has trampled upon the will of the people of California by ruling that the Pledge of Allegiance cannot be recited in California public schools because it contains the words ''under God.'' They fail to see that the Pledge of Allegiance is not the establishment of any religion. It is a patriotic act. If a student does not wish to recite the Pledge of Allegiance, he or she is not compelled to do so. They can sit there quietly as the pledge is recited.

This is a terrible ruling, not just because it violates the will and the values of the people of California, which it surely does, but it is also a terrible ruling because it actually displays a woeful and inexcusable ignorance of America's legal and historical traditions going all the way back to Mr. Jefferson's statute of religious freedom. This is all sacrificed on the altar of judicial activism.

Unless the Ninth Circuit reverses itself, then the Supreme Court of the United States should ultimately reverse this prohibition of the Pledge of Allegiance in schools.

Exhibit B comes from, I regret to say, the highest Court in the land, the Supreme Court of the United States. This past summer, in the case of Kelo v. City of New London, Connecticut, five Supreme Court Justices willfully ignored the Bill of Rights, allowing local governments, acting as commissars, the right to take someone's home, a person's home to be taken not for a road, not for a school, not for a legitimate public use, but simply because they think they can generate more tax revenue from the property upon which that home is located.

Colleagues, home ownership is the greatest fulfillment of the American dream. Every American should have the opportunity to own the home in which they live. Every child is enriched by learning and appreciating the value and pride of home ownership. That is why I advocate economic policies that make home ownership more affordable to more people. It is not just good economic sense, it is also an issue of fairness. It is an issue of opportunity in this land we call home, America.

This outrageous decision that is forcing people out of their homes, the very definition of the American dream, in the name of expanded government tax revenue, is amending the Bill of Rights by judicial decree and is contrary to what I believe is a fair and just society.

These are just two examples of judicial activism. We do not need any more judicial activists on the Ninth Circuit, on the Supreme Court, or any court in this land. The only way to stop this insidious effect of judicial activism is to confirm well-qualified judges who possess good legal minds and understand their role in our Republic. Judges are not to be legislators or executives. Judges should fairly adjudicate disputes based upon the law and the Constitution.

I believe Judge Roberts is precisely that kind of judge. I believe Judge Roberts has the credentials, the values, and the temperament to be an outstanding Chief Justice.

Let me briefly touch on some of his outstanding credentials. He graduated summa cum laude from Harvard College, magna cum laude from Harvard Law School, was a law clerk for both Judge Friendly and later for Chief Justice William Rehnquist, a Justice Department aide for the Reagan administration, the Principal Deputy Solicitor General in the first Bush administration, a private attorney with Hogan & Hartson, and since 2003, an esteemed judge on the D.C. Court of Appeals.

I supported Judge Roberts' confirmation to the D.C. Court of Appeals, and his service there has confirmed my confidence in his outstanding capabilities. I have been impressed not only by his keen judicious mind but also his commitment to the Constitution and understanding the importance of the rule of law and the role of a judge.

I met with Judge Roberts back in August. We discussed things one on one. I found him to be a very well grounded individual. He possesses the right judicial philosophy. I know people are concerned that some judges might get in there and somehow get out of touch in the rarefied air of judgeships, particularly on the Supreme Court. I thought it was good he cuts his grass every now and then—not that it is a qualification to be a judge, but it shows he understands how people live in a relatively normal way.

Most importantly, we talked about the importance of precedence, individual rights, the interpretation of Federal and State laws, and what deference should be given to laws passed by the representatives of the people, as well as a variety of other issues.

I am very comfortable with Judge Roberts and his understanding of the role of a judge, the importance of the Constitution, and that the Constitution should not be amended by judicial decree.

I enjoyed asking him what he thinks the role of international law or laws from other countries should be for judges. We will not have others from another country tell us what our laws ought to be. I love his judicious approach that any judge who uses international laws or the laws from other countries to make decisions upon cases in the United States, those judges are trying to accrue to themselves more power than they should have. The powers of Federal judges in this country

come from the laws that are passed by the people in the United States. If you start trying to get extraneous laws, that is judicial expansion. He understands the modest and respectful way a judge should handle cases.

Later in his confirmation hearings, we saw how Judge Roberts continued to show a rare reverence for our Constitution and the Supreme Court's responsibilities under our Constitution. He declared:

> Judges are not to put in their own personal views about what the Constitution should say, but they are supposed to interpret it and apply the meaning that is in the Constitution.

Judge Roberts went on to say:

> [J]udges need to appreciate that the legitimacy of their action is confined to interpreting the law and not to making it, and if they exceed that function and start making the law, I do think that raises legitimate concerns about [the] legitimacy of their authority to do that.

It is refreshing to hear those words from the lips of a Supreme Court nominee. May other judges in the Federal court system understand and respect that, as well.

As we get ready to vote tomorrow on Judge Roberts, this is exactly how this system and this process ought to work—fair and open hearings where the nominee explains his or her judicial philosophy but refuses to prejudge individual cases, and following all of the scrutiny and the questions and examination, there is a fair, up-or-down vote on the Senate floor. This is the American tradition. This should not be an exception. This should be the rule and the way we treat judicial nominees, not just this nominee but future nominees.

I remind my colleagues, we will soon have another Supreme Court vacancy to fill. We will need to fill it very soon. We should be fair and dignified, we should be deliberative, and when it is over, we should vote. Yes, that is our responsibility, to vote.

I am looking forward to having John Roberts serve as Chief Justice of the Supreme Court of the United States. I am also looking forward to confirming other well-qualified judges who understand and appreciate the foundational principles of our country and who will reinforce the rule of law by fairly adjudicating disputes protecting our freedom of religion, protecting our private ownership of property, and our freedom of expression.

John Roberts, I believe, will go down in history as one of the great Chief Justices of the Supreme Court. Let him also become a role model for all other men and women who will follow on Federal benches.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the time from 5 p.m. to 6 p.m. will be under the control of the Democratic side.

The Senator from Delaware.

Mr. CARPER. Mr. President, those of us who are privileged to serve in the Senate literally cast thousands of votes during the years we spend here. Some votes are procedural in nature and of little consequence. Others are far more meaningful. Katrina relief, pension reform, and trade agreements come to mind. Once in a great while, though, we are called upon in this body to cast a vote of such importance to our Nation that it will resonate for years to come—whether to authorize the use of military force against another nation or whether to impeach a President. There are few votes, however, we will cast in our time here that are likely to leave a more lasting impact on America than the one we will cast tomorrow morning. In confirming the nomination of John Roberts—something that is all but certain—we not only will authorize him to serve as the Chief Justice of the U.S. Supreme Court, we will also make him the leader of the judicial branch of our Government. God willing, he will hold that post for as long as most of us in the Senate are likely to live. A great deal is riding on this vote for our country and its people, both today and for a long time to come.

For many of us, this one is a close call. Understandable concerns have been raised on a number of fronts about what kind of Chief Justice John Roberts ultimately will make. Do the writings of a young man in his twenties reflect the views of this 50-year-old man today? If not, why was he reluctant to clearly say so publicly when given that opportunity? Why did the current administration refuse to allow any scrutiny of the writings of Judge Roberts from when he served as the No. 2 person in the Solicitor General's Office of former President Bush? What direction would Chief Justice Roberts seek to lead the Supreme Court in the coming years on issues relating to privacy, to civil rights, and to the prerogatives of the Congress to set policy that may be at odds with the views of State and local governments? How will Judge Roberts seek to interpret and apply the Constitution and a wide variety of laws, both State and Federal? Will the Roberts Court respect precedent or aggressively seek to establish new ones?

The honest answer to most of these questions is that none of us really know for sure—not the President, probably not even Judge Roberts himself. That uncertainty explains at least in part why this vote is so difficult for many Members of this body. So we are asked to make a leap of faith. For some, that leap is large. For others, it is not.

For myself, I have decided to take that leap of faith. After a great deal of deliberation, conversations with many Democrats and Republicans on the Senate Judiciary Committee, as well as with others back home and here, I have decided to vote tomorrow to confirm the nomination of John Roberts to serve as our Nation's Chief Justice. Time will determine the wisdom of that decision, along with the decisions of each of our colleagues who join me in casting our votes tomorrow.

Yesterday, I had the privilege of meeting with Judge Roberts in my office. There, we discussed many of the concerns and question marks I mentioned just a few minutes ago. His responses were forthright. They were insightful. And I believe they were sincere.

Our conversation also provided me with insights into how a young man from a small town in Indiana could grow up, attend Harvard, become one of the most admired lawyers in America, be nominated for the Supreme Court, not once but twice, and then sit through 3 days of often grueling questioning before the Senate Judiciary Committee, responding calmly and respectfully to questions on a wide range of legal issues without the benefit of any notes or even a pad of paper.

Judge Roberts and I spoke with one another at length about our respective childhoods and of our parents and the roles they played in our lives and the values they instilled in us and in our siblings. We also talked about our educational opportunities, our careers, our mentors, our spouses, and even about the children we were raising.

It was a revealing and encouraging conversation. It was a revealing and encouraging conversation in that it provided me with important insights into his personal values and with a measure of reassurance on the direction he may ultimately seek to lead the highest Court of our land.

I shared with him that in the 8 years before coming to the Senate, I served as Governor of Delaware. In that role, I nominated dozens of men and women to serve as judges in our State courts, several of whom enjoy national prominence given my State's role in business and corporate law.

Ironically, and I think wisely, Delaware's Constitution requires overall political balance on our State's courts. For every Democrat who is nominated to serve as a judge, Delaware Governors must nominate a Republican, and vice versa. The result has been an absence of political infighting and a national reputation for Delaware's State judiciary regarded by some as the finest of any State in our land.

The qualities I sought in the judicial nominees I submitted to the Delaware State Senate included these: unimpeachable integrity, a thorough understanding of the law, a keen intellect, a willingness to listen to both sides of a case, excellent judicial temperament, sound judgment, and a strong work ethic. In applying those standards to Judge Roberts, I believe he meets or

exceeds all of them. To my knowledge, no one has questioned his integrity, his intellect, or his knowledge of the law. Democrats and Republicans alike watched, along with a national audience, as Judge Roberts fielded any number of tough questions over the 3 days of hearings and responded knowledgeably, respectfully, with humility, and occasionally with self-deprecating good humor. In all candor, I am not sure any of us would have done as well.

Having said that, though, questions and doubts remain about where Chief Justice Roberts will come down on a number of issues—reproductive rights, civil rights, and respect for congressional prerogatives, to mention a few. I might add that, if truth be known, all of those doubters are not liberal Democrats. Some of them are conservative Republicans.

The answers to these questions will come in the years ahead as Chief Justice Roberts assumes this important post and begins to lead this Court and the judicial branch of our Government. In the end, some of the decisions he helps to formulate may surprise and confound people on all sides of the political spectrum. That is something one of his earliest mentors, Judge Henry Friendly of the Second Circuit Court of Appeals, has done for years.

Let me pause and ask my colleagues today to think back just for a moment. How many of us would ever have imagined that a Texas Congressman and Senator with Lyndon Johnson's early civil rights record would go on to champion the civil rights of minorities like no other American President in the 20th century? Who among us, watching former Representative and Senator Richard Nixon, a Cold War warrior for decades, would have foreseen the role he played in opening the door for U.S. relations with Communist China? Then, too, recall, if you will, the loathing many conservatives came to feel toward the late Chief Justice Earl Warren, a nominee of President Eisenhower, or the disdain many liberals came to feel toward former Justice ''Whizzer'' White, a nominee of President Kennedy.

The truth is that life and its experiences do change us and some of our views in ways that cannot always be predicted. Having children of our own and later welcoming those children into our lives as well as learning from our mistakes and from the mistakes of others can combine to make us wiser, to temper our views, to broaden our horizons and deepen our understanding of the views of others with whom we share this planet. And so it is likely to be with Judge Roberts.

As I prepare to take a leap of faith tomorrow—albeit not a reckless one, in my view—let me close with a few words of advice, respectfully offered, to our President. A second nomination looms just around the corner. President Bush's choice of that nominee is, in many respects, as important as this one. The next choice can divide this Congress and our country even further or it can serve to bring us a little closer together. We need a choice that unites us, not one that divides us further.

We also need a choice that reflects the diversity of this country in which we live. There are any number of well-qualified women, and maybe even a few men, who would be a good choice for the seat now held by Justice Sandra Day O'Connor. On behalf of all of us, Mr. President, let me encourage you to send us one of those names.

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.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I rise to announce my vote on the nomination of Judge John G. Roberts, Jr., to be the 17th Chief Justice of the United States.

I do not cast this vote lightly. I recognize how critical the courts are in protecting and advancing the rights of all Americans. I know what is at stake. I am also mindful that John Roberts has been nominated for a lifetime appointment to the highest seat on the highest Court in our country. In our system, there is no backstop or review of a Supreme Court Justice once he or she is confirmed. That means under the Constitution we in the Senate have the responsibility to fully evaluate each nominee before voting, and that is exactly what I have done.

For me personally, casting a vote on a nominee to the Supreme Court carries special meaning. Thirteen years ago the nomination of another Supreme Court Justice, Clarence Thomas, helped launch my own path from the kitchen table in Shoreline, WA to this historic desk on the floor of the Senate. During the Thomas confirmation, I was deeply frustrated that the questions I believed needed to be answered were not even raised. I was troubled that average Americans, moms and dads, had no voice in a process that would affect their rights and liberties.

This time I had the opportunity to ask those questions directly to the nominee. I was pleased to work with my Democratic women colleagues to open the process and empower people across the country to submit questions to the nominee via a Web site that Senator BARBARA MIKULSKI created. Today not only did I have the opportunity to ask those questions directly, but the weight has also been on my shoulders.

For days I have struggled with whether this nominee represents the fear I have of the worst motives of this administration or whether he represents the best hopes of a country for wise decisions that protect our rights and our freedoms and our responsibilities. No one of us can know for sure. There is no doubt that anyone I would have nominated would have come from a different background with a different history, but this was not my choice. There is much I do not know about how Judge Roberts will rule, but as history has shown, none of us can predict that. And without a crystal globe, I must make this very difficult decision based on what I do know and upon the criteria I have long used to evaluate nominees for judicial appointments.

This evening I talk about how I have applied my standards to other nominees for the Federal bench. I am especially pleased that in Washington State we do judicial nominations the right way, through a careful, bipartisan process that helps us select qualified candidates without regard to politics. In Washington State, I have worked with different administrations to craft a process that helps us identify and confirm qualified individuals for the Federal bench. We solicit input from a wide variety of respected individuals within the Washington State legal community, and then we personally interview each recommended candidate prior to submitting his or her name to the White House for consideration.

During the Clinton administration, my colleague Senator Gorton and I worked together to recommend and support individuals for appointment to the Federal bench. Senator Gorton and I disagreed on a lot of issues, but we did agree that when it came to our duty in confirming individuals to the third and coequal branch of our Government, we should set aside partisanship and focus on qualifications. That tradition has continued with my colleague Senator CANTWELL. We got off to a rough start on this approach because the Bush administration at first did not want to continue the fair process Senator Gorton and I had established, but eventually the wisdom of our process prevailed. While there have been hiccups along the way, we have used it to confirm qualified people to serve on the bench.

Through this fair and deliberative process, I have supported nominees with a wide variety of backgrounds. I have supported people who have come from privileged backgrounds and those who beat the odds to realize their achievements. I have supported Democrats and Republicans. Each time, though, I was confident that I was supporting an individual who would serve every American who came before them well, and I have not been disappointed.

My home State of Washington is 2500 miles away from Washington, DC. In many ways it is even further than that in terms of our independence of thought. The White House would do well to learn from the example we set in Washington State, and I hope the Bush administration will do a better job of consulting with the Senate on its next nominee and providing a more complete record of that nominee's background and writings.

Some have suggested to me that I use my vote to register my disapproval at things the Bush administration has done or that I use my vote to send a message to the President. While I am angry about mistakes and miscalculations and misrepresentations and misdirected priorities of the Bush administration, this vote is not the place to vent those frustrations. Fairness requires that I evaluate each nominee on his or her own merits, without a predetermined outcome, just as I expect every judge to do when a case comes before them. My vote is based on the same standards I have used for years, not on anger or in sending messages or ignoring a nominee's actual record.

This would be an easier decision if we had a complete record. The White House has refused to provide more recent memos from Judge Roberts' work in the Solicitor General's office which would have provided us with a clearer picture of the nominee. I, frankly, think the White House's position is a reflection of the general breakdown in the process that we use to select and confirm judges today. With this administration, consultation with the Senate is cursory at best, and from the very beginning there has been often a kind of ''spoils of war'' approach to how they view appointments to the Federal bench. I believe this approach has resulted in unqualified individuals being forwarded by the administration to the Senate for consideration. This approach has contributed to the partisan rancor regarding nominations to the courts.

These actions are even more concerning in light of the second vacancy the Bush administration is set to fill in the coming weeks. I do not believe that an honest, fair evaluation could be completed with any less material information than we were provided during this confirmation process. I believe the Bush administration is attempting to set a dangerous precedent with its words and actions or lack thereof, and I fear that future court nominations could be even more contentious as a result.

In looking at nominees for our courts, I always follow a very deliberative process of having a set of standards and comparing individuals who come before us as nominees to that set of standards. I examine their record and their experience and their testimony. I see if they meet the basic standards of honesty and ethics and qualifications and fairness. Then I evaluate if they will be independent, evenhanded in deciding cases, and if they will uphold our rights and our liberties. Those standards help me ensure that when any American, regardless of background, comes before the court, he or she receives a fair hearing and that the resulting decision renders justice according to the law.

In reaching a decision on Judge Roberts, I reviewed all of the information that was available, and then I examined how Judge Roberts measured up to my criteria for judicial nominees. I followed the Judiciary Committee hearings closely. I read the transcripts. I have spoken directly with Judge Roberts twice, once in a meeting in my office and once by phone.

Looking at my standards, I found Judge Roberts to be honest, ethical, qualified, and fair. I believe he will be evenhanded in deciding cases. On those criteria, Judge Roberts clearly met my test. It was my last criteria, upholding the rights and liberties of all Americans, where I had a harder time evaluating Judge Roberts. I wish the White House had been more forthcoming in making available more documents that would have shed light on some of his more recent work and opinions. I wish the nominee himself had been more responsive to questions in his testimony before the Senate Judiciary Committee.

Through this process, I have concluded that Judge Roberts is a decent person with keen intellect and high ethical standards. I believe he does know the difference between the role of advocacy, which he has held in the past, and the role of judge. I think he has the capacity to be fair, and I think he aims to serve all of the American people.

On the question of upholding the hard-won rights and liberties of the American people, I believe Judge Roberts has a healthy regard for precedent and intends to apply a thoughtful approach to interpreting the law. This is not to say I would expect or even hope to agree with every decision he might make or every opinion a Chief Justice Roberts might author. In making my decision, I recognize that history has shown no one can accurately anticipate what type of Justice a nominee may ultimately become.

For many weeks I have known some people in Washington State will be disappointed in my decision regardless of what that decision is. I have heard from friends and colleagues, constituents and strangers, on all sides of the question. Many of them have surprised me in their candor and in their position. All this has led me to struggle with the decision for many days now. I have read up on Judge Roberts. I have listened to the thoughts of others. I have talked with the judge himself. All the while, it has been an extremely close call in my mind, for I know the gravity and the consequences of this important vote. I have had deep and lasting concerns. But I have had strong, heartfelt hopes as well.

In the end, I returned to the basic criteria I use on any tough question and to the values the people of Washington State sent me here to protect. In examining that criteria and those important values, I have made a decision that I hope everyone can understand and appreciate and even be proud of. I am satisfied that Judge Roberts meets my long-held criteria and, therefore, I will vote to confirm his nomination.

I believe Judge Roberts is well qualified to serve. I believe he is intelligent and honest and fair. Is he wise? Only time can answer that. I cast this vote with the hope that John Roberts will be an individual who will combine common sense and decency with a real respect for how the law affects each American as he serves out his tenure on the Supreme Court. In spending time with him and reviewing the available record, I believe Judge Roberts has the capacity to be that kind of justice.

Throughout our history, America has always had to confront challenges and enjoyed a lively debate on how to meet them. Today is no different. Our great Nation is confronting enormous challenges, and the debate over how to address those challenges has caused great divisions in our country. Many people, as I do, fear the direction in which this country is headed. They fear for our security. They fear we are not doing enough at home to secure a stronger future, and they fear the progress we have made in the last several generations is being eroded by a political agenda. Those fears are well founded, and they are real. But our country was also founded on hope, hope that by securing individual liberty, a free people could govern themselves in the interest of promoting the common good, hope that despite our differences, we could band together to create strong communities and a better future for generations of Americans to come. That spirit of hope is alive today and should help guide us at least as much as our fears.

My vote tonight is a vote of hope—hope that despite our differences, we can unite around the common good; hope that equal justice under the law means something powerful to every American, regardless of background or political persuasion; and hope that John Roberts responds to the needs of this Nation to have a Supreme Court that honors our past and helps secure the rights and liberties of every American into the future.

When I asked Judge Roberts what kind of judge he wanted to be, he said: A Justice for all Americans. I hope my vote, along with the diverse group of my Senate colleagues, reminds him every day that he must be a judge for all Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I compliment my colleague from Washington State for the incredible job she does here every day, for the thoughtfulness she brings to this process, and the wonderful job she does representing the people of Washington State. She is a delight to work with and someone who I think brings to the table thoughtful consideration, with a strength and a courage and a wisdom that should make the people of Washington State proud, and I know it does.

I come here today after much thought and prayer over a decision

that is incredibly important. I agree with my colleague from Washington State that this is a time where our Nation needs much hope, whether it comes from the devastation we have seen in the gulf coast in the southern region of our Nation, whether it is the families of our soldiers who find themselves giving of themselves and of their families to protect the rights and the freedoms in which we in this Nation take great pride, and it is also as we come to the consideration of a Supreme Court nomination by the Senate which I find to be one of the most important and consequential duties we have as an institution in our system of Government.

I think the American people look to us now with hope that we will work in a bipartisan way, in a way of union, in uniting our Nation to bring about a coequal branch of our Government that can reassure the American people of justice and of hope.

This is especially true when the candidate being considered has been nominated to the position of Chief Justice of the United States, not simply an Associate Justice but someone who is going to provide the leadership to the highest Court in our land.

As the Senate performs its duty under the Constitution with regard to this nominee, I am also mindful this is the first Supreme Court nominee I have been called upon to evaluate as a Senator from the great State of Arkansas. I have no doubt this is one of the most important nominations I will consider during my tenure in public service.

Given the import of this decision for the future of this Nation and the responsibilities I have to my constituents and my country, I have examined all of the information available about Judge Roberts' nomination to ensure I have given this matter the full attention it needs and, most importantly, that it deserves.

In making my decision, I very carefully and deliberately reviewed the record compiled by the Senate Judiciary Committee. Further, I have considered the views of Arkansans, both those who think Judge Roberts will make a fine Supreme Court Justice and those who have real concerns about the direction he might lead this very important Court.

I have also met with Judge Roberts privately to get a better sense of who he is as a person, his temperament, and, most importantly, what his experiences have been in his life that may form his views and the interpretation of the Constitution.

Additionally, I have considered the views of his peers and colleagues in the legal community on both sides of the political spectrum who know Judge Roberts, who have worked with him firsthand and have a firsthand knowledge of his works and abilities.

Finally, I have prayed. I searched my conscience and reflected on my principles as a Senator for the people of the State of Arkansas, using my experience, coming from the salt of the earth in east Arkansas, a farmer's daughter, my experience as a wife, a mother, a neighbor, to make what I believe is the right decision and one I will have to live with for the rest of my life.

I want to say at the outset this has been one of the hardest decisions I believe I have been called upon to make since I came to the Senate more than 6 years ago. It has been difficult because the consequences of confirming a new Chief Justice are so profound.

Judge Roberts will likely serve on the Court for several decades, and I believe he will have more influence on the future of our Nation than any Member who serves perhaps in this body today.

This decision has also been difficult for me because of the manner in which this administration has handled this nomination, in some respects, and certainly many other nominations that have come before it.

When President Bush first ran for office in 2000, he told the American people he was a uniter, not a divider. He talked about how well he had worked with Democrats as Governor of Texas and that he was going to continue that approach as President to change the tone in Washington. And, oh, how that tone in Washington needed to be changed.

But sadly, that did not happen. President Bush has not followed through on that promise, and judicial nominations, unfortunately, are one of the most glaring examples of where his administration has fallen short. In my opinion, this administration has gone out of its way to divide this Nation and the Senate on judicial nominations, which I think is truly a disservice to our judiciary and to the American people.

When the Senate rejected only a handful of Federal appeals court nominees during the President's first term in office, I expected a uniter who would work with Senators, who expressed concerns, and nominate other qualified candidates who could win confirmation with broad bipartisan support. Instead, after winning reelection, the President renominated many of the same controversial nominees and essentially dared the Senate to challenge him again.

Reflecting on the last 5 years, his administration apparently believes it is better for them politically to pick a fight over judicial nominees than it is to pick sometimes qualified nominees who have earned the support and respect from those on both sides of the aisle in the legal community in which they work and in the Senate.

As a pragmatic Democrat who has always been willing to find common ground and to work in good faith with members of both parties to serve the best interests of my constituents, I am alarmed by the confrontational approach this administration has taken.

We can all be proud of the Founders of this great Nation who created our system of government, where they wisely divided the power of appointment and confirmation of the Federal court Justices between the executive and legislative branches of our Government. They did this to ensure only the most qualified candidates who had the confidence of the President and the Senate would be confirmed to a lifetime seat on the Federal bench.

I truly worry that the political tug of war over the judiciary, which President Bush has encouraged, threatens to undermine the judicial selection process and with it our framework of checks and balances which has preserved for centuries the rights and freedoms we cherish as Americans, not to mention the sense of pride and comfort or peace of mind it provides the American people to know that in that third coequal branch of Government, they can rest assured that their freedoms, their rights will be justly directed.

To work properly, the process depends on mutual trust and respect between the executive and the legislative branches, and when that trust and respect is strained, our ability to do our very best as a government, to preserve and to protect a fair and independent judiciary for future generations, becomes in jeopardy.

So it is into this atmosphere of political confrontation that Judge Roberts was nominated to the Supreme Court. And it is why, frankly, I have had difficulty separating my profound disappointment with the administration and the distrust it has fostered from my opinion of Judge Roberts as an individual. So to separate that opinion of Judge Roberts that I needed to develop as an individual, as a lawyer, and potentially the next Chief Justice of the United States, ultimately, I concluded it is unfair to hold Judge Roberts accountable for the actions of the President who appointed him.

As I have set aside the history of the last 5 years to take a closer look at this nominee, it has become apparent to me that Judge Roberts does meet the test I believe we should strive to achieve in the judicial selection process. After careful thought and deliberation, I have concluded Judge Roberts is a very smart man who has an enormous respect for the law.

There is no question in my mind that Judge Roberts has the legal skills and the intellect necessary to perform his duties on the Supreme Court. He has impeccable academic credentials and has demonstrated an impressive command of the law and Constitution throughout his professional career and during his recent confirmation hearings.

I also believe that above all else, Judge Roberts is devoted to the Constitution and the institutional integrity of the judiciary and the vital role it plays in our system of Government.

I have no doubt John Roberts is a Republican, like the President who appointed him. But I don't believe his party affiliation will prevent him from

giving both sides in each case before the Court a fair and impartial hearing.

Simply put, I believe John Roberts cares more about following the law and maintaining the respect for the judiciary than he does about politics and ideology.

I base this conclusion on the respect and support he has earned from lawyers and colleagues on both sides of the aisle who know Judge Roberts well—they know him far better than I do—on the evidence in the record from his own comments and those of his colleagues that he has had an abiding respect for the Court's decisions and that he understands the value of continuity in the law, and on his distinguished career as a lawyer and advocate before the Federal judiciary over many years.

I regret Judge Roberts has made this decision more difficult than it needed to be by refusing to be more forthcoming about his views on protections in the Constitution for individuals, especially as those protections and guarantees relate to civil rights and gender equality.

As many of my colleagues have already mentioned, Judge Roberts wrote several memos when he worked in the Reagan administration in which he advocated for a narrow application of Federal antidiscrimination statutes, specifically the Voting Rights Act and title IX. Judge Roberts indicated in his response to questions about these memos during his confirmation hearings that he was representing the views of his client, the administration, without elaborating on whether he held those same views today.

He stated he could not say more regarding his views on those subjects because to do so might undermine his ability, if confirmed, to impartially consider similar cases that are likely to come before the Court.

I believe he could have said more on those and other issues before crossing that line, but I don't believe Judge Roberts is entirely to blame for failing to be more responsive.

The partisan atmosphere which pervades the confirmation process today almost guarantees that Senators are left with no choice but to ask legitimate questions of a Supreme Court nominee they know will not be answered. So the Senate is left to make a decision based on the limited information provided during the confirmation process and from a nominee's previous work and life experience.

My vote for John Roberts is by no means an endorsement of his nomination process, nor is it an endorsement of the decision by the administration to withhold documents from Judge Roberts' tenure in the Solicitor General's Office during the first Bush administration. That would be helpful to Senators in forming an opinion about this nomination. These are the types of documents previous administrations have made available to the Senate during the consideration of Supreme Court nominees in the past. There is no reason to have not made them available in this instance. Future nominees to the Supreme Court, or any lifetime judicial position, may not possess the same outstanding personal qualities and impeccable reputation that helped Judge Roberts overcome his failure, and the failure of the administration, to respond more fully to legitimate requests for information. Indeed, there have been past nominees who have failed to receive Senate confirmation, at least partially because they refused to answer questions or release documents.

I feel that I have done my level best, despite my misgivings about the actions of this administration in the past, to fairly and carefully and in good faith evaluate this nomination, which is my duty as a Senator. I believe I have done that. It is my hope and expectation that, if confirmed, Judge Roberts will do likewise with respect to every litigant who comes before the Court, especially those who have not experienced the same opportunities with which he has been so richly blessed.

I believe Judge Roberts will do that, and therefore I will support his nomination. I join my other colleagues who look to leadership in hopes, in hopes that we can mend many of the fences and the difficulties that have been conjured up by very partisan attitudes in these nomination processes, but to look toward Judge Roberts in a way that understands and takes in full faith his commitment that he will administer the law through the courts in a just way, without regard for his political or personal views but with the kind of sincere devotion to the Constitution and the rule of law and the precedent of the courts that he has expressed to many of us personally; that he will move forward, and deal with every litigant who comes before him in Court in a fair and just way.

In closing, I wish to comment briefly on the future as we move beyond this nomination. When I first ran for office as a young single woman in the early 1990s, I did so because I had hope, hope that I could improve my Government and make it more responsive to the needs of the citizens of my State. Perhaps my greatest attribute was the fact that I was naive. It never occurred to me that I didn't belong here; perhaps that as a young woman, this might have been a place a little bit out of touch for me. But I ran because I believed in my country, I believed in the people of my home State, and I believed in what I had to offer.

I see a good bit of that in Judge Roberts as well. I have tried my best each day that I have been privileged to serve in public office to fulfill that commitment, and today I still have great hope for our Nation's future and its government. I also have hope that we can improve the judicial nomination process as we move forward if all people of good will on both sides of the aisle will work together in a spirit of cooperation and good faith. I stand ready to do my part to overcome our differences as a nation because I believe our country is so much stronger if we are united and not divided.

As we prepare to consider a second Supreme Court nominee in the coming weeks, I hope President Bush will take that opportunity to do the same.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. I note the time is under Democratic control.

Mr. GRASSLEY. I was aware of that. I was asking if there are any Democrats who would object to my starting my comments at this point.

The PRESIDING OFFICER. Without objection, the Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, before the Senator from Arkansas goes, I do not have prepared remarks, but to try to put her a little bit at ease about these decisions that we have to make on the Supreme Court because they are very important decisions, I would reflect on some history.

For instance, I probably had the same concerns about President Clinton and Justice Breyer and Justice Ginsburg when I voted for them. Regarding the political positions that Justice Ginsburg stood for in her life before coming to be a judge, I wouldn't agree with many of them. But she was totally qualified to be on the Supreme Court, and I voted for her based upon the proposition that Alexander Hamilton said that the purpose of our activities here of confirming people for the courts is basically two. Maybe there is some historian around who will say GRASSLEY has it all wrong, but I think it was, No. 1, to make sure that people who were not qualified did not get on the courts. In other words, only qualified people get appointed to the courts and that political hacks do not get appointed to the courts.

That is somebody who was around when the Constitution was written, and the Federalist Papers, stating those things about our role. So I have a fairly flexible point of view of how I ought to look at people, even those with whom I disagree.

In regard to what the Senator said about hoping what President Bush would do, or what he has done in the past in regard to these appointments, I would want you to look at that as I looked at President Clinton being elected in 1992. I don't know whether court appointments were an issue in that campaign as they were in 2000 or 2004, but I assume that he had a mandate to appoint whom he wanted appointed, as long as they were not political hacks and as long as they were qualified. So I gave President Clinton that leeway.

I am hoping that even more so with President Bush, since he made very clear to the people of this country that he was going to appoint strict constructionists and people who were not going to legislate from the bench. You may not like what he is doing, but he

is doing exactly what he said he was going to do, and I hope that would enhance credibility to the American people of at least one more politician who keeps his word when he is in office. He appoints whom he said he was going to appoint, and that is what he is doing here. It should not be any surprise, and I hope he would be respected for doing that and have leeway in doing that, as long as they are not political hacks but they are qualified.

The other one is, over a long period of time, to maybe take away some worry about whether or not we have to be concerned about this specific person doing exactly what he said he was going to do. I would refer to Judge Souter. I was thinking Judge Souter was maybe not exactly whom I would want on the Court, but he would be pretty close to it. During that debate—I think it was in committee and not on the floor—there was one of the Senators on your side, who I have named but I will not name him this time, who made this point about Justice Souter—that he didn't have respect for the right to privacy and then was a threat to Roe v. Wade.

Here is one Republican who thought maybe Souter would work out OK, from my point of view. There was a Democrat over there who thought Souter would be a threat to Roe V. Wade. We were both wrong.

So it is difficult to predict what people are going to do down the road, so you have to look at are they qualified. I don't have any doubt but that Judge Souter is qualified to be on the Court. But I misjudged him and this Democratic Senator also misjudged him.

The other one is, if you worry about Republicans, to look at what they might appoint versus what Democrats might appoint, and you end up getting something from a Republican you don't like. I assume you are more to the liberal end than the conservative, and you have to stop to think that a Republican appointed John Paul Stevens and a Republican appointed Justice Souter, two of the four most liberal people on the Supreme Court.

To some extent, you get what you want from a Republican President as much as you do from a Democratic President because the other two were appointed by President Clinton.

Then, also, from a historical standpoint, time brings a great deal of balance to the Court. Justices change their views sometimes over a period of 25 or 30 years on the Court. Or Presidents that you might be thinking are appointing conservatives end up appointing liberals—they end up being liberals on the Supreme Court.

History is going to bring balance to the Court. Right now, if Justice Roberts is appointed, we will have four liberals. I don't need to name them. Everyone understands who they are. You are going to have three conservatives: Roberts, Scalia and Thomas. And then you are going to have two moderates, Kennedy and O'Connor—O'Connor for a little while now. So you have some balance, but it is tilted a little bit more toward the liberal side than it is to the conservative side.

Maybe, when President Bush gets done with this next nominee, there will be even more balance, four conservatives and four liberals and one moderate, Justice Kennedy left as a moderate.

Then I keep thinking about what we ought to do if we want to bring balance to the Court, and I hear more about that on your side than I do on this side: Let's just say that Justice Ginsburg, obviously a woman, and Justice O'Connor is obviously a woman; we have two women, so maybe we ought to have a woman appointed to the Supreme Court.

The liberal women of America have Justice Ginsburg as voting the way that they think Justices ought to vote. Maybe the conservative women of America are entitled to a seat on the Supreme Court. We might be fortunate enough to get appointed a very qualified woman who is also a strict constructionist. Then we would have one liberal woman and we would have one conservative woman on the Supreme Court, and we have even more balance brought to the Court.

So you see history kind of takes care of these things. I hope 25 years from now—and you are a lot younger than I am and you will be around here 25 years from now—that you are satisfied that history will take care of all these problems that are brought up about what the Supreme Court might do 10 or 15 years from now.

Mrs. LINCOLN. If the Senator will yield, I want to say how grateful I am to my chairman because he always does provide hopefulness, without a doubt, as well as a bipartisan attitude, in trying to get things done.

I guess you are exactly right. Some of my fear comes from the role that I have in helping to create history and the thoughtfulness that I need to put into it.

Some of it also certainly comes from recognizing that there is a right way and a wrong way to do everything. My hope is, as we go through these processes, that we become a more united body, looking at the right way to go about things and a more unified way.

I am grateful to the chairman. He is always a wonderful Member of this body to work with and he always brings balance and hopefulness and I am glad he is my chairman.

Mr. GRASSLEY. She said she is glad I am her chairman. She means she and I serve on the Finance Committee together. I don't want to mislead the audience, I am not chairman of the Judiciary Committee.

Mr. President, I will proceed, then, with the remarks I wanted to make in regard to my support for Judge John Roberts to be the next Chief Justice of the United States. I do support that nomination. Judge Roberts has earned our vote. He understands the proper role of a judge in our constitutional democracy. He understands the courts are not superlegislatures.

He understands that I am elected to be a legislator, to make law. If people do not like the law I make, they can vote me out of office. But if Judge Roberts makes law, with a lifetime appointment to the Court, he can never be voted out of office unless he is impeached. He understands that the courts are not responsible for addressing every social ill or injustice that, in fact, ought to be settled through law and public policy. He understands that courts do not create new rights. Rather, courts protect those liberties and rights guaranteed by our Constitution and the laws appropriately enacted by Congress and State legislatures.

He also understands that there are a great deal—infinitesimal—number of unenumerated rights out there for you and me that are reserved under our Constitution to the States and to the people thereof.

Judge Roberts said this to the committee:

> Judges and Justices are servants of the law, not the other way around. Judges are like umpires. Umpires don't make rules, they apply them.

Judge Roberts underscores that ''judges and Justices'' make sure everybody plays by the rules. But these rules limiting the power of Government over the people apply to the courts as well. He made it very clear to us. In Judge Roberts' view, ''Not everybody went to a ball game to see the umpire.''

That is the right approach to the job of a Supreme Court Justice.

Judge Roberts has demonstrated, particularly to the committee, that he understands the limited nature of judges, and especially the humility and the modesty necessary to be the kind of judge we need on our highest Court. Judge Roberts believes that courts may act only to decide cases and controversies. That is exactly what it says in article III of the Constitution. So judges cannot address every unaddressed and unremedied social problem.

Judge Roberts said:

> Judges have to decide hard questions when they come up in the context of a particular case. That is their obligation. But they have to decide those questions according to the rule of law, not their own social preferences, not their policy views, not their personal preferences but according to the rule of law.

That is what he told us in committee.

Judge Roberts also said:

> We don't turn a matter over to a judge because we want his view about what the best idea is, what the best solution is. It is because we want him or her to apply the law. Let me say parenthetically, as I would interpret that, not to make law, but to apply the law.

He went on to say:

> They—

Meaning judges—

> are constrained when they do that. They are constrained by the words that I choose to

enact into law in interpreting that law. They are constrained by the words of the Constitution. They are constrained by the precedents of the other judges that became part of the rule of law that they must apply.

This answer he gave to the committee demonstrates that Judge Roberts believes in and will exercise judicial restraint on the bench. This principle of judicial restraint is a cornerstone of our constitutional system, best defined by the tenth amendment—that that power is not specifically given to the Federal Government or reserved to the States and the people thereof. This is the defining characteristic of the judiciary in our Government of divided powers.

In particular, I was pleased when Judge Roberts told the committee that he has no agenda to bring to the bench. I want to remind you what Judge Roberts said in a very short opening statement. To quote a little bit of it:

I come before the committee with no agenda. I have no platform. Judges are not politicians who can promise to do certain things in exchange for votes. I have no agenda but I do have a commitment. If I am confirmed, I will confront every case with an open mind. I will fully and fairly analyze the legal arguments that are presented. I will be open to the considered views of my colleagues on the bench, and I will decide every case based on the record according to the rule of law, without fear or favor, to the best of my ability, and I will remember that it's my job to call the balls and strikes and not to pitch or bat.

I was also pleased when Judge Roberts told the committee that:

I had someone ask me in this process: Are you going to be on the side of the little guy? And you obviously want to give an immediate answer. But as you reflect on it, if the Constitution says that the little guy should win, the little guy is going to win in court before me. But if the Constitution says that the big guy should win, well, then the big guy is going to win because my obligation is to the Constitution. That's my oath.

So, obviously, Judge Roberts will strive to uphold the Constitution and the laws of the United States, regardless of his personal beliefs.

I want to take a little time to commend Chairman SPECTER for conducting a fair and respectful hearing. I am pleased we are looking at a timely up-or-down vote on this nominee. Obviously, so many people for so long were inclined to filibuster judges, and to have this important person—this ''well-qualified'' person—go through in the tradition of the Senate doing what the Constitution says to do, give its advice and consent with a 51-vote margin, is something that surprises me to some extent after the last 2 years. But to have it happen gives me a very warm feeling toward all my colleagues for having that up-or-down vote.

Article II of the Constitution puts the appointment power in the executive, and says the President gets to nominate the person of his choice to the Supreme Court. And President Bush in an unprecedented manner consulted with more than 70 Senators on both sides of the aisle before sending up Judge Roberts' nomination. President Bush didn't have to do that under the Constitution. But it was wise for him to so do.

Even though I have been a member of the Judiciary Committee for my 25th year, I don't remember a President who has talked to me about who I think ought to be appointed. I wouldn't want to say over 25 years that I couldn't have forgotten some Republican or Democrat talking to me about it, but I don't remember. I was consulted by this President on the type of person I thought should be nominated. I was even offered to give names, if I wanted to. And I took advantage of giving my advice to him.

At the hearing which Senator SPECTER conducted, Senators were able to ask numerous questions of the nominee over a period of 3 days. The Judiciary Committee also reviewed thousands of documents, opinions, and other information produced by the White House.

Throughout the process, Judge Roberts was patient; he was candid and forthcoming in his responses.

Judge Roberts clearly has been the most scrutinized judicial nominee to come before the Senate in my years on the committee. No nominee in these years before the committee has testified as thoroughly and comprehensively on his judicial philosophy as Judge Roberts. I have gone through 10 Supreme Court hearings. Judge Roberts' command of the law and the facts of cases was without precedent.

Still, some of my colleagues objected to Judge Roberts' refusal to review the results of cases. But his refusal was absolutely the right thing to do. Judge Roberts wisely resisted the bait to confuse results and reasoning when it comes to the judicial function. No doubt this greatly frustrated some of my colleagues, particularly on the other side of the aisle, who wanted to impose litmus tests on all judicial nominees, who want to extract commitments from nominees to rule in a predetermined way, their political way, regardless of the facts of the law.

If they can't get that, if they can't get allegiance to their personal political predilection, and work with their far-left activist groups, well, then it seems as though that nominee isn't worthy of their vote.

It stymies me why it would be wrong for the President of the United States to ask a nominee if they support Roe v. Wade or not—and Judge Roberts under oath answered the question of whether the President discussed it with him, and the President didn't discuss it with him—but a lot of Senators were saying, or at least implying, that it would be wrong for the President to get that sort of litmus test type of commitment from a nominee, but some of those very same Senators found it not in the least bothering their conscience to ask him exactly that same question and expect an answer from him.

Frankly, I have no way of knowing how Judge Roberts will rule on the hot-button issues in the next 25 years. I acknowledge that he might rule in ways that will disappoint me in some of the same ways that I was disappointed by Justice O'Connor, Justice Kennedy, and Justice Souter in the years since they have been on the Court. These were all nominees I supported through the Supreme Court confirmation process, but no Senator has a right to impose his or her particular litmus test on an otherwise qualified nominee.

I voted, as I said earlier to the Senator from Arkansas, for Ruth Bader Ginsburg, as did almost all of my Republican colleagues, because we acknowledge the President's—that was President Clinton—primacy in the appointments to the Supreme Court, even where we knew this Justice Ginsburg had a different philosophy. I knew then that I shared very little in terms of political, social, or philosophical views of Ruth Bader Ginsburg. As everyone knows now, Judge Ginsburg was then affiliated very closely with extremely liberal views—views a majority of the American public would deem way out of the mainstream. But the Judiciary Committee evaluated her as a fully competent person to serve on the Supreme Court. And then because of that, because we were doing what we should constitutionally be doing, we voted her in 96 to 3.

As I said in committee, it seems there is a whole new ball game out here when we have an individual with the competence, intelligence, and brilliance of Judge Roberts who nonetheless is going to get a lot of Democrats voting against him. This says far more about the Democrats today than it does about the nominee John Roberts.

The truth is that at another time Judge Roberts would have been confirmed 100 to 0, and properly so, as Justice Scalia 20 years ago was approved almost unanimously. Today's Democrats have made the needle's eye for approving so small, so impossibly tiny, even the Supreme Court giants of the past could never pass through it.

The reality is that today's Democrat Party seems to be beholden to far left pressure groups who know their radical agenda for America can only be implemented by judicial fiat. I am sad to say that the other party has expressed an unquestionable loyalty to what is probably their base but a base out of touch with the vast majority of Americans.

When we finally cast our vote on the nomination of Judge Roberts, most Senate Democrats will show they will be voting in lockstep with the demands of their leftwing interest groups regardless of how qualified, brilliant, or worthy the nominee is.

On the other hand, I have to admit since I prepared these remarks, I have heard speeches by two Members of that party within the last hour who I did not think would come to the conclusion of voting for him, who have said within the last hour they were going to vote for Judge Roberts. I am pleased with that.

But we still have a situation that has been demonstrated over the last 3 years, up until May of this year when some judges finally got through for the circuits, that judges were being held up for very partisan reasons. The other party and their outside groups have their own agenda. They want the Supreme Court or courts, generally, to implement it, particularly things they might not be able to get through the Congress of the United States.

My colleagues like to say they voted for more judges appointed by Republican Presidents than judges appointed by Democrat Presidents. But my friends on the other side of the aisle who say this, are not telling the whole picture. Sure, they voted for a lot of Republican nominees during my time in the Senate. More Republican nominees have been sent up for consideration than Democrat nominees. The point is, the Democrats have stuck like glue to their outside interest groups through thick and thin and voted in lockstep against more Republican-appointed judges than Republicans have voted against Democrat-appointed judges. That has been by a landslide margin.

The fact is, a majority of the Democrats voted in lockstep against Judge Bork and Justice Thomas. A majority of Democrats voted in lockstep against Justice Rehnquist when he was elevated to Chief Justice.

On the other hand, Republicans voted overwhelmingly for President Clinton's two liberal nominees, Justices Ginsburg and Breyer. So I think my party has shown it is not wedded to the single-issue interest groups.

My friends on the other side of the aisle are weaving revisionist history saying the more conservative Justices of the Court, such as Scalia and Thomas, are the ones who are really the judicial activists on the bench. But we all know this is just not true.

The American people know what is really going on. The liberal leftwing interest groups and Senate enablers, as my friend, Senator HATCH, has sometimes called them, want to win in the courtroom what they cannot win in the ballot box. The Democrats have taken this to a new level. They are already talking about filibustering the next nominee, and we do not even know who that is yet. They are really the ones who are judicial activists.

We should take care because the independence of the Federal judiciary is at stake. Our entire framework of government as we know it and was intended by the Framers is at stake.

We are told the Democrats are laying the groundwork for the next Supreme Court nominee by sending a message, I presume, to the President and those of this party. These messages are an argument that Justice O'Connor must be replaced by a liberal or moderate, and that individual should be a woman or another minority, claiming the balance of the Court must be maintained at all costs.

I hope I made this clear in my comments that Senator LINCOLN listened to so closely, and that was that history takes care of a lot of this. Of the four liberals on the Supreme Court today, two were appointed by Republicans, President Ford and President Bush 1. The moderates, O'Connor and Kennedy, were appointed by a Republican President. So we do not know what we get. I wish we did. I wish we could predict 25 years from now, but we can't.

The Democrats did not expect President Clinton to appoint a moderate judge to replace Justice Byron White. I remind my colleagues that Justice White was one of the two Justices who dissented in Roe v. Wade. We Republicans did not say: Well, Justice White is retiring so we need to make sure we appoint another person like Justice White to the Supreme Court. President Clinton wasn't elected to appoint people the Republicans wanted.

The PRESIDING OFFICER. Under the previous order, the time from 6:20 to 7:20 is under the control of the Democrat side, if the Senator would like to ask unanimous consent to finish his remarks.

Mr. GRASSLEY. I ask unanimous consent for 3 or 4 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. So we get appointments such as Ruth Bader Ginsburg, totally qualified to be on the Court. I voted for her; Justice Breyer, totally qualified to be on the Court, I voted for him. We did not try to second-guess President Clinton.

Clearly, Justice Ginsburg does not share Justice White's philosophy. Yet Senate Republicans overwhelmingly confirmed her, with only three ''nay'' votes. The fact is, the President picked people they thought would be good Justices.

The bottom line is we should not be thinking of liberal, conservative, or moderate judges—men or women for that matter. We ought to think of who is qualified. If you are qualified for the job, you ought to get the vote of the Senate. Someone who has the right temperament and integrity on the job is also a requirement. But these liberals I voted for have had that as well.

Judge Roberts recognized this problem, politicizing the Federal bench, and in particular the Supreme Court, when some of my colleagues on the other side of the aisle attempted to pin him down on certain litmus test questions at his nomination hearings. Judge Roberts said:

> [I]t is a very serious threat to the independence and integrity of the court to politicize them. I think that is not a good development to regard the courts as simply an extension of the political process. That's not what they are.

Judge Roberts went on to say:

> Judges go on the bench and they apply and decide cases according to judicial process, not on the basis of promises made earlier to get elected and promises made earlier to get confirmed. That's inconsistent with the independence and integrity of the Supreme Court.

I am in total agreement with that statement. So when Judge Roberts testifies his oath is to uphold the Constitution and the laws of the United States and that he won't impose a political or social agenda in his decisionmaking, that is what we need to hear. That is because the bottom line is, irrespective of Judge Roberts' impressive resume, brilliant intellect, and personal integrity, he would not be qualified to be a Supreme Court Justice unless he was truly willing and able to subject himself to that judicial restraint.

Judge Roberts says his obligation is to the Constitution and that is his oath. He says he will not impose his personal views on the people but will make decisions in an impartial manner in accordance with the Constitution, the laws enacted by Congress. He says he will be modest in his judging and exercise judicial restraint. He says he will respect the limited role of a judge in society. That is the kind of Justice we need to see on the Supreme Court. That is the kind of Justice the Senate should support.

I yield the floor.

Mr. JEFFORDS. Mr. President, generally when we vote, the decisions we make can be revisited within a few months or years. This year's appropriations policy can be replaced by a new one next year. Unintended consequences can be rectified, legislation fine tuned.

But the consequences of confirming a Supreme Court Justice last well beyond a Senator's term and maybe even his or her life. Given Judge John Roberts' age, he may be making critical decisions on constitutional rights when my newborn grandson is welcoming children of his own into this world.

Not surprisingly then, I consider voting on the confirmation of a Supreme Court Justice, and especially the Chief Justice, one of the most important responsibilities of a Senator.

While I have considered and voted on four Supreme Court nominees during my tenure in the Senate, the nomination of Judge Roberts to be the 17th Chief Justice of the U.S. Supreme Court is my first chance to consider the nomination of an individual to be the Chief Justice.

I have spent a great deal of time the last few weeks considering this nomination. I looked at Judge Roberts' decisions during his tenure on the D.C. Circuit Court of Appeals, reviewed the memorandums he wrote while working in the Reagan administration, watched the nomination hearing, and listened to what my Senate colleagues have said on this nomination. After considering all of this, I have decided to support Judge Roberts' nomination to be Chief Justice of the U.S. Supreme Court.

My decision to support Judge Roberts did not come easily. As my father, who served as the Chief Justice of the Vermont Supreme Court, first taught me, the law trumps any personal beliefs when a judge is working to reach

a decision on a case. A fair, equal application of the law is what Olin Jeffords was known for, which is a reflection of Vermont's view of the judiciary.

As the former attorney general in Vermont, and as a lawyer, I have always been deeply devoted to the Framers' concept of an independent judiciary filled with intelligent, capable individuals serving the law and the public. As a Senator, I have watched in dismay as this independence has increasingly been threatened and demeaned by partisan bickering.

It has been my general policy while in the Senate to support the executive branch nominations made by a President, provided the individual is appropriately qualified and capable of performing the duties required of the position. However, while a position in the executive branch lasts only as long as the President remains in office, an appointment to the Federal bench is for the life of the nominee.

I believe it would be illogical to assume that our Founding Fathers used the phrase, '' . . . with the Advice and Consent of the Senate . . .'' in the Constitution to mean the Senate can only look at the legal experience and character of a judicial nominee. So in addition to those factors I also look at a nominee's judicial temperament and ideology and whether these factors will influence the decisions they make.

This higher standard is especially appropriate for a nominee to the U.S. Supreme Court. This Court is the final authority on the meaning of laws and the U.S. Constitution. The Supreme Court gives meaning to what is the scope of the right of privacy; whether Vermont's limits on campaign contributions and spending are constitutional; what is an unreasonable search and seizure; how expansive the power of the president can be; or whether Congress exceeded its power in passing a law. These are issues that affect everyone, and it is the responsibility of the Senate to closely and carefully review every nominee to the Supreme Court.

There are clearly many stances Judge Roberts took as a lawyer in the Reagan administration that I do not agree with. Here it is unfortunate the Senate has been denied access to the memorandums Judge Roberts wrote while part of the Solicitor General's office. These documents would have provided a more complete picture.

From the record we have, nobody has raised a question on whether Judge Roberts has the proper legal experience or character to be the next Chief Justice of the U.S. Supreme Court. It also appears to me from a review of his judicial decisions that Judge Roberts has not allowed his judicial temperament or ideology to influence his decision-making process.

This belief was reinforced by Judge Roberts himself in sworn statements he made to the Senate Judiciary Committee. In his opening statement Judge Roberts stated, ''I have no platform.'' He also said, that he would ''confront every case with an open mind . . . And I will decide every case based on the record, according to the rule of law, without fear or favor, to the best of my ability.'' Near the end of 3 days of testimony Judge Roberts reiterated this view when he said, ''I set those personal views aside.''

With the information and sworn testimony on the record it is clear Judge Roberts has the necessary legal experience and character to be the Chief Justice of the U.S. Supreme Court. It also appears that Judge Roberts will use the law and the Constitution to make his judicial decisions, not his ideological or personal beliefs. Judge Roberts gave this pledge at the conclusion of his opening remarks, ''I will be vigilant to protect the independence and integrity of the Supreme Court, and I will work to ensure that it upholds the rule of law and safeguards those liberties that make this land one of endless possibilities for all Americans.'' I trust he will stay true to these words during his tenure as Chief Justice. History will be the judge.

Finally, let me acknowledge and thank the Senate Judiciary Committee. Senators SPECTER and LEAHY led a dignified, bipartisan and thorough hearing on Judge Roberts. For all this hard work they deserve our thanks and appreciation.

Mr. GREGG. Mr. President, I rise today to speak on the nomination of Judge John Roberts to become Chief Justice of the United States. If confirmed, which is widely expected, Judge Roberts would be the seventeenth Chief Justice in Nation's history. As such, this nomination is historically significant, both in its relative rarity and its potentially lasting impact on our judiciary. The confirmation process therefore warrants serious, meaningful, and dignified consideration by the Senate. I believe that the Senate has met this responsibility over the past weeks, in spite of the efforts by outside groups and the urgings of some members to turn the process into something much different. After closely following the confirmation hearings and careful review of the nominee, I strongly support President Bush's nomination of Judge Roberts to be the next Chief Justice.

Let me first start by saying the obvious, Judge Roberts is an incredibly talented and gifted attorney. Armed with a sharp legal mind and extensive experience making arguments before the Supreme Court, this man is truly one of the best in a very select group of legal superstars—namely, the exclusive club of Supreme Court appellate specialists. Judge Roberts has therefore rightfully received broad praise from coworkers and from all corners of the legal community. He also is respected by the very Justices whom he may soon be sitting alongside, and he has served our Nation ably on the D.C. Circuit Court of Appeals. We are all familiar with these facts, and even my colleagues who somehow oppose this nomination have not questioned Judge Roberts' intellect or legal skills.

Judge Roberts has testified, under oath, about his views regarding the proper constitutional role of a Supreme Court Justice and the judiciary branch overall. Consistently and repeatedly, he has said that Justices and judges should approach each case with an open mind and decide cases according to the rule of law—and not based on their own personal preferences or policy views. Judge Roberts has testified, again under oath, that he would fully and fairly analyze the legal arguments that come before the Court. He has made it clear that judges are not politicians or legislators, and that he is committed to upholding the cherished liberties and rights that are enshrined in our constitution. Roberts also has stated, under oath, that he is mindful of precedent, recognizes constitutional protections for the right to privacy, and strongly believes in protecting the judiciary's independence.

During 20 hours of oral testimony and after responding to approximately 500 questions, Judge Roberts made it clear—consistent with past precedent for other nominees—that he is not going to comment on unsettled areas of law that may come before the Supreme Court. Although some outside groups and some of my colleagues chafe at such comments, it is wholly appropriate and, in fact, ethically required to protect the Court's integrity. Moreover, many of these same individuals seeking a change in precedent did not complain when previous judicial nominees invoked this requirement, such as now Justice Ruth Bader Ginsburg, whom I supported back in 1993 during her confirmation proceedings. But now, sadly, it appears that some of my colleagues want judicial nominees, or at least those nominated by President Bush, to start issuing opinions on future cases even before the nominees are confirmed, before the facts of the cases are ascertained, and before both sides present their legal arguments before the Court.

This focus on litmus tests and political, even religious, ideology during the confirmation process not only undermines the Supreme Court's role—namely, that of an impartial arbiter of the most important cases—but also represents a potentially dangerous evolution in the history of the confirmation process. Throughout the history of the Senate, Supreme Court nominees have not been expected to swear under oath what their opinions will be on unsettled areas of law. I believe that this is a good thing. If the confirmation process were to become a series of litmus tests and ideological hurdles, the Senate would be politicizing the one branch of government that the Founding Fathers intended to be above politics. The men and women who serve on the Federal bench would no longer be determined on the basis of their legal qualifications and dedication to uphold

the rule of law, but mainly based on who wins at the ballot box and on certain hot button issues. Is this what we or the American people want?

I am hopeful that the Senate will not go down this path and establish a precedent that we will someday look back on with regret. Fortunately, most of my colleagues, led by the majority leader, share this same hope and have done an admirable job throughout the Senate's review of the Roberts nomination. They have stayed true to the Senate's proper role under the Constitution and to what truly matters when confirming a judicial nominee. I would never want to come before a court knowing that the judge already has made up his mind based on certain personal views and therefore I will never get a fair hearing. Rather, I want someone who is bright, considerate of different viewpoints, experienced, and dedicated to upholding the rule of law with the Constitution as his guide. In his life, career, and under oath, Judge Roberts already has shown that he would be precisely this type of Chief Justice. In fact, I cannot recall a judicial nominee in recent memory that lives up to this ideal as much as Judge Roberts. As a result, I am pleased to support this nomination and applaud President Bush for making such an outstanding choice.

Mr. INOUYE. Mr. President, I had the privilege and honor of meeting with Judge Roberts. I was impressed by his legal scholarship, but expressed a hope that he would be forthright and open with the American people as he progressed through the Senate confirmation process. Although I must regretfully conclude that there are still questions outstanding on Judge Roberts' record, in light of the urgency of ensuring that our Nation's Supreme Court has its full complement of Justices, I agree with my Democratic and Republican colleagues that his nomination should be given an up-or-down vote.

I have studied the development of the Supreme Court by our Founding Fathers, and it is apparent to me that our Nation's leaders did not want this group of citizens to be subjected to the political pressures of the day, so they provided for lifetime appointments, with no termination date. Further, candidates were not required to be lawyers, perhaps as a reminder that legal brilliance alone does not qualify a man or woman to sit on the bench of our highest court. Integrity, compassion, and wisdom are also required in equal—or perhaps greater—measure.

Reconciling lifetime appointments with the demands of democratic elections, created understandable consternation. After much debate, our Founding Fathers provided that the executive and legislative branches of our Federal Government would employ every means available to them to make certain that the selection is a wise one, and one that a nation could live with for the lifetime of the judge. Today, we walk again the careful path laid out by the Founding Fathers to ensure for the American people that Judge Roberts is a man worthy of their trust.

Fully realizing that Judge Roberts will most certainly receive substantial support from the Senate, I will cast my vote against this appointment. I do not object to Judge Roberts' politics, nor do I object to his personal beliefs. Our democracy guarantees him both the freedom to think and speak as he chooses, and the opportunity to ascend to any position in our government for which he is qualified.

My concerns lie instead with the failure of the Department of Justice and the White House to honor the request of members of the Senate Judiciary Committee to make available certain documents relating to 16 cases Judge Roberts worked on when he served as Principal Deputy Solicitor General. These documents, written during Judge Roberts' tenure in his most senior executive branch position, are relevant to the Senate's evaluation of his fitness to serve as the Chief Justice of the highest court of this land.

I am not suggesting that these documents might contain dark shadows—far from it. The refusal of the White House to allow the American people to see this corner of Judge Roberts' record, however, deviates from the careful road our Founding Fathers paved for us so many years ago, and leaves Americans wondering, ''Do those papers hide something I should know?''

Many groups have questioned Judge Roberts' position on civil rights. His early writings outline defiance toward review of civil rights violations by Federal courts, and many have asked how his views have evolved over the years. As one who has spent his life fighting against baseless prejudice and discrimination, I share these concerns. Would the papers withheld from our sight have answered these questions? We will never know.

Throughout my career I have supported a woman's right to choose. I have supported Roe v. Wade. I have also supported stem cell research. The responses Judge Roberts provided when questioned about these issues did not assure me that these questions would be seriously considered. I hope I am wrong. Perhaps the papers hidden from our sight would have allayed my fears.

Similarly, my questions on Judge Roberts' thoughts on the death penalty, and habeas corpus review by the Federal courts will never be answered.

I am not against the person. As I noted, I am impressed by his legal scholarship. Although we seem to differ on the fundamental issues of the day, I respect his right to freely form and hold his own opinions. I do, however, object to the failure of the White House, the Department of Justice, and ultimately Judge Roberts himself, to make available documents from his past. The American people deserve a nominee unclouded by needless secrecy—and our democratic heritage demands that the President and the Congress work together to confirm the worthiness of any man or woman to sit as a Supreme Court Justice. To affirm my allegiance to these most American of principles, I will vote, ''no.''

Mr. CHAFEE. Mr. President, after careful consideration, I will support the nomination of Judge John Roberts to be Chief Justice of the Supreme Court.

When he was nominated by President Bush in July, it was clear that Judge Roberts had the necessary professional qualifications to sit on the Supreme Court. He graduated from Harvard College, summa cum laude, in 1976, and received his law degree, magna cum laude, in 1979 from the Harvard Law School where he was managing editor of the Harvard Law Review.

Mr. Roberts clerked for Judge Henry J. Friendly of the U.S. Court of Appeals for the Second Circuit and for then-Associate Justice William H. Rehnquist.

John Roberts has served his country twice, working for the President. First, he served as Special Assistant to United States Attorney General William French Smith. He returned to government service in the first Bush administration, serving as Principal Deputy Solicitor General of the United States.

As a lawyer, Roberts has presented 39 oral arguments before the Supreme Court covering the full range of the Court's jurisdiction, including admiralty, antitrust, arbitration, environmental law, first amendment, health care law, Indian law, bankruptcy, tax, regulation of financial institutions, administrative law, labor law, federal jurisdiction and procedure, interstate commerce, civil rights, and criminal law.

During the hearings before the Senate Judiciary Committee, Senators extensively probed the judicial philosophy of Judge Roberts. I think our colleagues Senator SPECTER and Senator LEAHY did an excellent job and conducted a fair and thorough hearing.

We do not know how Judge Roberts will rule in many cases. What we do know is that he was nominated by a President who, in the glare of the lights of a campaign, clearly indicated the type of Supreme Court nominee that he would favor. We also know that Judge Roberts is an extraordinarily accomplished man with the right temperament.

I have long noted that I believe we must retain an appropriate balance on the Supreme Court. I was pleased that during the hearings, Judge Roberts unequivocally acknowledged that the Constitution contains a right to privacy. He further testified that the right to privacy is not a narrow right. He explained his belief that the right to privacy was sufficiently broad to allow the courts to apply it to changing circumstances. It was important to hear Judge Roberts state that as a Supreme Court justice, he would strive to follow precedent in order to ensure stability in the law.

I wish Judge Roberts well as he takes his seat as Chief Justice of the United States Supreme Court.

Mr. HAGEL. Mr. President, 25 years from now most of the events and personalities of September 2005 will have passed into the pages of history. New Orleans will once again stand proudly as one of America's most vibrant cities; America will have been forced to address our need for energy independence; and the legacies of today's politicians will be the work of tomorrow's history professors. However, the confirmation of John Roberts as the 17th Chief Justice of the United States Supreme Court could well be even more significant in 2030 than it is today. The Roberts Court will have a profound and historic impact on the preservation of liberty for decades to come.

I first met John Roberts when we both served in the Reagan administration in the early 1980s. He is a person of enormous intelligence, character and judgement. His performance in his Senate confirmation hearings earlier this month transcended television ads, internet blogs, television talking heads, and the million dollar industry that reduces the judicial nominations process to caricatures and buzz words across the political spectrum. As many of my colleagues have noted, the Roberts confirmation hearings forced a serious examination of the role of the Supreme Court and the Federal Government in our society.

My beliefs about the role of Government were shaped and molded when I served on the staff of Nebraska Congressman John Y. McCollister in the 1970s. I remember him warning America about the wholesale disregard of the 10th Amendment to the Constitution which states:

> The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people.

In the late 1930s and early 1940s, the Supreme Court used Article I, Section 8 of the Constitution which gives the Federal Government the power to ''regulate commerce,'' as a crowbar to pry open the lid of federalism and more fully insert the Federal Government into the lives of the American people. By the 1970s, we saw an expansion of the Federal Government's power our Founders could not have imagined.

At the same time that Congressman McCollister was invoking the 10th Amendment in the House of Representatives, Justice William Rehnquist was frequently the lone voice on the Supreme Court for the discretion of States and the integrity of the 10th Amendment. Much has been said about William Rehnquist in the last month. He was a giant of our time. As history considers his legacy, I believe his ability to move the Court back to a responsible position concerning federalism will be his greatest accomplishment. In this, he had a strong ally in Justice Sandra Day O'Connor.

The Founders did not arrive at the 10th Amendment by accident. It was a necessary compromise in order to get the Constitution ratified. The Founders believed that the Constitution must protect the citizens of the United States from the consolidation of the Federal Government's power. History has proven them wise. Well meaning politicians never have enough power to do all the good things they believe are essential to the Nation's well-being. History shows that the growth of central governments is no substitute for the ingenuity and energy of individual citizens.

It was President Woodrow Wilson who said:

> The history of liberty is a history of the limitation of governmental power, not the increase of it.

As we work to address 21st century challenges like terrorism, the proliferation of weapons of mass destruction and incredible advances in technology, we will constantly be confronted with the need to balance the expansion of the Federal Government's power with States rights, individual liberties and national security. As we act to secure our Nation, we must also guard against Federal overreaching. That is why measures like the sunset provisions in laws like the Patriot Act are so important.

In years to come, Congress will be under great pressure to reach into areas of law historically reserved for State and local governments, including land use, education, economic development, law enforcement and contract law, including marriage. A wise and judicious Supreme Court will be as critical as it has ever been to see America through this volatile time.

Decades from now, if John Roberts can look back upon a legacy of having protected the rights of States and individuals while helping strengthen America from within, and constraining the power of the Federal Government, then it will be a legacy worthy of succeeding William Rehnquist.

Mr. VOINOVICH. Mr. President, I rise today to urge my colleagues to vote to confirm Judge John G. Roberts as the next Chief Justice of the United States Supreme Court.

Before I discuss my reasons for supporting Judge Roberts, however, I would like to make a few remarks about the judicial confirmation process. Judge Roberts is the first nominee to the Supreme Court since I have been a Senator. I have been very pleased with how his nomination has been handled by both the White House and the Judiciary Committee and hope that this confirmation process will be a model for future confirmations.

I want to compliment the President, and in particular the President's Counsel Harriet Miers, for doing an excellent job in reaching out to Senators prior to Judge Roberts' nomination. Ms. Miers called me prior to Judge Roberts' nomination and asked me what qualities I thought the President's nominee should possess. Our conversation gave me confidence that the President wanted to work with Senators to make sure that he nominated an excellent candidate—which I believe he succeeded in doing. I hope the White House undertakes the same outreach to the Senate prior to the President's nomination of the next nominee to the Supreme Court.

I also want to compliment Senator SPECTER and Senator LEAHY for the superb job they have done in handling the confirmation hearings for Judge Roberts. The hearings were fair and orderly and did not significantly interfere with the Senate's other business. I was very pleased that the questioning and debate on Judge Roberts was largely devoid of personal attacks. Indeed, I think the hearings gave the country an opportunity to see what type of judge and person Judge Roberts is. They also gave the country a wonderful lesson in constitutional law. I hope that Judge Roberts' confirmation hearing will serve as a model for future confirmation hearings for nominees to the Supreme Court.

Turning now to Judge Roberts' nomination, I believe that Judge Roberts is among the finest candidates to the Supreme Court in our Nation's history. I believe history will look back on the nomination of Judge Roberts as one of the most important legacies of the Bush administration.

When I spoke with White House Counsel Harriet Miers on the qualities I looked for in a Supreme Court nominee, I told her there were two qualities I valued most. First, a nominee must have outstanding professional credentials. Second, a nominee must be committed to the rule of law. I am very pleased to say that Judge Roberts is extraordinarily qualified on both of these counts.

It is difficult to see how Judge Roberts could have more impressive professional credentials. From his academic record to his Government service to his law practice, Judge Roberts has accumulated a remarkable record of achievement.

As my colleagues have previously noted, he graduated from Harvard College summa cum laude in 3 years, and graduated from Harvard Law School magna cum laude, where he served as the managing editor of the Harvard Law Review. During his time at Harvard, he was awarded numerous academic accolades, including being inducted into Phi Beta Kappa.

He has excellent Government experience, having served as a law clerk to then Justice William Rehnquist and in several top positions in the Reagan and Bush administrations, including as Associate Counsel to President Reagan and as Principal Deputy Solicitor General for the first President Bush.

Prior to his unanimous confirmation to the U.S. Court of Appeals for the D.C. Circuit, Judge Roberts was widely regarded as the best Supreme Court litigator in the Nation. Throughout his distinguished career, he argued an impressive 39 cases before the Supreme Court.

He has now served for 3 years as a judge on the D.C. Circuit, which is regarded as among the most important appellate courts in the Nation. As a judge, he has developed a reputation for fairness and producing well-written and well-reasoned opinions.

This impressive background has made Judge Roberts well prepared to be Chief Justice of the Supreme Court. As he displayed during his confirmation hearings, he has an encyclopedic knowledge of the Supreme Court and of constitutional law. Yet, he also has real world experience in Government and in how law interacts with the actual day-to-day operation of Government. Judge Roberts has the perfect balance of academic and practical experience.

Judge Roberts also has an impeccable ethical record. No question has been raised regarding his integrity or professionalism. On the contrary, the record is full of testimony praising his honesty and propriety from friends and former colleagues. Moreover, during his confirmation hearings he properly resisted the temptation to discuss cases and legal disputes that could come before him as Chief Justice so he would not bias his consideration of those cases and debates. While some would like to hear how Judge Roberts would decide future cases, it is clear that legal ethics prevent him from doing so. Furthermore, knowing how a nominee is going to decide future cases is not necessary to select good judges. When I was Governor, I appointed scores of judges and never—not once—did I ask how they would decide a case. Instead, I examined their credentials, reviewed their writings and past decisions and, on several occasions, personally interviewed them.

Given his professional achievements and ethical record, it is not surprising that the American Bar Association has given him a unanimous well-qualified rating, its highest rating.

I also believe that Judge Roberts has shown a commitment to the rule of law. Now, no two people will agree on how to interpret every provision of the Constitution or every statute. I may not agree with all of Judge Roberts' future decisions. However, I think that it is essential that any nominee displays a conscious commitment to deciding cases based on the law rather than on his or her own personal views.

During Judge Roberts' confirmation hearings, I was struck by how dedicated he is to the law and to correctly applying the law as a judge. As he stated during his testimony, ''Judges and Justices are servants of the law, not the other way around.'' He also revealed his dedication to the law by recognizing that the judiciary has a limited role in our government. This means that judges are, to use Judge Roberts' words, ''constrained by the words of the Constitution'' and ''by the precedents of other judges.'' Judges must interpret the law based on the text of the Constitution or statute, as the case may be, and based on precedent, rather than on their own personal beliefs about how the case should be resolved. It is the role of Congress to pass legislation and the role of the courts to apply that legislation to particular cases. I believe Judge Roberts not only understands this distinction, but also will prove to be both a skilled practitioner and an eloquent advocate of judicial restraint.

Accordingly, I have every confidence that parties who appear before Judge Roberts will see a fair and brilliant judge who will decide their case according to the dictates of the law, not his own personal preferences.

When I initially spoke to Ms. Miers about the qualities I was looking for in a nominee, we were discussing a replacement for Justice O'Connor. Now that Judge Roberts has been re-nominated to be Chief Justice, I believe that Judge Roberts' management skills are an important aspect to consider. The Chief Justice is the top administrator of the Federal Courts, so any nominee to Chief Justice must possess management skills. Former Chief Justice Rehnquist was an excellent administrator, so Judge Roberts has some shoes to fill.

I had an opportunity to sit down with Judge Roberts, and I asked him about his management experience. We discussed his management responsibilities while he was at his law firm where he helped manage the firm's litigation group. While Judge Roberts has never managed anything as large as the Federal court system, our conversation convinced me that he has the management skills necessary to be Chief Justice. He clearly has already thought about how he will undertake his management responsibilities and what he needs to do in order to effectively carry out those responsibilities.

Finally, I want to offer some personal observations about Judge Roberts. Too often we view executive and judicial nominees through political or ideological glasses and not as human beings. Nominees quickly get labeled as being a ''Republican Nominee'' or a ''Democratic Nominee'' or as belonging to a particular ''school of thought'' or as being a follower of a particular thinker or politician. This is unfortunate, as each nominee's own personality gets overlooked and we fail to see the most important aspect of a nominee. It is, however, a nominee's character that can have the biggest impact on his or her work.

In Judge Roberts, I believe the Senate has before it not only a nominee who has the capability to be a great Chief Justice, but also a nominee who is simply a wonderful person. During my meeting with him, I was struck by his gracious manner and humble attitude. He is clearly very smart and engaging, and it is a pleasure to hear him explain Supreme Court cases. But, he is also a very open minded person, who listens to others with sincerity and a willingness to hear their views. Yet what struck me most about him was his humility. For such a brilliant and successful person, I did not detect a hint of arrogance. He is a dedicated family man with a good sense of humor whom I believe all Americans will be able to respect and admire.

I have been struck by how my regard for Judge Roberts has been echoed by so many others, including many whose politics may differ from his. I would like to encourage my colleagues to get a hold of an interview C–SPAN recently aired of Professor Richard Lazarus and Patricia Brannan, two longtime friends of Judge Roberts. Both Professor Lazarus and Ms. Brannan are Democrats, but they both expressed the highest respect for Judge Roberts and supported his nomination. Now, such testimonials may concern some of my Republican friends, but to me they are further signs that Judge Roberts has the ability to persuade people across the spectrum about the importance of judicial restraint.

In short, I believe Judge Roberts displays the openmindedness and humility that should serve as the paradigm of judicial temperament for members of the Federal bench.

In reviewing Judge Roberts' impeccable academic and professional record, his firm commitment to the rule of law, and his strong character, I believe that Judge Roberts is a nominee of the highest caliber. Indeed, I wonder if a stronger nominee could be found.

I, therefore, urge my colleagues to support the nomination of Judge Roberts to be the next Chief Justice of the Supreme Court.

Mrs. CLINTON. Mr. President, the nomination of Judge John Roberts to be Chief Justice of the United States is a matter of tremendous consequence for future generations of Americans. It requires thoughtful inquiry and debate, and I commend my colleagues on the Senate Judiciary Committee for their dedication to making sure that all questions were presented and that those outside of the Senate had the opportunity to make their voices heard. After serious and careful consideration of the committee proceedings and Judge Roberts's writings, I believe I must vote against his confirmation. I do not believe that the judge has presented his views with enough clarity and specificity for me to in good conscience cast a vote on his behalf.

The Constitution commands that the Senate provide meaningful advice and consent to the President on judicial nominations, and I have an obligation to my constituents to make sure that I cast my vote for Chief Justice of the United States for someone I am convinced will be steadfast in protecting fundamental women's rights, civil rights, privacy rights, and who will respect the appropriate separation of powers among the three branches. After the Judiciary hearings, I believe the record on these matters has been left unclear. That uncertainly means as a matter of conscience, I cannot

vote to confirm despite Judge Roberts's long history of public service.

In one memo, for example, Judge Roberts argued that Congress has the power to deny the Supreme Court the right to hear appeals from lower courts of constitutional claims involving flag burning, abortion, and other matters. He wrote that the United States would be far better off with 50 different interpretations on the right to choose than with what he called the ''judicial excesses embodied in Roe v. Wade.'' The idea that the Supreme Court could be denied the right to rule on constitutional claims had been so long decided that even the most conservative of Judge Roberts's Justice Department colleagues strongly disagreed with him.

When questioned about his legal memoranda, Judge Roberts claimed they did not necessarily reflect his views and that he was merely making the best possible case for his clients or responding to a superior's request that he make a particular argument. But he did not clearly disavow the strong and clear views he expressed, but only shrouded them in further mystery. Was he just being an advocate for a client or was he using his position to advocate for positions he believed in? The record is unclear.

It is hard to believe he has no opinion on so many critical issues after years as a Justice Department and White House lawyer, appellate advocate and judge. His supporters remind us that Chief Justice Rehnquist supported the constitutionality of legal segregation before his elevation to the high court but never sought to bring it back while serving the court system as its Chief Justice. But I would also remind them of Justice Thomas's assertion in his confirmation hearing that he had never even discussed Roe v. Wade, much less formed an opinion on it. Shortly after he ascended to the Court, Justice Thomas made it clear that he wanted to repeal Roe.

Adding to testimony that clouded more than clarified is that we in the Senate have been denied the full record of Judge Roberts's writings despite our repeated requests. Combined, these two events have left a question mark on what Judge Roberts's views are and how he might rule on critical questions of the day. It is telling that President Bush has said the Justices he most admires are the two most conservative Justices, Justices Thomas and Scalia. It is not unreasonable to believe that the President has picked someone in Judge Roberts whom he believes holds a similarly conservative philosophy, and that voting as a bloc they could further limit the power of the Congress, expand the purview of the Executive, and overturn key rulings like Roe v. Wade.

Since I expect Judge Roberts to be confirmed, I hope that my concerns are unfounded and that he will be the kind of judge he said he would be during his confirmation hearing. If so, I will be the first to acknowledge it. However, because I think he is far more likely to vote the views he expressed in his legal writings, I cannot give my consent to his confirmation and will, therefore, vote against his confirmation. My desire to maintain the already fragile Supreme Court majority for civil rights, voting rights and women's rights outweigh the respect I have for Judge Roberts's intellect, character, and legal skills.

Mr. MCCAIN. Mr. President, this Thursday the Senate will have the opportunity to vote on the nomination of Judge John Roberts to be Chief Justice of the United States. Few decisions made by this body are as consequential as this one. If Judge Roberts is confirmed by the Senate—and I believe he will be confirmed—he will be the youngest Chief Justice in more than 200 years. With the blessing of a long tenure on the Court, his influence as Chief Justice will not just affect us and our children but also several generations to come.

In nominating Judge Roberts, the President clearly was mindful of the serious and lasting nature of the vote before us. He respected the Senate's advice and consent role and engaged in a thorough, deliberate, and fair nomination process. The President and his staff consulted with more than 70 Members of the Senate, and the President reviewed the credentials of many well-qualified candidates. The President also met personally with a number of potential nominees. I believe that this is the process envisioned by the so-called Gang of 14, and that it resulted in an excellent nominee.

Judge Roberts has impeccable legal credentials and a strong reputation and record as a fair- and sharp-minded lawyer and jurist. The American Bar Association and many others of all political stripes agree that his distinguished career as a lawyer and a jurist makes him very well qualified for the position of Chief Justice. Indeed, some observers have pointed out that if one were to imagine the perfect training to be a Supreme Court Justice, Judge Roberts's career would be the model. I could not agree more.

As an appellate judge, Judge Roberts has built a record of measure, control, and fair-mindedness—all crucial characteristics for a member of our Nation's highest court.

Prior to his tenure as a Federal judge, John Roberts was a widely respected appellate lawyer. The Washington Post recently characterized him as ''among the country's best-regarded appellate lawyers, both in private practice and as deputy solicitor general during the administration of George H.W. Bush.''

The Senate Judiciary Committee has engaged in an extensive review of Judge Roberts' record. During his nomination hearings, the judge acquitted himself with dignity and honesty, answering directly questions that he believed he could address without hindering his ability to carry out his functions on the Supreme Court or in his current position on the DC Court of Appeals. The editorial board of the San Francisco Chronicle wrote some days ago that Judge Roberts ''passed the key tests before the Senate Judiciary Committee. His command of the law is impressive. He carries no trace of ethical taint. His ability to stay calm and on point in the face of exhaustive questioning from a panel of highly inquisitive—and occasionally posturing—U.S. senators was indicative of judicial temperament.''

The committee has voted to recommend that the full Senate confirm Judge Roberts as the Chief Justice of the United States. Several Democratic members of the committee joined in that recommendation, and rightly so—this nominee's exceptional credentials and temperament should place him well above the fray of partisanship.

I agree wholeheartedly with the nomination of the President and the recommendation of the Judiciary Committee. I will vote for John Roberts, a man who has proven to be an extraordinarily talented lawyer and judge who approaches the law with modesty and a deep respect for the Constitution and our Nation's laws.

EMERGENCY HEALTH CARE RELIEF ACT OF 2005

Mr. MCCAIN. Mr. President, I am in the Senate to mention that there is ongoing discussions between the Senator from Iowa, Mr. GRASSLEY, the distinguished chairman of the Committee on Finance, and a number of Members who have been concerned about S. 1716, the Emergency Health Care Relief Act of 2005. I fully support the desire of the Senator and members of the Committee on Finance to provide health care relief for the victims of Hurricane Katrina. We have noted that it has about a $9 billion price tag, and we have been in ongoing discussions which I believe will bear fruit with the Senator from Iowa.

It is important to know that the administration also objects to S. 1716, and I ask unanimous consent the letter from Secretary Leavitt be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, September 27, 2005.

Hon. WILLIAM H. FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST: I am writing to express the views of the Department of Health and Human Services (HHS) with respect to S. 1716, the ''Emergency Health Care Relief Act of 2005''.

We understand and appreciate that the intent of S. 1716 is to help provide, in the most timely manner possible, emergency health care relief to the victims of Hurricane Katrina. The Department is strongly committed to this same objective, and we have

engaged in our utmost efforts to furnish such relief directly to Katrina victims as well as to support State efforts to provide emergency health care and related services (see addendum below). We believe these ongoing efforts largely preclude the need for the activities proposed under S. 1716. Moreover, we have serious concerns with S. 1716, as enunciated below.

In addition, the bill spends significant amounts on adjustments to the Medicaid FMAP (Federal medical assistance percentage) for individuals who are not survivors of Hurricane Katrina. We think this is inadvisable and that resources should be targeted to services for these survivors.

TITLE I—EMERGENCY HEALTH CARE RELIEF

Title I of S. 1716 establishes a new Disaster Relief Medicaid (DRM) program for survivors of Hurricane Katrina. Survivors of the hurricane would be entitled to five months of Medicaid coverage, and the President is given the option to extend the program for another five months. Individuals who were previously receiving Medicaid before the hurricane are deemed eligible for this assistance. In addition DRM eligibility is also available to pregnant women and children with incomes up to 200% FPL, disabled individuals up to 300% SSI, and other individuals with incomes up to 100% FPL. As a result, a new eligibility category for childless adults is established. There are no resource or residency requirements for DRM. DRM recipients will receive the benefits package available to categorically needy beneficiaries under the Medicaid state plan. States may also provide extended mental health benefits and coordination benefits to DRM eligibles, which are not limited to conditions directly resulting from the hurricane.

The legislation requires a new Medicaid entitlement for Katrina survivors, regardless of whether that will work best for those survivors or the states. This new program is unnecessary. CMS is already acting to meet the health care needs of hurricane survivors through the establishment of a new Medicaid/State Children's Health Insurance Program (SCHIP) waiver program that builds upon existing Medicaid/SCRIP eligibility and other program rules to provide immediate, comprehensive relief without the need for congressional action. This waiver program allows individuals who otherwise would be eligible for Medicaid in their home states to receive 5 months of temporary eligibility without going through a complex and burdensome application process. Texas, Alabama, Florida, and Mississippi now have these programs in place, and more states with significant numbers of evacuees are very close to establishing similar programs. With this new waiver program, we are providing relief quickly, rather than waiting to implement an unprecedented new federal program as envisioned by S. 1716.

The bill (section 108) also establishes a massive new Federal program which would be administered by the Secretary of HHS, rather than states. The fund would provide $800 million for direct payments to Medicaid providers to offset their costs incurred as a result of Hurricane Katrina, and for payments to state insurance commissioners for health insurance premiums for individuals otherwise eligible for DRM. Again, S. 1716 is duplicating efforts which are well underway at CMS through the uncompensated care pools referenced in the new waiver program The Federal uncompensated care fund envisioned by S. 1716 would create uncertainty and delay progress being made right now. To make the system envisioned by the bill work, CMS would have to develop a brand new Federal system with new forms and applications, eligibility criteria, program requirements, criteria for reviewing applications and determining payment amounts, as well as other rules and procedures. Providers would need to learn this new system and provide new kinds of documentation. It is far more expeditious to use existing state systems.

We believe states are better equipped than the Federal Government to work directly with local providers to solve the problems of uncompensated care. The state-based uncompensated care pool in the CMS waiver will pay providers more quickly through the existing state payment systems without establishing a new bureaucratic process. It will also allow for care in settings and from providers that do not usually participate in Medicaid, enabling evacuees to get the best care and the providers in the state to deliver it as effectively as possible. The waiver program also allows for new interactions with expanded community-based health care centers, mobile units for providing basic care at convenient locations for evacuees, and new referral networks. The pool will permit states to pay for additional services needed by evacuees, such as additional mental health services, that are not generally covered by Medicaid.

While we prefer the state-based uncompensated care pool referenced in the CMS waiver, we look forward to working with the committee to ensure care to evacuees and solve the problems of uncompensated care.

We believe that S. 1716 does not appropriately target spending to the true victims of Hurricane Katrina. Section 103 spends $4 billion on a 100% FMAP rate for services (and related administrative activities) provided from August 28, 2005 through December 31, 2006 under the State Medicaid or SCHIP plan to any individual residing in a major disaster parish or county, regardless of whether the individual was affected by Hurricane Katrina. Section 108 spends almost $700 million for 29 states, most of which were not affected by the hurricane, by preventing a drop in the FMAP for Medicaid that otherwise would have occurred on October 1. We believe that these provisions are inadvisable and that federal resources should be targeted to meeting the needs of those harmed by Hurricane Katrina.

In addition, S. 1716 includes several provisions that affect the timely implementation of the new Medicare Part D program. We do not support any changes to the Medicare Part D program. We note that under S. 1716, DRM dual eligibles are excluded from the low-income subsidy program. We think it would be far more advantageous to ensure that dual eligibles are timely enrolled in a Part D plan so that they receive the low-cost drug coverage available to them under the new Medicare drug benefit.

TITLE II—TANF RELIEF

Under title II, S. 1716 would also make a number of adjustments to P.L. 109–68 the ''TANF Emergency Response and Recovery Act of 2005,'' which was signed into law on September 21. For the most part, these adjustments would be unnecessary and would complicate State administration of Temporary Assistance for Needy Families (TANF) benefits in the wake of Hurricane Katrina.

HHS believes that the existing administrative authority under the TANF program under title IV–A of the Social Security Act (as extended through December 31, 2005 by P.L. 109–68 and several earlier temporary extensions), coupled with the special hurricane-related provisions of the new law, has given States the ability to be responsive to the most significant issues confronting them as a result of Hurricane Katrina. We provided early administrative guidance reminding States of their flexibility to amend their TANF plans to meet the special circumstances of the hurricane aftermath such as adjusting State plans, streamlining the eligibility process, making residency optional, and using in-kind and non-Federal cash expenditures to meet the maintenance of effort requirements.

In addition to this program flexibility, which continues under title IV–A (as so extended), P.L. 109–68 also provides special flexibility for TANF in areas such as the contingency fund, loan program, and penalty waivers.

We are especially concerned about the dual contingency fund provisions in S. 1716, under which a State may be reimbursed from the contingency fund if it qualifies as a ''needy State'' based on Hurricane Katrina-related criteria, while still remaining eligible to receive reimbursement from the fund if it meets the current law definition of a ''needy State'' (based on certain Food Stamp and unemployment-related criteria).

We are advised by the Office of Management and Budget that there is no objection to the submission of this letter to the Congress from the standpoint of the Administration's program.

Sincerely,

MICHAEL O. LEAVITT.

Mr. MCCAIN. I say again to my friend from Iowa, I think he does a tremendous job as chairman of our Committee on Finance. He continues to distinguish himself in that role. But I do believe—and we had, I think, a very productive meeting with the Senator from New Hampshire, Mr. SUNUNU, and Senator LOTT, who, obviously, has a very deep and abiding interest in this situation, as well as the Senator from Iowa. I hope we can work out the objections that the administration has, as well as the concerns that others of us have on this issue.

Again, I thank the Senator from Iowa for his diligent efforts in trying to get this legislation done and, at the same time, satisfy the concerns of many who are concerned about the scope of it, as well as his efforts to attempt to satisfy the concerns of the administration.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S. 1716

Mr. BAUCUS. Mr. President, I come to the floor once again to insist that the Senate act on the emergency health care needs of Katrina victims. They need help. They need help now—not tomorrow, not the next day, now. The Senate must pass the Katrina health package that Chairman GRASSLEY and I put together. Why? Obviously, to help the victims of Katrina. That is why. They need the help now.

I might say, Senator GRASSLEY and I have worked for weeks on this legislation. It has been 4 weeks since Katrina hit—4 weeks.

Now, some suggest the administration was slow to respond, that FEMA was slow to respond, that FEMA was inadequate in responding. We have heard these complaints. A lot of them are accurate.

Where is the Senate? Where is the Congress? Where? I ask Senators, where is the Senate? Where is the Congress? I will tell you where. We are poised to pass legislation, but the same people and the same political party that were slow with respect to FEMA and the administration are now here today slowing down and stopping this legislation from passing. The same group. The same group. I cannot believe it. I cannot understand it.

This legislation has very broad support. It has the support of Senator GRASSLEY, the chairman of the Finance Committee, the Republican chairman of the Finance Committee, who, I might say, is a very good man. He is a good man. He cares. He puts people above politics. He puts the needs of the Katrina victims above politics. He wants to do the right thing. And I very heartily and soundly congratulate him. He has done such a wonderful job.

We have also consulted for weeks with the Senators from the States affected, working out the details of this legislation, crossing the T's, dotting the I's, making changes to make sure it works right. We have consulted with the Senators from the States affected, who are from both political parties. They want this legislation. They are from both political parties, and they want it.

We spent a lot of time working on this—a lot of time. We have done the right thing. We made changes, as Senators suggested. We are trying to make it balanced, trying to make it fair, trying to make it respond to the needs of the people in Louisiana, Alabama, Texas—the States affected. We have tried our very best to do this right.

I might repeat, not only the Senators of the States want this legislation, but the Governors of the States want this legislation. If we want to get to labels here, two of those Governors are Republicans. Today, publicly, I asked the question and Senator GRASSLEY, the chairman, asked the question: Governors, what do you think of this legislation? Yes, they want it, they want it now.

Ask Governor Blanco of Louisiana. They know the needs. They are there. They know the stakes. They are the Governors. They want this legislation passed now.

Governor Riley of Alabama, he wants it now. Governor Barbour of Mississippi, he wants this legislation passed now. Governor Blanco of Louisiana, she would certainly like it passed now.

I might say, too, this is a compromise. There are Senators here who would like to offer more sweeping legislation and try to get that legislation up for a vote. I daresay, if that legislation were up for a vote, it would pass by a very large margin.

But there are Senators here who do not want to vote. They do not want to vote on that legislation. They do not want to vote on it. They do not want to vote on it. What is my evidence of that? Many times I have asked unanimous consent to bring up this legislation. Many times the chairman of the committee has asked to bring up this legislation. And we get objections from the other side of the aisle. We get objections from the other side of the aisle. Oh, it costs too much, I heard. That is one complaint.

I do not know. This legislation is temporary. It is only for several months. It is only basically until the end of the year. It is basically to help people get health care under Medicaid, to get health care now.

There are countless examples of people who cannot get health care today, victims of Katrina who cannot get health care today. Why in the world is the Senate, controlled by the same party as the White House, saying no? Oh, we hear: We want a compromise. Let me tell you this. What is the compromise I heard? The compromise I heard is: Take it all out of the $65 billion appropriated for Katrina. Take it out of that. That is what I have heard.

Can you believe that? Can you believe that? They say some of that money has been misspent. So people who need health care shouldn't get the dollars? They shouldn't get support? They shouldn't get their health care because some of the FEMA dollars might have been misspent? Give me a break. Give me a break.

What is going on here? What, in fact, is going on here? I don't understand it. I thought we were Senators. I thought we were elected to do the right thing, to rise up and help people who need help, particularly immediately. Sure, we should scrub this stuff and look at it closely. And we have. We have. Senator GRASSLEY and I have. Our staffs have—very closely. We have tailored this down and cut it back down compared to what other Senators in the body want passed, some of the Senators in the committee wanted passed. We said: Oh, no, no, we are not going to go that far. We will take this a step at a time. We will pass limited legislation, only until the end of this year.

These provisions, the Medicaid provisions, the FMAP provisions, the eligibility requirements only apply for several months, to the end of this year. Then they stop.

Let me tell you, we met today, the Finance Committee, with experts—one was George Yin, head of the Joint Tax Committee staff—trying to learn some lessons from New York that might be applied in this case. He made a very interesting point to us. He said: You must know, Senators, it is very hard to know the effectiveness of tax breaks because we don't have a lot of evidence. He also said something else. He said: Because these are of a short duration, the ones proposed in this bill, they probably will not be utilized very much because people don't know about them. People don't know they are there. It is hard to get the word out.

So those Senators should not be too concerned this bill will be ''too expensive.'' If they are concerned about fraud, FEMA fraud, if they are concerned about waste, if they are concerned about money not being properly spent under FEMA, and so forth, I suggest when the next appropriations bill comes up to spend more money at FEMA, to give more cash, that is the proper place to look at any potential waste, any problems, if any, that occur under FEMA. I don't know what occurs and does not occur, but the Senators I have heard don't want this bill passed because they say: Oh, it is wasteful. FEMA wasted money. If that is the case, don't take it out of the hides of poor people who need help. You take it out of the hide of FEMA. You take it out of the hide of additional appropriations.

I heard something else here tonight. I have heard the administration is opposed to this legislation. They quietly kind of are. I don't think they want to admit it. They sent this letter that the Senator from Arizona put in the RECORD. They say: Well, maybe we can do it with waivers. Maybe we can do it a little bit better. Come on. That is not going to work. Why isn't it going to work? It is not going to work because this waiver process is so vague, it is so amorphous. Nobody knows what it is. Nobody knows when it might go into effect.

Let me give you an example of that. Today at the Finance Committee hearing, I raised the question: Governor Barbour, Governor Riley, Governor Blanco, what about waivers?

Governor Barbour did not know anything about it. This is 4 weeks since Katrina. He said: I have to plead ignorance. I don't know. You would think if this waiver process is going into effect a little bit, if there has been discussion between the administration and some of these States, you would think the Governor of Mississippi, if this waiver program is worth anything, would know about it. No, he did not know anything about it. He wants this legislation passed.

Mr. President, I ask unanimous consent that the letter Senator GRASSLEY and I wrote back to Secretary Leavitt in response to that White House letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, September 27, 2005.

Hon. MICHAEL O. LEAVITT,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR MR. SECRETARY: The aftermath of Hurricane Katrina has left hundreds of thousands of Americans displaced and in need of

assistance. We want to, first and foremost, thank you for your assistance with Katrina relief. We share the goal of addressing the immediate health care needs of people affected by this disaster.

We have, however, chosen different paths for achieving our shared goal. We have introduced and sought to pass the Emergency Health Care Relief Act, S. 1716, which would provide immediate coverage for a temporary period for Americans displaced by Hurricane Katrina, directly assist the states of Louisiana, Mississippi and Alabama, and provide a means for survivors to retain private health insurance coverage. We believe that this program can be very quickly and efficiently implemented by the Department. We have noted your opposition to our bill and are puzzled at how you expect to achieve our shared goal through the Department's waiver process. Specifically, we would raise the following questions:

1. After the September 11, 2001, attacks on New York City, the Department quickly approved a waiver to provide Medicaid coverage for New Yorkers, even those not normally eligible for Medicaid, for a temporary basis. While you refer to the coverage provided through the waiver program as ''comprehensive relief,'' the waiver in Texas does not provide for the same eligibility for Katrina evacuees as was provided through the New York waiver. Could you please explain to us why the Katrina evacuees do not deserve the same assistance provided the people of New York.

2. Your waiver process appears to contemplate having those Katrina evacuees without health care coverage covered by an uncompromised care fund. Providers will provide charity care and then seek reimbursement from the uncompensated care fund. This raises numerous questions for us. First, how does the Department believe it has the statutory authority to provide funding for this uncompensated care fund when we believe it is fairly obvious the Department does not have statutory authority to do so? Second, it is unclear to us how much money will be needed for the uncompensated care fund for Texas and all other host states. How much money does the Department anticipate needing for the fund? Finally, the Medicaid program has known costs, payment rates and control systems, which is why we sought to use the Medicaid program for the temporary assistance program. How does the Department plan to control expenditures for the uncompensated care fund to protect against fraud and abuse? What accountability measures will apply to these new funds?

3. The states of Louisiana, Mississippi and Alabama have suffered tremendous devastation that will drastically affect their ability to meet state obligations, including their share of Medicaid. The Department's waiver process simply bills claims for Katrina evacuees in Texas (and other host states) back to Louisiana, Mississippi and Alabama. When the bill comes due for those claims we would anticipate that the Department is going to expect payment since the Department does not have the statutory authority to waive those payments. Will the Department be seeking a statutory response or does the Department believe that the affected states do not need assistance? If the Department does support relieving Louisiana, Mississippi, and Alabama of some portion of the state share requirement, what is your projection for the cost of the assistance you might provide those states? New York provided disaster relief Medicaid after September 11, with the hope that their state match costs would be paid for through FEMA grants, but they are still appealing FEMA's denial of payment and have not received any funds. What assurances can you give states that they will not find themselves in similar circumstances?

4. We believe that allowing individuals to preserve their private insurance coverage is an important principle. The bill that you oppose, the Emergency Health Care Relief Act, provides for Disaster Relief Fund so that people may keep private coverage. Your waiver process does not appear to provide for assistance to people wishing to keep private coverage except perhaps through the uncompensated care fund which we have already established has no money. Do you oppose preserving private coverage for Katrina survivors?

5. We believe that the welfare provisions of S. 1716 are very important. Though H.R. 3672 the TANF Emergency Response and Recovery Act of 2005 (Public Law 109–68) makes some modest progress towards getting states the help they need to provide vital support services to evacuees and those in the directly impacted states, we remain concerned that P.L. 109–68 falls short in several ways. Working in close conjunction with members from the directly affected states, the Senate bill makes a number of improvements to P.L. 109–68. P.L. 109–68 limits assistance to nonrecurrent short-term cash benefits S. 1716 allows funding to be available for any allowable TANF expenditure. We understand that states would like the flexibility to use these funds to provide non-cash services such as employment readiness and job training for a period of time that is not limited to four months. Do you agree that it is appropriate to give states the greatest amount of flexibility to serve the broad needs of these families? Additionally, the Senate bill lifts the ''cap'' on the Contingency Fund which would direct additional resources to states that are providing services to Katrina survivors. Do you agree that states should be confident that they will be reimbursed for the costs of helping these families?

6. We note that in your letter, you took special exception to the provision in Title II—TANF RELIEF that would allow states, such as Tennessee, that are currently drawing down Contingency Funds in order to meet the needs of their existing caseload to also qualify for the Contingency Fund in order to meet the needs of evacuees. Are we to infer from your letter that states like Tennessee should be prohibited from accessing the Contingency Fund to provide services to evacuees simply because of a dire state fiscal condition that made them eligible for the Contingency Fund under existing law?

We would also like to bring to your attention certain provisions of our bill that we would be surprised to find the Department opposes.

The bill provides the Secretary with the authority and funding to assist providers whose ability to stay in business has been jeopardized. We consider it critical that hospitals, physician practices and other providers get immediate assistance so that they may continue to function. If the doors close on a hospital, it makes rebuilding that community that much more difficult. We hope you would agree.

2. The bill provides additional assistance for people who have lost their job through extensions of unemployment insurance. We feel that it is appropriate and necessary.

3. The bill provides additional funding for the Office of the Inspector General to ensure that relief funds are appropriately spent. We certainly hope you approve of that provision.

4. The bill protects the taxpayer by reducing the micro-purchase threshold which limits purchases made outside of existing federal procurement laws. These purchases are commonly made through the use of government credit cards, a medium which has a history of fraud, waste and abuse of taxpayer dollars. The micro-purchase limits were capped by law at $2,500 with an emergency limit of $15,000 domestically and $25,000 abroad. These limits were drastically raised to $250,000. While we understand the need for increased credit limits to help deal with a disaster of Katrina's magnitude, any increase should address the problem at hand, not create new ones.

We truly believe that we have similar interests in assisting people displaced by this disaster. While we are troubled that you have chosen to oppose our effort, we will continue to work with you to meet our common goal. In that spirit, we respectfully request that you respond to the questions by this Friday, September 30, so that we may better understand how you intend to proceed.

Sincerely,

CHARLES E. GRASSLEY.
MAX BAUCUS.

Mr. BAUCUS. That letter points out the glaring defects of the waiver process the administration talks about.

First, the Government is amorphous, as I said. Second, the waiver kind of promises money to hospitals for uncompensated care. It does not say how it is going to happen. It is very unclear. It is very amorphous.

I might say, at that point, for 9/11 FEMA was billed for several items, and FEMA did not pay for it. In this case the administration, in the waiver process, says, well, there might be some money for hospitals for all the uncompensated care they have provided. It is a promise. Who knows if it is empty or not empty. There are no dollars behind it.

We have dollars in our legislation. It is $800 million. It goes for uncompensated care to hospitals. You talk to the administrators of the hospitals in these areas—Louisiana, New Orleans; other States, Arkansas, Texas—that are overwhelmed—and most of this is uncompensated care—they need help. We are providing it in this bill, $800 million.

We also provide help for people who need care, who do not have health insurance, who live up to 100 percent of poverty. They are not wealthy people: only up to 100 percent of poverty, and 200 percent of poverty for mothers who have children, pregnant women and children. That is not very much. But no, we cannot pass that. Senators say that is too much. That might be wasteful.

I don't get it. I don't get it. It reminds me of when I graduated from high school. This fellow sent me a congratulation card for graduating from high school. He said basically: Congratulations, and all this stuff. He said: Best of luck in those interstitial spaces when your brain runs against headlong perversity. This is one of those interstitial spaces in the sense that I don't get it. I can't fathom why people would not want to get this passed.

We can go to conference. We can modify this bill in conference if there are real problems. That is what we do around here. If something is not perfect—nothing is ever perfect—you don't let perfection be the enemy of the good

around here. We go to conference. By that time, little wrinkles crop up, little problems. We take care of them in conference. No, we can't do that. We can't even pass the legislation. Some Senators say: No, we can't pass it. Wrong. Take it out of FEMA. It won't work. For the life of me, I don't understand why we are here.

One small example, not so small for Tina. Who is Tina? Tina Eagerton is a lady who fled Louisiana 7 months pregnant but could not find a Florida doctor who would accept her Louisiana Medicaid card, wouldn't do it. With this legislation, Tina can get some help.

I can talk about Rosalind Breaux, who has colon cancer and was scheduled for her third round of chemotherapy on August 31, the day after the flooding began. Her husband has lost his job. There is no health insurance. Rosalind is in a real bind.

I mentioned the letter the administration has sent. The Senator from Arizona has mentioned that letter. I also mentioned the letter we sent in response, the chairman of the committee, Senator GRASSLEY, and I. That letter from the administration says the administration claims it can provide relief without the need for congressional action. It can't. I must also say they do not have the authority. They do not have the authority to provide additional appropriations. That takes an act of Congress. They say, apparently, by implication, they do not need any dollars. That is the implication of that process. They don't appropriate dollars. It is against the law. We have to do that. They do not want us to do it.

The waivers, I might say, also limit eligibility for Medicaid coverage to only those groups of people traditionally eligible for Medicaid. Adults without children, no matter how poor they are, or how much they need health care, would not be covered under the administration's waiver policy suggested by the letter the Senator from Arizona mentioned.

The woman with diabetes would not be covered. She would not be covered. Diabetes is a very time-sensitive illness. Limiting access to benefits in the waiver would mean leaving tens of thousands of Katrina victims without aid.

After Katrina, Louisiana dispatched Medicaid eligibility workers to more than 200 shelters to enroll evacuees in Medicaid. Of the 4,000 potentially eligible families screened in these shelters, more than 1 in 5 were screened out as ineligible. They did not meet Louisiana's traditional eligibility rules—1 out of 5. No help there. One out of five: You do not meet the traditional screening test.

Our legislation would address that. One out of every three people who have applied for Medicaid in Louisiana following Katrina have been denied coverage. Let me repeat that. One out of every three people who applied for Medicaid in Louisiana following Katrina have been denied coverage. The waiver process is not going to help that out because the eligibility requirements are not raised. Most of these people are denied because they don't meet the eligibility criteria.

Adult Katrina survivors need access to health care. A recent study of Katrina evacuees in Houston shelters found that most of the adult evacuees without children were uninsured. Among those, more than 40 percent reported having a chronic condition. A third reported having trouble getting the prescription drugs they need. I can't believe it. What is going on here?

Differentiating among individuals during this time of need is not right. This isn't legislation that is usual; this is an emergency. People need health care right now. Katrina did not differentiate. Katrina hit all the residents of the gulf hard. We should not differentiate in our efforts to help those in need.

The second key difference between the administration's policy and what our bill does is the funds provided to defray the cost of uncompensated care that thousands of health care providers across our Nation are giving to Katrina survivors. I have already mentioned that. Let me repeat that point. The administration has said it will provide an uncompensated care fund. But the administration, in this waiver letter referred to on the floor a few minutes ago, has not given any further information about how much would be provided, not one iota, whether it be $1 or zero dollars. The administration has not even given information about how it will be spent.

By contrast, the Grassley-Baucus bill includes an uncompensated care fund of up to $800 million to be spent on compensating those health care providers—that is, hospitals—who have seen a dramatic increase or drop in their patient load as a result of Katrina. The administration promises, but under our bill, there would be no doubt. We would be there. It is not words but deeds. The administration is words. Our legislation is deeds. It is getting it done.

Third, our bill provides 100 percent Federal funding for all evacuees covered under Medicaid, wherever they are, and for the affected States. By contrast, the administration's waiver policy promises to make States whole. What does that mean? I have serious questions about how they can deliver on that without legislation, because it is unclear that the administration could, under its current statutory authority, provide these additional funds to States. I referred to that earlier. I don't think they have the legal authority to provide additional funds. I have no doubt they intend to do so. I am sure they do. Why wouldn't they? I just do not believe they have the legal authority to do so. So why should we get involved in this legal morass—do they have the authority; do they not have the authority? Are we going to sit down and argue about this, while the people need health care? I don't get it.

At the same time the administration has asked for the three most affected States to sign a memorandum of understanding making them financially responsible for paying the cost of evacuees' care in other States. Louisiana, Mississippi, Alabama need our help, not more bills to pay—not now. We could straighten that out later.

It is an outrage that a small number of willful Senators continue to stall this bill. Hurricane Katrina's health costs continue to spill in waves across the gulf coast region. Victims continue to suffer without proper medical care. Our bill will restore immediate access to basic health care. Our bill would relieve the financial burden health care providers have shouldered. We must act. Thus, at the appropriate time, I intend to join with my colleagues and ask unanimous consent for the Senate to pass our bill.

In fact, I do so now. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 214, S. 1716; that the Grassley-Baucus substitute amendment which is at the desk be considered and agreed to, that the bill as amended be read a third time, passed, and that the motion to reconsider be laid on the table, and that all of this occur with no intervening action or debate.

The PRESIDING OFFICER. In my capacity as a Senator from Oklahoma, I object.

Objection is heard. The unanimous consent request is not agreed to.

The Senator from Iowa.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SECURITY LETTERS AND PATRIOT ACT REAUTHORIZATION

Mr. DURBIN. Mr. President, the USA PATRIOT Act greatly expanded the Government's authority to use national security letters, documents issued by FBI agents without judicial or grand jury approval that allow the Government to obtain sensitive information about innocent American citizens. The recipient of a national security letter is subject to a permanent automatic gag order.

The Justice Department claims that they are not interested in the library records of innocent Americans. However, they acknowledge that they do not know how often FBI agents have obtained library records since enactment of the PATRIOT Act. And just 3 weeks ago, the Justice Department again refused my request to make public the number of national security letters that FBI agents have issued since

the PATRIOT Act became law. As a result, the American people have no idea how often the FBI is using this controversial power to obtain their sensitive personal records, including library records.

I commend our Nation's librarians for defending our Constitution and leading the fight to reform the PATRIOT Act. Unfortunately in the past this Justice Department has criticized librarians for exercising their first amendment rights. Now they have gone even further—preventing a librarian from speaking publicly about a legal challenge to the national security letter power.

In our democracy, the government is supposed to be open and accountable to the people and the people have a right to keep their personal lives private, This Justice Department seems to want to reverse this order, keeping their activity secret and prying into the private lives of innocent American citizens.

The President has asked Congress to reauthorize the PATRIOT Act. In order to have a fully informed public debate, the American people should know how often the national security letter authority has been used and they should be able to hear from librarians and others who are concerned about this power.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 1, 2004, a man was attacked and stabbed by three men in the downtown area of Seattle, WA. The apparent motivation for the attack was sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

U.S. GRAIN STANDARDS ACT

Mr. CHAMBLISS. Mr. President, I am pleased that the Senate passed S.1752, a bill to reauthorize the U.S. Grain Standards Act. I understand that the House of Representatives is scheduled to consider this legislation today and look forward to its swift approval, as the act expires September 30, 2005.

This reauthorization bill is identical to the administration's requested language provided to the committee earlier this year, a simple 10-year extension of current law.

The Agriculture, Nutrition, and Forestry Committee held a hearing to review the U.S. Grain Standards Act on May 25, 2005. Testimony provided on behalf of the National Grain and Feed Association and the North American Export Grain Association highlighted industry's desire to be cost-competitive and remain viable for bulk exports of U.S. grains and oilseeds in the future. Specifically, these organizations proposed the U.S. Department of Agriculture's, USDA, utilization of third-party entities to provide inspection and weighing activities at export facilities with 100-percent USDA oversight using USDA-approved standards and procedures. Support for this proposal in the hearing was provided by the American Farm Bureau Federation, American Soybean Association, National Association of Wheat Growers, National Corn Growers Association, National Grain Sorghum Producers, and the American Association of Grain Inspection and Weighing Agencies. Testimony provided by USDA stated that the ''proposal of the industry establishes a framework for changing the delivery of services without compromising the integrity of the official system.''

During the hearing, the Committee also learned of workforce challenges currently facing the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration, GIPSA. The majority of official grain inspectors will be eligible for retirement over the next several years. Testimony presented explained that transitioning the delivery of services through attrition would minimize the impact on Federal employees.

Since the hearing, I have extensively reviewed legislative proposals and discussed the issue of improved competitiveness with various Senators, organizations, and USDA. Chairman BOB GOODLATTE of the House Agriculture Committee and I wrote to USDA to determine if they had existing authority to use private entities at export port locations for grain inspection and weighing services, and if they did, how they would implement this authority.

Accompanying this statement is a copy of the letter we received from USDA responding to our questions. The letter clearly states that the U.S. Grain Standards Act ''currently authorizes the Secretary of Agriculture to contract with private persons or entities for the performance of inspection and weighing services at export port locations.'' The letter further explains that GIPSA considers the use of this authority as an option to address future attrition within the Agency and to address expanded service demand. I fully expect USDA to use this authority in a manner that improves competitiveness of the U.S. grain industry, that maintains the integrity of the Federal grain inspection system, and that provides benefits to employees who may be impacted.

The committee greatly appreciates the work provided by GIPSA, and we are pleased to extend the authorization of current law for 10 years.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF AGRICULTURE,
Washington, DC, September 21, 2005.

Hon. SAXBY CHAMBLISS,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of this date, also signed by Bob Goodlatte, Chairman of the U.S. House of Representatives Committee on Agriculture, posing two questions regarding legislation which is currently pending before the Congress. The legislation would reauthorize, for an additional period of years, the United States Grain Standards Act, 7 U.S.C. §§71 et seq. (Act), which is presently scheduled to expire on September 30, 2005. Your questions and our responses are as follows:

1. Would existing authority under the U.S. Grain Standards Act allow USDA to use private entities at export port locations for grain inspection and weighing services?

Response. The Act currently authorizes the Secretary of Agriculture to contract with private persons or entities for the performance of inspection and weighing services at export port locations. See 7 U.S.C. §§79(e)(I), 84(a)(3).

2. If so, how would USDA implement this authority?

Response. The Act currently authorizes the Secretary to contract with a person to provide export grain inspection and weighing services at export port locations. The Grain Inspection, Packers and Stockyards Administration (GIPSA) has reserved this authority to supplement the current Federal workforce if the workload demand exceeded the capability of current staffing. GIPSA has also considered use of this authority as one of several options to address future attrition within the Agency and to address expanded service demand as several delegated States have decided or are considering to cancel their Delegation of Authority with GIPSA.

In accordance with federal contracting requirements, GIPSA would contract with a person(s) (defined as any individual, partnership, corporation, association, or other business entity) to provide inspection and weighing services to the export grain industry. The person(s) awarded the contract would adhere to all applicable provisions of the Act to ensure the integrity of the official inspection system during the delivery of services to the export grain industry. The person(s) would charge a fee directly to the export grain customer to cover the cost of service delivery and the cost of GIPSA supervision. Contract terms would require reimbursement to GIPSA for the cost of supervising the contractor's delivery of official inspection and weighing services.

GIPSA would comply with OMB Circular No. A–76 for any contracting activity that may replace or displace federal employees. The Circular would not apply if the contract for outsourcing services intends to fill workforce gaps, not affect Federal employees, or supplement rather than replace the federal workforce. The A–76 process typically takes two years and involves an initial cost-benefits analysis, an open competitive process, and an implementation period.

I hope that the explanations provided above are fully responsive to the questions

you have asked. A similar letter is being sent to Chairman Goodlatte.

Sincerely,

MIKE JOHANNS,
Secretary.

BREAST CANCER RESEARCH STAMP REAUTHORIZATION ACT OF 2005

Mrs. FEINSTEIN. Mr. President, I rise today to thank very much all of my colleagues for their support in extending the Breast Cancer Research Stamp for another 2 years.

This bill has the strong bipartisan support of Senator HUTCHISON and 68 other Senators from both sides of the aisle.

Without congressional action, this extraordinary stamp is set to expire on December 31 of this year.

During the past 7 years, the U.S. Postal Service has sold over 650 million semipostal breast cancer stamps—raising $47.4 million for breast cancer research.

These dollars allow the National Institutes of Health, NIH, and the Department of Defense, DOD, to conduct new and innovative breast cancer research.

So far the NIH has received approximately $31 million and the DOD about $13 million for breast cancer research—helping more people become cancer survivors rather than cancer victims.

In addition to raising much needed funds, this wonderful stamp has also focused public awareness on this devastating disease and provided hope to breast cancer survivors to help find a cure.

The breast cancer research stamp is the first stamp of its kind dedicated to raising funds for a special cause and remains just as necessary today as ever. For example: breast cancer is considered the most commonly diagnosed cancer among women in every major ethnic group in this country; over 2 million women in the U.S. are living with breast cancer, 1 million of whom have yet to be diagnosed; this year, approximately 211,240 women in this country will get breast cancer and about 40,410 women will die from this dreadful disease; and about 1,300 men in America are diagnosed with breast cancer each year though much less common.

Extending the life of this remarkable stamp is crucial so that we can continue to reach out to our women and men who do not know of their cancer and to those who are living with it.

This bill would permit the sale of the breast cancer research stamp for 2 more years—until December 31, 2007.

The stamp would continue to have a surcharge of up to 25 percent above the value of a first-class stamp.

Surplus revenues would continue to go to breast cancer research programs at the National Institutes of Health, 70 percent of proceeds, and the Department of Defense, 30 percent of proceeds.

This bill does not affect any other semipostal proposals under consideration by the Postal Service.

With this stamp every dollar we continue to raise will help save lives until a cure is found.

Again, I thank my colleagues for supporting this important legislation to extend the breast cancer research stamp for 2 more years.

THE 2005 BRAC PROCESS

Mr. GRASSLEY. Mr. President, I rise to speak on the Base Realignment and Closure, or BRAC, process that occurred this year. I have always voted to authorize base closure rounds in deference to the Department of Defense's stated need to restructure our military facilities to meet current and future needs. Nevertheless, the ceding of significant authority by Congress to an independent commission is an extraordinary step that should not be undertaken frequently or lightly. When Congress does lend its power to an independent commission, we retain the responsibility to closely monitor the commission's deliberations and actions. I have done so with respect to the 2005 BRAC Commission, naturally paying the closest attention to the issues before the Commission that affect Iowans.

My observation of the Commission's final deliberations raised some concerns about the information and reasoning used in making its decisions. I followed up with a letter to the Commission to clarify these concerns and have recently received a response that did nothing to allay my concerns. As a result, I have now concluded that I do not have full confidence that this was a thorough and fair process.

A joint resolution to disapprove the 2005 BRAC recommendations has been introduced in the House and has just been marked up by the House Armed Services Committee. It will now be considered under expedited procedures. I would urge my colleagues in the House to approve this resolution. Obviously, if this resolution is not approved by the House, Senate action will be meaningless. But, if the Senate does take up such a resolution, I will vote to disapprove the 2005 BRAC recommendations.

The BRAC Commission is charged with reviewing the recommendations of the Department of Defense and altering those recommendations if they are found to deviate substantially from the BRAC criteria. On that basis, the Quad Cities community in Iowa and Illinois challenged some recommendations for the Rock Island Arsenal and did not challenge others.

One issue on which I thought we had a clear-cut case of a substantial deviation of the BRAC criteria was the proposed move of the U.S. Army Tank-Automotive and Armaments Command, or TACOM, organization at the Rock Island Arsenal to the Detroit Arsenal. This proposal was essentially a footnote to a consolidation of what is called inventory control point functions from 11 separate organizations around the country that would now report to the Defense Logistics Agency. The consolidation of inventory control point functions would affect 52 people at TACOM Rock Island and was not challenged by the community. However, the DOD recommendation then, puzzlingly, proposed to move the rest of the approximately 1,000 employees of TACOM Rock Island to the TACOM Headquarters at the Detroit Arsenal in Michigan.

The facilities at the Detroit Arsenal are already strained to capacity. The base is encroached on all sides and has no room to grow. In fact, the Detroit Arsenal is rated far lower in military value than the Rock Island Arsenal. Moving in 1,000 new employees will require major military construction. That includes building two parking garages to replace the already limited parking space that would be used up. What's more, because of higher locality pay in the area, it will cost significantly more in the long term to pay those employees at the new location. You also lose some unique facilities currently used by TACOM Rock Island, like a machine shop and live fire range. In addition, there will be no space to house the outside contractors currently embedded with TACOM Rock Island, who would also need to move but aren't counted in the BRAC data.

The Quad Cities community challenged this proposed move on the basis of military value, and the enormous costs both up front and in the long run. In fact, the move would cost the taxpayers millions of dollars more out into the future. This point was made clear when Commissioner Skinner visited the Rock Island Arsenal. It featured prominently in my testimony before three BRAC Commissioners at the regional hearing in St. Louis. My colleagues, Senators DURBIN, OBAMA, and HARKIN and Representative EVANS also made this point at the regional hearing. This was followed by a detailed presentation by community representatives. Members of our bistate congressional delegation reinforced this point in follow-up phone calls to commissioners. Finally, community representatives and congressional staff met with the BRAC Commission staff to make sure they knew about the costs.

When it came time for the final deliberations, the Commission considered the TACOM move with the consolidation of inventory control point functions. I question this approach to start with since the TACOM move was completely unrelated to the other moves in the recommendation. It was obvious by Commissioner Skinner's questions to the BRAC staff that considering these unrelated moves in one recommendation confused the commissioners. Commissioner Skinner asked twice how the move being considered would affect another move from the Rock Island Arsenal to the Detroit Arsenal that he believed would be considered separately. He had to be corrected twice by staff who explained that it was all part of one recommendation.

Furthermore, despite all the briefings from the community, the BRAC staff presented a summary of the community's concerns that omitted the critical issue of the long-term costs of the move. The summary's only reference to cost was a relatively minor concern that the number of positions to move were underestimated. When Commissioner Skinner asked how increased estimates of the military construction costs at the Detroit Arsenal would affect the payback, the BRAC staff responded that ''Payback with the new scenario, new MILCON, is $1.8 billion savings over 20 years, still a large savings.'' However, that figure refers to the entire recommendation package, not just the otherwise unrelated TACOM move. I believe that response by the BRAC staff was intellectually dishonest and misleading.

The disturbing fact is that the TACOM move will actually squander $128.23 in taxpayer money. I pointed out this problem in a message delivered to Commissioner Skinner before the Commission's final vote on the BRAC report, but no action was taken. Only after the final vote has the Commission admitted to me in a letter that the TACOM move, taken by itself, would cost $128.23 million over the 20 year time frame used in their estimate. The Commission's letter also confirmed that the Commissioners were never briefed about the cost of the TACOM move by itself.

In its response to me, the BRAC Commission continued to justify considering the cost of the TACOM move in terms of the net present value of the entire recommendation. However, in reference to another portion of the same recommendation regarding a cryptological unit at Lackland Air Force Base, the slide used by the BRAC staff for its presentation read, ''The extent and timing of potential costs outweigh potential savings with no payback of investment.'' The same could have been said about the TACOM portion of the recommendation. The Commission then voted to overturn the portion of the recommendation to realign Lackland Air Force Base. In this case, the Commission did consider one portion of the larger recommendation separately, including a staff analysis of the payback for just that portion of the recommendation, and voted to overturn that component of the larger recommendation. The Commission's justification for its failure to do so with respect to the TACOM portion of that recommendation therefore falls flat.

In fact, there is evidence that the selective presentation of facts by the BRAC staff resulted in Commissioners misunderstanding the issue when voting. In justifying his decision on the TACOM move in an interview with the Rock Island Argus, Commissioner Skinner said of the BRAC staff's analysis, ''They said there's still significant payback by doing that and that was the major objection that they (the community) had.'' Commissioner Skinner should have known the most about this proposed move from his site visits to both the Rock Island Arsenal and the Detroit Arsenal, but his statement is inaccurate. It seems clear from this quote that he was misled by relying on the faulty presentation by the BRAC staff.

Of course, while cost is a major consideration in BRAC, it is not the only consideration. Still, if a recommendation contains significant costs, like the TACOM move, there must be a very compelling case for an increase in military value to justify the costs. In this case, I think it is clear that more is lost in terms of military value than is gained. Moreover, the Commission never got to this point since the BRAC staff represented that the move was justified based on cost.

I don't believe that DOD made this recommendation based on a conclusion that consolidating TACOM in one location would increase military value in the first place. Several smaller components of TACOM in other locations were not proposed for consolidation. Still, if there was a compelling case for merging the two TACOM organizations together, then why wasn't the Rock Island Arsenal considered as a receiving site? The Rock Island Arsenal could accommodate all the personnel at Detroit Arsenal without major military construction, possibly even allowing Detroit Arsenal to be closed entirely. The Rock Island Arsenal was never considered as a receiving installation by DOD since it was assumed to be closing during much of DOD's internal BRAC process.

In fact, the preliminary assumption that the Rock Island Arsenal would close is why it was not considered as a receiving site for the consolidation of the Defense Finance and Accounting Service, Installation Management Agency, and Civilian Personnel Operations Center. In the case of the Civilian Personnel Operations Center, the BRAC staffer who presented this issue to the Commission pointed out that this was not fair and equal treatment, which is a violation of the BRAC rules. The Commission then voted to overturn the recommendation based on the fairness issue. I asked the BRAC Commission to answer why this same logic did not apply to their actions in each of these areas. The response stated that each recommendation was developed and briefed separately by DOD supporting different initiatives. This does not answer my question as to why the Commission did not overturn each of these recommendations on the basis of fairness as they did, rightly, with the Civilian Personnel Operations Center.

For instance, like the Civilian Personnel Operations Center at the Rock Island Arsenal, the Defense Finance and Accounting site was ranked No. 1 in military value of all such sites. Given the low labor costs and room to expand, it would be an ideal location to which to consolidate other sites if it were given fair and equal consideration. The Commission even questioned the sites chosen by DOD as receiving sites based on higher costs and lower value. Yet, in the end, the Commission chose to rearrange the sites to receive the consolidation and keep open two smaller sites with lower value than Rock Island. At a minimum, the Commission should have voted to keep open the Defense Finance and Accounting Service at the Rock Island Arsenal based on the same fairness consideration as the Civilian Personnel Operations Center. Ideally, it should have chosen the Rock Island Arsenal as a receiving site.

I knew going into this BRAC process that the Rock Island Arsenal could lose jobs. In fact, I am relieved that DOD did not recommend full closure as first contemplated. Moreover, as I testified before the BRAC Commission, if it was determined that an organization would be more efficient and less expensive somewhere else, then I could have lived with that. On this basis, I was even prepared for the BRAC Commission to disagree with my assessment about the proposals for the Rock Island Arsenal that I didn't think made any sense.

However, what I saw in the BRAC Commission's final deliberations took me by surprise. The Commission did not refute the concerns raised by the community. No evidence was produced that the TACOM move made economic sense or would be more efficient. Instead, the staff gave a misleading presentation that gave the impression that the move made economic sense when it did not, based on the data used by the Commission. That doesn't mean I absolve the Commissioners from responsibility in this either. Four of them had seen a presentation by the community and all of them had been contacted by Members of Congress. They had a responsibility to challenge the staff when the staff analysis didn't match what they had heard previously. In this respect, both the BRAC staff and the Commissioners failed in their responsibilities. In the end, what I have seen has caused me to lose confidence in the work of the BRAC Commission. As a result, I cannot endorse their final product.

I ask unanimous consent to have the Rock Island Argus article to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SKINNER: ARSENAL DODGED A BULLET

(By Edward Felker)

WASHINGTON—BRAC Commissioner Samuel K. Skinner on Thursday said the Rock Island Arsenal ''dodged a major bullet'' in the base closing process by losing jobs but not closing completely.

During a brief interview, Mr. Skinner, who visited the Arsenal on behalf of the commission, defended the panel's vote to send 1,129 Quad-Cities jobs to the Detroit Arsenal. The panel approved the move despite protests that the transfer will cost too much and not further Army integration.

Mr. Skinner said that he looked into arguments that the Detroit Arsenal did not have

the space for the incoming workers, but was satisfied that additional construction costs will not hamper expected savings to the taxpayers.

''They said there's still significant payback by doing that,'' he said of the BRAC staff's review of the move, ''and that was the major objection that they had.''

He said the commission felt it was only fair to keep open the Arsenal's 251-job Civilian Personnel Office and Civilian Human Resource Agency. It was originally slated to move to Fort Riley, Kan., as part of a sweeping consolidation of defense personnel offices.

But Mr. Skinner urged the panel to delete it because it was targeted as part of a complete closure of the Rock Island Arsenal, and the move was never re-examined after the Pentagon decided to keep the Arsenal open.

''They had no chance to be heard, it wasn't even considered, and on that basis it wasn't fair. So we got a little life,'' Mr. Skinner said.

He also defended the closure of the Arsenal's 301-job Defense Finance and Accounting Service office. The commission voted to keep other offices open that the Pentagon targeted for closure, but Mr. Skinner said they were on bases of higher military and had the worst economic closure impact among DFAS locations.

He said the overall result for the Arsenal was better than it could have been. ''They dodged a major bullet. Not perfect, but it could have been a lot worse.''

GOVERNMENT REORGANIZATION AND PROGRAM PERFORMANCE IMPROVEMENT ACT OF 2005

Mr. THOMAS. Mr. President, we are facing times of record spending. Whether it is in the form of relief to the hurricane ravaged gulf coast, financing the war on terrorism, or meeting our obligations to seniors with the Medicare prescription drug benefit, Federal spending is higher now than ever. We have committed ourselves to funding these priorities.

In doing so, I believe we must also look for ways to save in other areas to offset some of these costs. I would liken our current fiscal situation to that of any common American household. When emergencies or unforeseen obligations arise, such as an illness or a major repair, you find a way to pay the bill. But in doing so, you must also look at your household budget and find places to save.

So I come to the Senate floor today to speak a little bit about legislation I recently introduced to require regular review of Federal programs with the goal of identifying areas where savings can be made. S. 1399, the Government Reorganization and Program Performance Improvement Act, will create the necessary mechanisms to require Congress and the executive branch to regularly and formally examine whether Federal programs and agencies are achieving, or have achieved desired results for the American people, and make the necessary adjustments.

The bill would do this through the creation of a sunset commission and individual results commissions. The sunset commission would hold the Federal Government accountable for performance by reviewing and providing recommendations to retain, restructure, or end Federal agencies or programs. Congress and the President would enact a 10-year schedule for the administration to assess the performance of all Federal agencies and programs. Acting on those assessments, the seven-member bipartisan sunset commission, appointed by the President in consultation with Congress, will recommend ways to improve effectiveness and spend taxpayer dollars more wisely.

The commission will provide an important framework to facilitate the reform, restructuring, or possible elimination of those agencies or programs unable to demonstrate expected performance results during their scheduled review. It will also help to identify those programs that have achieved their intended purposes or outlived their usefulness.

A second key feature of this important measure is the creation of individual results commissions targeted at specific programs or policy areas where duplication and overlapping jurisdiction hinder reform. Again, these seven-member bipartisan commissions, appointed by the President in consultation with Congress, will consider administration proposals to improve the performance of various programs and agencies by restructuring and consolidation. This will reduce unnecessary costs and waste paid for by the American taxpayer.

We need to continue to evaluate the way the Federal Government operates and look for ways to make it more cost effective for the long term. I believe this legislation presents a good step toward dealing with the large number of Federal programs out there, many of which are, frankly, wasteful and unnecessary. Many also duplicate other Federal, State and private efforts. S. 1399 provides a commonsense framework for reorganization and review of Federal programs, and provides for a way to abolish them if determined unnecessary.

S. 1399 is a good government measure. It is about efficiency, accountability to the American taxpayer, and identifying potential savings. It is a fiscally responsible measure that will provide a way for the Federal Government to save even as it meets its spending obligations in the future. I invite my colleagues to take a serious look at this proposal and to join me in advancing this effort.

AUGUST 2005 CODEL TO LATIN AMERICA

Mr. SPECTER. Mr. President, from August 14 to the 22, I traveled to Latin America to investigate first hand important issues relating to national security, immigration and the war on drugs. I would like to share the details of this trip and some of the insights I gained with my colleagues.

On Sunday, August 14, we flew to Havana, Cuba. Upon our arrival we drove to the U.S. Mission where we met with James Cason, our chief of mission, and members of his staff. I started off the meeting by asking my hosts if Cuba could help the U.S. combat the smuggling of illegal drugs into our country. Mr. Rod Rojas of the U.S. Coast Guard, who currently serves as the U.S. Drug Interdiction Specialist based in Havana, noted that there is a good working relationship between the Coast Guard and the Cuban Border Guard on drug issues. It primarily takes the form of the Cubans sharing information with the United States as to suspicious ships passing through its territorial waters. The United States then interdicts these ships when they cross into U.S. waters. While the number of such reports has fallen in recent years, Mr. Rojas believes that this is a testament to the success of Cuban efforts: now that they know they will be reported, drug smugglers seem to be avoiding Cuban waters.

These reports confirm my long-held view that we should be working more closely with Cuba on drug interdiction efforts. This is why since 2001 I have sought to include language in the Foreign Operations appropriations bill to fund joint drug interdiction efforts between our two countries. This language is in the Senate version of the fiscal year 2006 bill, and I intend to press to secure its retention in the bill through conference.

From this positive report on the drug interdiction situation, our conversation turned to a troubling report on the current human rights situation in Cuba. Mr. Cason told us that there has been a deterioration of human rights in Cuba in recent years as Castro has cracked down on political dissidents. In 2003, Castro jailed 75 dissidents and has thus far released fewer than 20 from this group. These arrests were followed by others including the arrest of over 30 dissidents earlier this year. In addition to arrests, Castro has begun to employ other atrocious practices including having dissidents assaulted on the streets and generating demonstrations at the homes of dissidents to prevent them from stepping outside.

This repression has spread to the economic realm as well. In the late 1990s, Castro had opened a very limited window to free enterprise in Cuba by issuing licenses for private businesses. Had this trend continued, Cuba could have followed the path of China and Vietnam towards a limited market economy and higher living standards. Instead, Castro has abandoned this liberalization and cut back the number of licenses for private business. Both politically and economically, there are signs that Cuba is going backwards.

Finally, our conversation turned to the issue of immigration. In an effort to provide a legal outlet for immigration and avoid the massive boatlifts of the past, the United States allows 20,000 Cubans to legally immigrate every year. This number includes family reunifications, visas given out by

lottery, and approximately 5,000 visas granted to individuals accorded refugee status because they are found to face persecution if they remain in Cuba. Yet this legal outlet is still overwhelmed by the desire to leave Castro's Cuba: every year thousands of Cubans who cannot secure these visas still come to the U.S. by sea and, increasingly, overland via Mexico.

On Monday, August 15, we returned to the airport in the morning and flew an hour and a half from Havana down to our military base at Guantanamo Bay. Upon arrival we were met by White House Counsel Harriet Miers, Department of Defense General Counsel Jim Haynes, and a contingent of my Judiciary Committee staff. The base commander, MG Jay Hood, greeted us all and loaded us into a boat for the trip across the inlet from the airstrip to the operational center of the base.

Our visit began with a briefing by General Hood and members of his staff about many of the individuals being held and interrogated at Guantanamo and what they were learning from them. The briefing also reviewed the many cases on record of individuals we released from Guantanamo who immediately returned to the ranks of the terrorists once free. This briefing was an important reminder of the difficult balance that must be struck in our handling of these detainees. While we must strive for fair processes, we must remember that the individuals we are dealing with are often our most vicious enemies.

After our briefing, we drove to a mess hall for lunch where I had the opportunity to meet a number of Pennsylvanians who are serving with distinction at the base. We then visited one of the buildings used for interrogation and met with a group of interrogators who have been assigned to work with the Saudi prisoners. The interrogators informed us that their progress was slow. I asked these interrogators about the tactics they used. They were adamant that they did not use coercive tactics. They added that such tactics do not work. On the contrary, they told us that they have found the most effective method of interrogation to be developing a relationship with a detainee, treating him with respect, and winning him over through positive reinforcement.

On August 1, the New York Times ran a front page story detailing the allegations of two senior prosecutors at Guantanamo that the trial system for detainees had ''been secretly arranged to improve the chances of conviction and to deprive defendants of material that could prove their innocence.'' After our tour of the base, I questioned General Hood, DoD General Counsel Jim Haynes, and Brigadier General Thomas Hemingway of the DoD Office of Military Commissions about these allegations and other complaints about the military justice system. White House Counsel Miers was present. Since our conversation was classified, I will not comment in this forum on what was said. After this meeting we returned to Havana.

On Tuesday, August 16, we returned to the U.S. Mission to meet with two brave Cuban dissidents: Vladimiro Roca and Martha Roque. Mr. Roca is the President of the Social Democratic Party of Cuba. Knowing that I would meet with President Castro later in my trip, I felt it important to meet with the dissidents so that I would hear from both sides. I learned after my visit that the Governor of Nebraska, who was in town at the same time I was, also met with Castro but declined to meet with the dissidents.

Since political parties are banned in Cuba, Mr. Roca's ''party'' has only 35 members. Mr. Roca was jailed by Castro for 5 years from 1997 to 2002 for criticizing his government. Yet Mr. Roca continues to speak out and to criticize the regime. Although free, Mr. Roca has been the subject of intimidation and demonstrations designed to keep him from leaving his home.

Like Mr. Roca, Ms. Roque has also been jailed for expressing her strong anti-Castro views. She spent 3 years in jail from 1997 to 2000. Upon her release from prison she immediately returned to her activism. In 2003, she was arrested for a second time while attending an anti-Castro demonstration and sentenced to twenty years in jail. One year and five months into her term, Ms. Roque suffered a heart attack and was released.

While both Mr. Roca and Ms. Roque had trials, neither process sounds as if it was worthy of the name. According to Mr. Roca, he was told prior to his trial what the verdict and sentence would be. Mr. Roca and Ms. Roque are not alone. They inform me that there are still 81 prisoners of conscience languishing in Cuban jails for doing nothing more than exercising a right to free speech that their government refuses to recognize.

Following this meeting we drove to a luncheon meeting with President Fidel Castro. I had met with Castro during two prior visits to Cuba in 1999 and 2002 and found the experience to be worthwhile. As before, I found Castro to be an engaging host. He has an easy wit and enjoys a good-natured exchange. Yet beneath the joking was a serious undercurrent. Having just come from a meeting with dissidents, I pressed Castro to release the political prisoners in his jails. Castro tried to shift the topic of conversation from his prisoners by bringing up the case of five Cubans convicted of spying in the U.S. whose convictions were recently overturned by the 11th Circuit. I suggested to Castro that far from being an example of American wrongdoing, this kind of fair process is exactly the type of justice he should be offering to his own people. I also pressed Castro to open his country to democracy and dissent. He listened, but my exhortations obviously had no effect.

Much of Castro's conversation focused on his efforts to provide health care to third world countries. Castro discussed this topic at length, and it quickly became clear that he believes this effort will be his central legacy. Cuba, a country of 11 million, has 70,000 doctors due to Castro's early emphasis on providing medical care to his own people. Castro has in recent years started sending thousands of these doctors abroad to help serve the underprivileged. Venezuela is the leading recipient of this medical largesse and hosts the majority of Cuba's overseas medical corps. According to Castro, Cuban doctors in Venezuela live and work in the slums and provide crucial medical care to those who would otherwise go without. For example, Castro told us that 6,000 Cuban eye doctors will perform 100,000 eye operations on poor Venezuelans this year. In addition to providing care, Castro told us that his doctors also provide an education, teaching Venezuelans to be doctors both in Venezuela and in Cuba. Castro then read off to us a list of the many countries in which Cuban doctors are living and serving from East Timor to Haiti and including many African and Latin American countries.

It must be noted that Castro's motives are not entirely altruistic. Our Embassy in Caracas informed me that in exchange for these medical services he is given a generous supply of free oil and his doctors are paid a subsidy which is remitted back to the state. Yet it is doubtful that Castro's arrangements with poorer countries such as Haiti bring similar financial rewards. While there is much to criticize about Castro and his regime, this humanitarian effort is to be respected. To underscore the personal importance of this effort to him, Castro ended his discourse by stating that ''history will vindicate us.''

When we left Castro we proceeded to the airport and flew to Caracas, Venezuela. On Wednesday, August 17, we had breakfast with our Ambassador in Caracas, William Brownfield. Mr. Brownfield is a career diplomat with an obvious passion for his work and a deep knowledge of his subject. Ambassador Brownfield sets forth a pragmatic approach to Venezuela. While fundamental differences exist between our two countries, he argues, we can and must cooperate on those issues where we share an agenda, namely oil and drugs.

On oil, Venezuela lacks the infrastructure to refine more than one-fourth of the oil it produces. Venezuelan oil is heavier than most and needs special refineries, and these refineries are located in the United States. In addition, Venezuela is relatively close to the United States when compared to other United States suppliers and other Venezuelan markets. Thus continued cooperation on oil is imperative for both nations.

Secondly, both nations share an interest in combating drugs. There have been some recent conflicts over the specifics of fighting drugs. Only a week

before our trip, President Chavez announced that he was suspending all cooperation with our DEA. The United States, in turn, suspended the visas of three high ranking Venezuelan law enforcement officials. Yet beneath the conflict, the shared interests and goals remain and can serve as a motivation to overcome these differences and proceed with the important work of drug interdiction.

The Venezuelan President, Hugo Chavez, has been criticized for governing in an anti-democratic fashion. While in Caracas, I wanted to hear directly from those who held this view and arranged a meeting with an activist named Alejandro Plaz and one of his associates. Mr. Plaz is the President of Sumate, a Venezuelan non-governmental organization dedicated to electoral observation and what he calls ''democratic observation''—i.e. monitoring the leading indicators of a healthy democracy such as human rights and freedom of speech. These activities have stirred the ire of President Chavez's regime. Mr. Plaz has been charged with conspiracy to destroy the Republican system in Venezuela and if convicted would face 8 to 16 years in prison. The core element of the allegation of ''conspiracy'' is that Mr. Plaz accepted a $31,000 grant from the National Endowment for Democracy. The Venezuelan Government argues that since teaching about democracy is a political activity, and since political activities cannot be funded from abroad, Mr. Plaz has violated the law. By all accounts, however, including an analysis conducted by the American Bar Association, this is a political trial aimed to intimidate a man perceived to be a political opponent.

Mr. Plaz also detailed how Chavez loyalists in the legislature used a simple majority vote to change the rule requiring a supermajority to amend certain basic laws of the nation. Having thus lowered the threshold, the legislature has used simple majorities to expand the number of seats on the Supreme Court and pack these seats with Chavez loyalist as well as to fill the election boards with Chavez loyalists.

We next drove to the Venezuelan foreign ministry where we met with Venezuelan Foreign Minister Ali Rodriguez Araque and the Venezuelan Minister of Interior and Justice Jesse Chacon. Foreign Minister Araque started things on a positive note by stating that despite the differences which the United States and Venezuela may have in the political sphere, our two nations have many shared interests in oil and drug interdiction and must emphasize our commonalities. Interior Minister Chacon picked up on the theme of drug interdiction and went on at some length about Venezuela's efforts to fight the use of its territory as a transit point for Columbian drugs. According to the Minister, Venezuelan authorities seized 57 tons of cocaine and heroin in 2004 and 42 tons in 2003. He then spent some time discussing the recent controversy between our DEA agents in Venezuela and the Venezuelan government. He set forth his government's side of the story, and focused on alleged inappropriate actions by our DEA agents including the use of ''controlled deliveries'' to ship illegal drugs out of Venezuela in contravention of Venezuelan law.

Immediately following this meeting, we drove to Miraflores Palace where I met with Venezuelan President Hugo Chavez. We were joined by the two Ministers with whom I had previously met as well as U.S. Ambassador Brownfield. President Chavez began the meeting with an extended discussion about the importance of drug interdiction to both of our countries. He noted that drugs are a destabilizing force in the countries victimized by them. He then spoke about the deteriorating relations between the United States and Venezuela. He expressed concern in particular about statements coming from the U.S. government that he is trying to destabilize Latin America. He also said he is concerned about his U.S. ambassador's lack of access to the White House and high ranking executive branch officials.

Chavez commented about having met President Clinton on three occasions, one of which was at the United Nations. President Chavez believed that his relations with President Clinton were good and would like to see similar relations with President Bush. President Chavez also spoke about Venezuela's oil resources and his plans for billions of dollars of investments to increase oil production.

After the President's extensive opening statement, I responded that good relations between the United States and Venezuela are very important to both countries. I told the President that we appreciate his help in stopping the flow of drugs from Columbia and South America. I also noted the importance of Venezuelan oil to the United States and the world. I expressed my view that United States. companies would be willing to invest substantial sums to improve Venezuelan oil production and help them produce oil for the world and help Venezuela generate revenue money to fight poverty. I then took up the dispute between Venezuelan narcotics officers and the DEA and suggested that all facts should be put on the table to determine exactly what occurred so that both parties are then in a position to decide what steps could be taken to resolve the dispute. President Chavez said that this was a good idea and that consideration ought to be given to having a new agreement on drug interdiction.

President Chavez later spoke at some length about President Castro and his efforts to provide extensive medical personnel to Venezuela. Chavez commented that Castro had discussed my meetings with Castro and thought that they were productive. Chavez then returned to the topic of oil and pointed out that a Venezuelan company, presumably Citgo, had 13,000 gas stations and 8 refineries in the United States. He then reiterated his concern about statements from the U.S. regarding Venezuela destabilizing Latin America. Chavez said that public opinion in Venezuela was running against the United States because of these statements.

At the conclusion of our meeting, President Chavez agreed that it would be useful for his Foreign Minister and Minister of the Interior to meet with our Ambassador the following week to try to resolve United States/Venezuela differences on drug enforcement. Previously, all of our Ambassador's efforts to arrange such a meeting had been rejected.

On Thursday, August 18 we flew to Liberia, Costa Rica. Our first meeting that afternoon focused on the drug issue. We sat down with Paul Knierim, our top DEA agent in Costa Rica, and his Costa Rican counterpart, Allen Solano, who is the Director of the Costa Rican Drug Control Police. Although no drugs are grown or processed in Costa Rica, the nation and the rest of Central America serve as a crucial transit route for smugglers bringing South American drugs to the markets in North America and Europe.

Drugs are transported overland on Costa Rica's roads, by sea through both its Pacific and Caribbean territorial waters, as well as over Costa Rica's airspace in private planes and on passenger jets. These operations are often sophisticated. In one smuggling ring that was uncovered, re-fueling ships met the smuggling boats at fixed points along the Costa Rican coast so that the boats would not have to risk detection by coming ashore.

The region faces its own set of issues. The Trans American Highway, an important overland route for drugs, passes through this region and has been the site of increased drug traffic in recent years. Also, the Daniel Oduber international airport outside of Liberia has seen growing passenger traffic in recent years, especially to and from the United States, as the local tourist industry and real estate markets have developed. This increased traffic provides an opportunity for smugglers to blend into the crowd. Thus authorities have found that drug traffickers are sending more smugglers on the planes to transport drugs northward. These ''mules'' typically transport the drugs by placing them in latex and swallowing them, a practice which can prove fatal if the latex bags break.

I was pleased to learn that in Costa Rica cooperation between our DEA and the local authorities is excellent. We have five of our agents stationed in country where they work with the Costa Ricans to investigate and interdict drug shipments. Success is difficult. Mr. Knierim of our DEA told me that they know they are having an impact, since their actions force the smugglers to change their tactics. But he also realizes that they have not been able to defeat the smugglers. The battle continues.

Later in my visit, I met with Dr. Rolando Herrero, a leading cancer researcher who has been a pioneer in the exploration of the connection between viral infections and cancer. In particular, in a series of studies conducted in the 1980s and early 1990s, Dr. Herrero demonstrated a connection between the Human Papiloma Virus, HPV, a sexually transmitted disease, and cervical cancer. Having proven this connection, Dr. Herrero is now conducting a trial of an HPV vaccine that could prevent the spread of the virus and thus significantly lower the incidence of cervical cancer. This vaccine trial received $5 million in NIH funding through the National Cancer Institute this year. Given the prevalence of the HPV virus among sexually active young Americans, and the enormous expense of pap smears and treatments, this trial has obvious importance for the protection of women's health in the U.S.

Dr. Herrero has conducted his studies, including the current vaccine trial, in the Guanacaste Province in northwest Costa Rica. He explained that because of the relative stability of the local female population aged 18–25, this region allows for the extensive yearly follow up that would not be possible in the more mobile societies of America and Europe. As a result of his extensive prior work in the region, Dr. Herrero also has an impressive infrastructure in place to allow for effective follow-up studies by a highly professional team of 150 scientists and health care workers who know the local population and its habits well.

Finally, we drove to the offices of Mr. Bernardo Rojas, the Director of Ecodesarollo, a private company which has been given a concession from the Costa Rican government to develop an area known as the Papagayo Peninsula on the Pacific Coast of northern Costa Rica. The work being done by Mr. Rojas and this innovate public/private partnership can serve as a model for other countries wishing to develop their tourism industry while preserving the environment and respecting local populations.

Specifically, the Ecodesarollo Company has been given the rights to develop and manage an 840 hectare peninsula for a period of 49 years, with a right to renew the concession for another 49 years. In return, however, the company must meet a series of significant requirements. First, it must build 9 hotels and 3 golf courses in this area within a 28-year period which began in 1999. To date, two hotels and one golf course have been built to very impressive standards and have begun attracting tourists from around the world.

While conducting extensive construction, the developers are required to preserve the environment. They must preserve 70 percent of the green areas and set aside two conservation zones. They have also put into place extensive water treatment and recycling and a project to repopulate the local forests with local species of plants. The developers have focused on the prevention of forest fires with great success. Before the project began, there were 18 consecutive years of forest fires during the dry season. Since development began, there have been six dry seasons without any fires.

Finally, they must assist the local population. The company is required to build 2,000 residential units in the region. It must also provide additional funding and programs to the local schools and colleges.

While in Costa Rica I learned that the day after my meeting with Venezuela's President Chavez, Secretary of Defense Donald Rumsfeld made some critical comments about the Venezuelan leader during a visit to Peru. I was concerned that Mr. Rumsfeld's rhetoric had the potential to erode the progress we had made with President Chavez during our visit. Accordingly, I wrote to Secretary Rumsfeld and informed him of my meeting with Chavez and my belief that a window of opportunity had been opened to resolve our disagreement with Venezuela over drug interdiction policy. I suggested that, at least for the time being, we should have a moratorium on adverse comments about Venezuela.

Our next and final destination was Mexico City, Mexico. Given our long common border, Mexico presents the greatest challenges and opportunities in the war on drugs and terror and on the immigration issue. Good relations with Mexico are crucial to both of our nations, and I was very glad for the opportunity to learn about these issues first hand.

On my first morning in Mexico we were met at our hotel by our Ambassador, Antonio Garza. Prior to his assignment to Mexico, Ambassador Garza was elected Railroad Commissioner of Texas and appointed by then Governor Bush to be Texas's Secretary of State. Ambassador Garza has a detailed knowledge of the issues facing our two countries, and I believe he is serving us very well in Mexico.

From the hotel we drove to the Mexican Foreign Ministry for a breakfast with a group of Mexican government officials to discuss the two most important issues before us: drugs and immigration. The group included Geronimo Gutierrez, Mexico's Under Secretary of Foreign Relations for North America, and Eduardo Medina Mora, the Director of Mexico's Center for National Security Investigations, Mexico's equivalent of the CIA.

I began our breakfast by asking my hosts about the problem of the drug cartels and the recent violence in Nuevo Laredo, a town just south of the border with Texas, where rival cartels have been fighting each other in the streets with machine gins and rocket launchers. Mr. Mora informed us that the Mexican authorities have successfully prosecuted the leaders of some of the country's largest drug cartels, including a major cartel in Baja, California and the Gulf Cartel operating south of Texas. I was also informed that the U.S. has been providing crucial assistance in this effort. We have helped to train, equip and fund a new, professional Federal police force to replace its corrupt and inefficient predecessor. The new force currently stands at 7,000 members. According to Mr. Mora, the next big challenge facing the Mexicans in the war on drugs is to replicate at the state and local level what they have accomplished at the Federal level by replacing ineffective and/or bribed police forces with professional police forces capable of winning the fight against the cartels. I was informed that the U.S. can be helpful in this effort much as we were in building the Federal police by providing money, equipment and training.

Extradition of drug lords to the U.S. is a key component in this fight against the drug cartels. Mexican prisons fail to deter the drug lords, and there are stories of many who, through bribes, have been able to get everything they need to manage their empires from behind bars. I have been told repeatedly, however, that Mexican drug lords are terrified by the prospect of being jailed in U.S. prisons where they serve hard time.

Unfortunately, the Mexican courts have created a serious impediment to extradition to the U.S. Like many European countries, Mexico is opposed to the death penalty and will not extradite an individual to the U.S. if that individual may face the death penalty upon conviction. Yet the Mexican courts have extended this policy in a unique way. Three years ago the Mexican Supreme Court held that life imprisonment without the possibility of parole is the equivalent of the death penalty since the prisoner will die in jail, and therefore a prisoner who would face a life sentence in the U.S. cannot be extradited. Other Mexican courts have gone so far as to declare that a 20-year sentence is the equivalent of the death penalty when imposed on a 60-year old convict, since someone of that age will likely die in prison.

My Mexican hosts expressed displeasure with these court decisions and tell me they will seek their review. Still, despite these setbacks, extraditions are at their highest level ever, exceeding thirty a year in recent years. I suggested to my Mexican counterparts that we in the Judiciary Committee can work with our Department of Justice and local prosecutors to encourage them to file charges in a way that will facilitate extradition. U.S. prosecutors have secured the extradition of murderers from Europe by taking the death penalty off the table, and we can take similar steps to alleviate the concerns of the Mexicans. For example, Mexican law allows for a sentence as long as sixty years in the case of ''aggravated homicide.'' Thus if U.S. prosecutors agree not to seek a penalty greater than 60-years imprisonment, or to seek life imprisonment but with the

possibility of parole, it may well facilitate the extradition while still providing a serious sentence for the offenders.

On the immigration front my hosts assured me that Mexico is making a serious effort to reduce the traffic of illegal immigrants from Mexico into the United States. These efforts are largely focused on limiting the flow of illegals from third countries as opposed to the flow of Mexicans themselves. Before they seek to illegally enter the United States, hundreds of thousands of would-be immigrants from South and Central American must first illegally enter Mexico. But Mexico is cracking down on these illegals and is deporting them back to their home countries in large numbers. I was informed that last year the Mexicans deported over 200,000 such illegals. The Mexicans are also requiring visas for visitors from countries such as Brazil and Ecuador who did not previously need them.

The Mexicans have also agreed to permit the U.S. to implement an interior repatriation program. Typically, when we catch an illegal immigrant, we deposit them on the other side of our border with Mexico where they are tantalizingly close to the United States and likely to try again to enter. Under the interior repatriation program, we fly those illegals who wish it all the way back to their home towns and villages. Once home, far away from the border, they are far less likely to try again. So far, this program has returned 13,000 illegal immigrants to their homes in Mexico.

From the Mexican Foreign Ministry we drove to the United States Embassy, where I was greeted by over 30 representatives of the Embassy and other U.S. agencies for a briefing on our drug and counter-terror efforts. This briefing largely confirmed what I had learned earlier in the day from the Mexican officials. Larry Holifield, the regional director of the DEA for Mexico and Central America, described the great cooperation between our DEA and their Mexican counterparts, including permission to conduct wiretaps and joint operations where vetted Mexican police units act on U.S. intelligence tips to take down members of the drug cartels. He and others spoke about the help we have provided to the Mexicans in building their police force and how effective this has been.

Greg Stephens of the Department of Justice confirmed that the Mexicans are getting better on extradition. As of 6 years ago the Mexicans had never extradited a Mexican citizen to the United States Last year the Mexicans extradited 34 people to the United States and are on track to extradite a similar number this year. Renee Harris of U.S. Customs and Border Control spoke about the internal repatriation program and agreed that it was working, although she would like to see more help from the Mexican government in publicizing the program to its citizens. In response to my question about what more we can to stem the flow of illegal immigrants, Ms. Harris responded with a familiar refrain: we can provide more technology, equipment and training.

Following this meeting, we drove to the offices of the Mexican President, Vicente Fox. Before our meeting with the President began, I had the opportunity to sit down with Mexican Attorney General Daniel Francisco Cabeza de Vaca. I asked Attorney General Cabeza de Vaca about the extradition issue and if it would help if we agreed not to seek a sentence of longer than 60 years for anyone extradited to the United States from Mexico. The Attorney General thought this would help, and told me that he had discussed this topic directly with Attorney General Gonzales. He also believed that the problematic Supreme Court decision would be reviewed.

I asked the attorney General about the situation in Nuevo Laredo, and he expressed confidence that the situation was improving. He told me that the Federal Government had sent over 1,500 police to the city and that some important arrests were made just last week. He praised the sharing of intelligence with the United States which has helped them to identify and detain targets. He said there were two phases to combating the violence in Nuevo Laredo. The first phase was to ensure the permanent presence of the Federal police and the army in the City. This has already been accomplished. The second phase was to improve local law enforcement and create a new and professional local police force which was not owned by the cartels. He expected to see a reduction in the level of violence very soon. The Attorney General also asked for my assistance in the matter. He told me that the warring cartels were using very high powered weapons, including 50 caliber machine guns and rocket launchers, and that these weapons were coming from the United States. I agreed to contact the ATF to see what could be done to stem the flow of such illegal weapons to Mexico.

Next I was received by President Vicente Fox. Fox started off our meeting by telling me that it is vital for the United States, Canada and Mexico to work together on a variety of problems including immigration, counter narcotics, and terrorism. He noted that our three nations were losing jobs to Asia and needed to work jointly to bolster our economies.

On the issue of violence in Nuevo Laredo and elsewhere, the President told me that Mexico has both a short term and a long-term approach. In the short term, Mexico has jailed 40,000 members of the drug cartels in a 4-year period. Among those in prison are six of the country's major drug lords. The President complained, however, that even while in jail some drug lords have been able to continue to run their syndicates by bribing prison guards for access to telephones and other means of communication. Fox then spoke in more general terms about the problem of police corruption at the local level. He noted that police earn a salary of $600 a month but are offered bribes in the thousands. In Nuevo Laredo alone, 1,100 policemen were fired from their jobs last month for corruption. The Federal Government has moved 1,000 policemen into the area to stem the violence.

In the long term, President Fox told us that he is trying to foster greater cooperation between the Mexican Federal Government and the Mexican states. To do so would require passage of legislation that has long been pending in the Mexican Congress. President Fox's party controls neither house of Congress and so far this legislation has not been enacted. To emphasize the importance of better cooperation from local police, President Fox pointed out that there are approximately 400,000 local police and only 10,000 Federal police. He also noted that approximately 95 percent of all crime consists of violation of state and local laws, while only 5 percent is Federal.

On the issue of extradition, President Fox told me that he would like to extradite more criminals to the United States but is limited by what his Supreme Court has done. While he would like to see this opinion overruled, he is sensitive not to take any action which would be counter productive. But he is working hard in the fight against drugs. He told me that earlier that day he spent 2 hours with his counter narcotics experts. He plans to meet with the governors of Arizona and New Mexico to discuss the states of emergency that they have declared in response to the influx of illegal drugs and immigrants.

On the violence in Nuevo Laredo, President Fox stated that the cause was the fight between rival drug cartels for control of the city. He is using his military in Nuevo Laredo. I told President Fox that I was not optimistic that the war over the drug cartels could be won having observed the problems in Colombia since the early 1980s and having now seen the problems in Venezuela and Costa Rica. I asked the President if he felt that war was winnable. President Fox replied that it would be very difficult to win the war on drugs as long as the demand for drugs remains strong. But he believes that the fight must continue.

ADDITIONAL STATEMENTS

HONORING RALPH CURTIS

• Mr. ALLARD. Mr. President, I would like to take a moment to recognize one of my constituents, Mr. Ralph Curtis. Mr. Curtis has served as manager of the Rio Grande Water Conservation District for 25 years. He took over the managerial position when the organization was very small, consisting of just Ralph and one other employee. The time and energy that Ralph has given

to the Rio Grande Water Conservation District has made this organization the well respected entity that it is within the San Luis Valley and Colorado.

Because he grew up on—and later managed—his family's ranch in Saguache, Ralph has long been aware of the importance of water to the San Luis Valley. Under his direction, the district took a leadership role in fighting against the American Water Development Inc. water grab, in water conservation education and in pro-active efforts on behalf of endangered species such as the Southwestern Willow Flycatcher.

Ralph's community contributions have not gone unmarked either. He has been honored with numerous awards such as: the Wayne Aspinall Water Leader of the Year, San Luis Valley Wetlands Stewardship Award, Friend of 4–H, Distinguished Service Award for Conservation of Natural Resources, Support of Colorado Association of Soil Conservations Districts, and he was inducted into the Honorable Order of the Water Buffalo.

Ralph has always looked ahead to the next challenge, has always looked forward to the next hill, in order to see where the road will lead him. I would like to wish Ralph and his wife Gloria the very best as they walk down that new road together looking for new challenges.●

CONGRATULATIONS TO JAY DAVIDSON

● Mr. BUNNING. Mr. President, I pay tribute and congratulate Jay Davidson on his reception of an America Honors Recovery Award given to him by the Johnson Institute, a nationally recognized organization dedicated to helping people overcome alcohol and substance addiction.

Mr. Davidson has dedicated his life to the cause of fighting addiction. He does this by serving as the president and CEO of The Healing Place, based in Louisville, KY. Under Mr. Davidson, this center has achieved a success rate of 65 percent, which is five times the national average. The efforts of The Healing Place have been so successful that this year Governor Ernie Fletcher has announced that it will serve as a model to 10 other shelter and recovery centers throughout Kentucky. In fact, this model has been effective enough that other branches of The Healing Place have been opened in Lexington, KY, Raleigh, NC, and Richmond, VA.

The citizens of Kentucky are fortunate to have the leadership of Jay Davidson. His example of dedication, hard work and compassion should be an inspiration to all throughout the Commonwealth.

He has my most sincere appreciation for this work and I look forward to his continued service to Kentucky.●

TRIBUTE TO PATRICIA M. DIXON

● Mr. GRAHAM. Mr. President, today I wish to recognize the outstanding service and dedication in the field of economic development of Mrs. Patricia M. Dixon, this on the occasion of her retirement from the Economic Development Administration, United States Department of Commerce effective today, September 28, 2005.

Mrs. Dixon has served honorably at the Economic Development Administration for 33 years, most recently and prominently as the Economic Development Representative to the State of South Carolina. Her contributions to economic development in South Carolina are numerous and have greatly contributed to the economic progress of the most distressed areas of the State. Her work has been widely recognized most notably by the South Carolina Association of Regional Councils, which awarded her their highest honor, the Outstanding Staff Award in 1991.

Mrs. Dixon has demonstrated her work in disaster recovery and base closures, saving jobs, solving solid waste problems, expanding job opportunities and rebuilding tax bases. Her innovative approaches to economic development problems and issues have been replicated in other communities. She also served as the first Federal cochair of the South Carolina Rural Development Council under the President's Initiative for Rural Development. Mrs. Dixon continues to serve on the executive committees of both the North and South Carolina rural development councils. In addition, she was instrumental in the original establishment of revolving loan funds for economic development districts in South Carolina.

Mrs. Dixon has garnered the personal and professional respect and admiration of her friends and colleagues at the Economic Development Administration and elsewhere. She represents the finest of qualities in a public servant and has been an incomparable asset to the greater effort of improving quality of life for the people of South Carolina. In conclusion, the retirement of Mrs. Patricia M. Dixon will be a great loss to the EDA and the State of South Carolina, but I wish her great success and happiness in her future.●

HONORING IOWA COMMUNITY LEADERS

● Mr. HARKIN. Mr. President, every year the Iowa Council for International Understanding honors immigrants and refugees in Iowa who have, in the words of the council, ''achieved, belonged and contributed to our community in a significant way.''

The ICIU began in 1938 when a group of volunteers joined forces to aid immigrants fleeing the war in Europe. Since their founding, the ICIU has continued to provide cultural services to both the immigrant community and to native-born Iowans. The United States has always been a beacon of hope for many around the world seeking refuge from oppressive regimes, and it is my belief that each generation of immigrants has enriched our Nation both culturally and economically. My mother was an immigrant from Slovenia, and I am proud to be a first generation American.

I take this opportunity to join in honoring the recipients of this year's ICIU awards and to thank and congratulate them for all they have achieved and contributed to Iowa's communities.

Joe Gonzalez was born in Mexico and immigrated to Des Moines in 1957. In 1971, he joined the Des Moines Police Department. He was one of the first Hispanic officers in the department and has garnered numerous awards, on both the State and national level, over his 33-year tenure. Among other things, Officer Gonzalez has been particularly active in aiding crime victims and victims of sexual and domestic abuse. After the September 11 attacks, he worked at Ground Zero.

Sonia Parras Konrad immigrated to the United States 9 years ago from Granada, Spain. She was trained as a lawyer and is most recently a graduate of Drake University Law School. Today she practices law in Iowa. Ms. Konrad is being honored today for her passionate dedication to helping victims of domestic and sexual violence, particularly within Spanish speaking communities. Among the programs she has founded is LUNA, Latinas Unidas por un Nuevo Amanecer—Latinas United for a New Dawn—designed to prevent and deal with the effects of domestic and sexual violence. This program has aided countless Iowans and has been used as a model in other states.

Juliet Cunningham emigrated from Kirkuk, Iraq, to the United States in 1979 to pursue advanced educational opportunities. She is actively involved with many Iowa institutions, including the Iowa State University Engineering and Research Complex, Des Moines Science Center, Society of Women Engineers and the West Des Moines United Methodist Church. In 1994 Mrs. Cunningham cofounded TEAM Services Inc., a soil, environmental, and construction materials consulting firm with her husband. Of particular note is her role in helping get a TEAM Services laboratory in central Iowa accredited for the testing of construction materials, making it the first laboratory in Iowa with these capabilities.

Dr. Liansuo Xie was born in 1958 and grew up in China's Hebei Province. He worked as a mechanic in a paper manufacturing plant there before studying to receive a B.S. from the Beijing Agricultural Engineering University in 1982. Shortly thereafter, he married and came to the U.S. to study further at Iowa State University where he eventually earned a Ph.D. and was honored with a Research Excellence award. He is widely considered to be one of the best engineers at the Townsend Engineering Company in Des Moines, where he has worked since 1990, for his work on project design and design productivity. Finally, Dr. Liansuo is a longstanding contributor to his community, serving as a founding member of

the Iowa Chinese Language School, the Sister States of Iowa, Hebei Committee, and acting as a tour guide for Chinese delegations to Iowa and the United States.

B.J. Do arrived in Iowa in 1975 at the age of 13. He arrived wearing only shorts and speaking very limited English, having fled Vietnam at the end of the Vietnam War. Despite his humble beginning, he went on to earn both B.S. and M.S. degrees in electrical and computer engineering from the University of Iowa. From there the sky was the limit, as Mr. Do went on to work on, design for, and manage projects for major international companies all over the United States. He has since returned to Iowa where he is the co-founder and CEO of ABC Virtual Communications, a software product and services company based in west Des Moines. He has received recognitions for his accomplishments from myriad institutions, including the University of Iowa and the State of Iowa, along with receiving the Ernst and Young Entrepreneur of the Year Award in 1999.

We are proud of their achievements and are pleased they are members of our communities. I am sure that ICIU would agree that for every story told here today, countless others remain untold.●

TRIBUTE TO THE SOUTHEAST MISSOURIAN

● Mr. TALENT. Mr. President, I wish to pay tribute to a historically significant anniversary for one of Southeast Missouri's most widely recognized and respected institutions. For the past year, the Southeast Missourian, located in Cape Girardeau, MO, has been celebrating its grand centennial.

Its first issue rolled off the presses on October 3, 1904, with George and Fred Naeter at the helm. The brothers had purchased the small business with hopes of one day transforming it into the thriving company thousands of faithful readers are familiar with today. After a number changes, the Southeast Missourian was formally dedicated on September 11, 1925, at 301 Broadway.

Over the past several decades, the Southeast Missourian has provided timely reporting of the important changes in the region. Much of the area surrounding Cape Girardeau is rural. The Southeast Missourian has been a primary source of information to those readers. They depend on the Southeast Missourian for local, statewide, national and world news.

From the reports on flooding along the banks of the Mississippi River, to the birth announcements in the Sunday edition, the Southeast Missourian has a unique appeal that is difficult to match. They have set a precedent for excellence in print journalism with the underlying theme of community and public service. It's been a personal privilege over the years to be covered by the paper's news department and to discuss ideas with its editorial board.

The Southeast Missourian has been instrumental in collaborating with its host city of Cape Girardeau to strengthen the community through local enterprise. And year after year the newspaper continues to give back countless chartable donations and sponsorships to the community.

I express my sincerest gratitude to the entire staff, past and present, for their contribution and dedication in making the Southeast Missourian the publication it is today. I extend warm congratulations to the Rust family, which has continued to raise the bar year after year in achieving excellence for fair and objective journalism. Joe Sullivan, the editor of the paper, in particular deserves credit for his hard work and professionalism. I hope for the next 100 years, the Southeast Missourian will continue to make a difference for the good in Southeast Missouri.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:34 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2385. An act to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.

H.R. 3784. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. STEVENS).

At 1:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2062. An act to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the ''Randall D. Shughart Post Office Building''.

H.R. 3703. An act to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the ''Staff Sergeant Michael Schafer Post Office Building''.

H.R. 3863. An act to provide the Secretary of Education with waiver authority for the reallocation rules in the Campus-Based Aid programs, and to extend the deadline by which funds have to be reallocated to institutions of higher education due to a natural disaster.

H.R. 3864. An act to assist individuals with disabilities affected by Hurricane Katrina or Rita through vocational rehabilitation services.

H.J. Res. 66. Joint resolution supporting the goals and ideals of ''Lights On Afterschool!'', a national celebration of afterschool programs.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 209. Concurrent resolution supporting the goals and ideals of Domestic Violence Awareness Month and expressing the sense of Congress that Congress should raise awareness of domestic violence in the United States and its devastating effects on families.

The message further announced that the House agree to the amendment of the Senate to the bill H.R. 3200, an act to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program, and for other purposes.''

The message also announced that the House disagree to the amendment of the Senate to the bill H.R. 2360 making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House: Mr. ROGERS of Kentucky, Mr. WAMP, Mr. LATHAM, Mrs. EMERSON, Mr. SWEENEY, Mr. KOLBE, Mr. ISTOOK, Mr. LAHOOD, Mr. CRENSHAW, Mr. CARTER, Mr. LEWIS of California, Mr. SABO, Mr. PRICE of North Carolina, Mr. SERRANO, Ms. ROYBAL-ALLARD, Mr. BISHOP, Mr. BERRY, Mr. EDWARDS, and Mr. OBEY.

At 3:13 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2132. An act to extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

H.R. 3200. An act to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program, and for other purposes.

H.R. 3667. An act to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the ''Karl Malden Station''.

H.R. 3767. An act to designate the facility of the United States Postal Service located

at 2600 Oak Street in St. Charles, Illinois, as the ''Jacob L. Frazier Post Office Building''.

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2062. An act to designate the facility of the United States Postal Service located at 57 West Street in Newville, Pennsylvania, as the ''Randall D. Shughart Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3703. An act to provide assistance to families affected by Hurricane Katrina, through the program of block grants to States for temporary assistance for needy families. A bill to provide the Secretary of Education with waiver authority for students who are eligible for Federal student grant assistance who are adversely affected by a major disaster. A bill to designate the facility of the United States Postal Service located at 8501 Philatelic Drive in Spring Hill, Florida, as the ''Staff Sergeant Michael Schafer Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3736. An act to protect volunteers assisting the victims of Hurricane Katrina; to the Committee on the Judiciary.

H.J. Res. 66. Joint resolution supporting the goals and ideals of ''Lights On Afterschool!'', a national celebration of afterschool programs; to the Committee on Health, Education, Labor, and Pensions.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Energy and Natural Resources by unanimous consent, and referred as indicated:

S. 1219. A bill to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc; to the Committee on Indian Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 1783. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, 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–4013. A communication from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees' Retirement System; Death Benefits and Employee Refunds'' (RIN3206–AK57) received on September 18, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–4014. A communication from the Secretary of Agriculture, transmitting, a report of draft legislation to authorize the Secretary of Agriculture, at the request of a participating State to convey to the State, by quitclaim deed, without consideration, any land or interests in land acquired within the State under the Forest Legacy Program; to the Committee on Agriculture, Nutrition and Forestry.

EC–4015. A communication from the Secretary of Energy and the Secretary of Agriculture, transmitting, pursuant to law, a report entitled ''Biomass Research and Development Initiative for Fiscal Year 2004''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4016. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Preferred Stock'' (RIN3052–AC21) received on September 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4017. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Investment, Liquidity and Divestiture'' (RIN3052–AC22) received on September 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4018. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Collection of State Commodity Assessments'' (RIN0560–AH35) received on September 21, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4019. 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 ''Amicarbazone; Pesticide Tolerance'' (FRL No. 7736–3) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4020. 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 ''Bacillus Thuringiensis Cry34Ab1 and Cry35Ab1 Proteins and the Genetic Material Necessary for Their Production in Corn; Exemption from the Requirement of a Tolerance'' (FRL No. 7735–4) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4021. 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 ''Boscalid; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 7737–9) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4022. 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 ''Inert Ingredients; Revocation of 34 Pesticide Tolerance Exemptions for 31 Chemicals'' (FRL No. 7737–3) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4023. 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 ''Iprovalicarb; Pesticide Tolerance'' (FRL No. 7736–2) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4024. 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 ''Lindane; Tolerance Actions'' (FRL No. 7734–3) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4025. 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 ''Reynoutria Sachalinensis Extract; Exemption from the Requirement of a Tolerance'' (FRL No. 7730–3) received on September 18, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4026. A communication from the Acting Associate Administrator, Office of Congressional and Intergovernmental Relations, Environmental Protection Agency, transmitting, pursuant to law, the Agency's National Environmental Education Advisory Council Report on the Status of Environmental Education in the United States; to the Committee on Environment and Public Works.

EC–4027. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, a report entitled ''Interim Guidance on Control of Volatile Organic Compounds (VOC) in Ozone State Implementation Plans'' (FRL No. 7965–4) received on September 7, 2005; to the Committee on Environment and Public Works.

EC–4028. 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 ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona; Correction of Redesignation of Phoenix to Attainment for the Carbon Monoxide Standard'' (FRL No. 7960–8) received on September 7, 2005; to the Committee on Environment and Public Works.

EC–4029. 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 ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Update to Materials Incorporated by Reference'' (FRL No. 7953–9) received on September 7, 2005; to the Committee on Environment and Public Works.

EC–4030. 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 ''American Samoa State Implementation Plan, Update to Materials Incorporated by Reference'' (FRL No. 7955–6) received on September 7, 2005; to the Committee on Environment and Public Works.

EC–4031. 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 ''Approval and Promulgation of Implementation Plans; State of Iowa'' (FRL No. 7967–5) received on September 7, 2005; to the Committee on Environment and Public Works.

EC–4032. 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 ''Interim Final Determination to Stay and/or Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 7966–5) received on September 7, 2005; to the

Committee on Environment and Public Works.

EC–4033. 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 ''New York SIP, Onondaga County Carbon Monoxide Maintenance Plan'' (FRL No. 7959–1) received on September 7, 2005; to the Committee on Environment and Public Works.

EC–4034. 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 ''Revision to the Definition of Volatile Organic Compounds—Removal of VOC Exemptions for California's Aerosol Coatings Reactivity-based Regulation'' (FRL No. 7966–2) received on September 7, 2005; to the Committee on Environment and Public Works.

EC–4035. 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 ''Maryland Control of Emissions from Commercial and Industrial Solid Waste Incineration (CISWI) Units'' (FRL No. 7966–7) received on September 7, 2005; to the Committee on Environment and Public Works.

EC–4036. 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 ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 7966–4) received on September 7, 2005; to the Committee on Environment and Public Works.

EC–4037. 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 ''Ocean Dredged Material Disposal Site Designation'' (FRL No. 7967–7) received on September 7, 2005; to the Committee on Environment and Public Works.

EC–4038. 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 ''Announcement of the Delegation of Partial Administrative Authority for Implementation of Federal Implementation Plan for the Nez Perce Reservation to the Nez Perce Tribe'' (FRL No. 7970–2) received on September 18, 2005; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2863. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

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. AKAKA (for himself and Mr. LEVIN):

S. 1779. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. FRIST, Mr. HATCH, Mr. LUGAR, Mr. SMITH, Mr. INOUYE, Mr. COLEMAN, and Mr. BUNNING):

S. 1780. A bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 1781. A bill to amend the Internal Revenue Code of 1986 to allow full expensing for the cost of qualified refinery property in the year in which the property is placed in service, and to classify petroleum refining property as 5-year property for purposes of depreciation; to the Committee on Finance.

By Mr. BROWNBACK:

S. 1782. A bill to amend the Internal Revenue Code of 1986 to clarify that qualified personal service corporations may continue to use the cash method of accounting, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. ENZI, Mr. KENNEDY, and Mr. BAUCUS):

S. 1783. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes; placed on the calendar.

By Mrs. CLINTON (for herself and Mr. OBAMA):

S. 1784. A bill to amend the Public Health Service Act to promote a culture of safety within the health care system through the establishment of a National Medical Error Disclosure and Compensation Program; to the Committee on Health, Education, Labor and Pensions.

By Mr. CORNYN (for himself, Mr. LEAHY, Mr. HATCH, and Mr. KOHL):

S. 1785. A bill to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes; to the Committee on the Judiciary.

By Mr. LOTT (for himself, Mr. COCHRAN, Mr. VITTER, Ms. LANDRIEU, Mr. CORNYN, and Mr. BURNS):

S. 1786. A bill to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita; considered and passed.

By Mr. VITTER (for himself, Mr. GRASSLEY, Mr. CORNYN, and Mr. DEWINE):

S. 1787. A bill to provide bankruptcy relief for victims of natural disasters, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 1788. A bill to amend section 524(g)(1) of title 11, United States Code, to predicate the discharge of debts in bankruptcy by any vermiculite mining company meeting certain criteria on the establishment of a health care trust fund for certain individuals suffering from an asbestos related disease; to the Committee on the Judiciary.

By Mrs. MURRAY:

S.J. Res. 27. A joint resolution authorizing special awards to World War I and World War II veterans of the United States Navy Armed Guard; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 254. A resolution marking the dedication of the Gaylord Nelson Wilderness within the Apostle Islands National Lakeshore; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself and Mr. COCHRAN):

S. Res. 255. A resolution recognizing the achievements of the United States Fish and Wildlife Service and the Waterfowl Population Survey; to the Committee on Environment and Public Works.

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mrs. MURRAY, Mr. BINGAMAN, and Mr. KENNEDY):

S. Res. 256. A resolution honoring the life of Sandra Feldman; considered and agreed to.

By Mr. BURR (for himself and Mr. SALAZAR):

S. Res. 257. A resolution recognizing the spirit of Jacob Mock Doub and many young people who have contributed to encouraging youth to be physically active and fit, and expressing support for ''National Take a Kid Mountain Biking Day''; considered and agreed to.

By Mr. FRIST (for himself, Mr. REID, and Mr. BENNETT):

S. Res. 258. A resolution to commend Timothy Scott Wineman; considered and agreed to.

By Mr. CRAIG (for himself and Mr. AKAKA):

S. Res. 259. A resolution commending the efforts of the Department of Veterans Affairs in responding to Hurricane Katrina; to the Committee on Veterans' Affairs.

By Mr. SCHUMER:

S. Con. Res. 54. A concurrent resolution expressing the sense of Congress regarding a commemorative postage stamp honoring Jasper Francis Cropsey, the famous Staten Island-born 19th Century Hudson River Painter; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 258

At the request of Mr. DEWINE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 258, a bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes.

S. 347

At the request of Mr. NELSON of Florida, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 347, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care operations and legal rights for care near the end of life, to promote advance care planning and decision-making so that individuals' wishes are known should they become unable to

speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 440

At the request of Mr. BUNNING, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 537

At the request of Mr. BINGAMAN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 537, a bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes.

S. 627

At the request of Mr. HATCH, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 663

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 663, a bill to amend the Internal Revenue Code of 1986 to allow self-employed individuals to deduct health insurance costs in computing self-employment taxes.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 755

At the request of Mr. BUNNING, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 755, a bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to women needing such services, and for other purposes.

S. 911

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 911, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 1007

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1007, a bill to prevent a severe reduction in the Federal medical assistance percentage determined for a State for fiscal year 2006.

S. 1046

At the request of Mr. KYL, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1046, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from New York (Mrs. CLINTON) 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.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1217

At the request of Mr. BINGAMAN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1217, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 1309

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1309, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1402

At the request of Mr. DEWINE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1402, a bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 1405

At the request of Mr. NELSON of Nebraska, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Hawaii (Mr. AKAKA) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1405, a bill to extend the 50 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility and to establish the National Advisory Council on Medical Rehabilitation.

S. 1411

At the request of Ms. SNOWE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1411, a bill to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes.

S. 1479

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1479, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1489

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1489, a bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes.

S. 1573

At the request of Mrs. DOLE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1573, a bill to amend the Internal Revenue Code of 1986 to encourage the funding of collectively bargained retiree health benefits.

S. 1575

At the request of Mr. BINGAMAN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1575, a bill to amend the Public Health Service Act to authorize a demonstration program to increase the number of doctorally prepared nurse faculty.

S. 1589

At the request of Mr. BINGAMAN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1589, a bill to amend title XVIII of the Social Security Act to provide for reductions in the medicare part B premium through elimination of certain overpayments to Medicare Advantage organizations.

S. 1631

At the request of Mr. DORGAN, the name of the Senator from Nevada (Mr.

REID) was added as a cosponsor of S. 1631, a bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to rebate the tax collected back to the American consumer, and for other purposes.

S. 1700

At the request of Mr. COBURN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1700, a bill to establish an Office of the Hurricane Katrina Recovery Chief Financial Officer, and for other purposes.

S. 1735

At the request of Ms. CANTWELL, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1735, a bill to improve the Federal Trade Commission's ability to protect consumers from price-gouging during energy emergencies, and for other purposes.

S. 1761

At the request of Mr. THUNE, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1761, a bill to clarify the liability of government contractors assisting in rescue, recovery, repair, and reconstruction work in the Gulf Coast region of the United States affected by Hurricane Katrina or other major disasters.

S. CON. RES. 25

At the request of Mr. TALENT, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution expressing the sense of Congress regarding the application of Airbus for launch aid.

S. CON. RES. 53

At the request of Mr. OBAMA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution expressing the sense of Congress that any effort to impose photo identification requirements for voting should be rejected.

S. RES. 236

At the request of Mr. COLEMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 236, a resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself and Mr. LEVIN):

S. 1779. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, I rise today to introduce the Downed Animal Protection Act, legislation intended to protect people from the unnecessary spread of disease. This bill would prohibit the use of nonambulatory animals for human consumption.

Nonambulatory animals, also known as downed animals, are livestock such as cattle, sheep, swine, goats, horses, mules, or other equines that are too sick to stand or walk unassisted. Many of these animals are dying from infectious diseases and present a significant pathway for the spread of disease.

The safety of our Nation's food supply is of the utmost importance. With the presence of bovine spongiform encephalopathy (BSE), also known as mad-cow disease, and other strains of transmissible spongiform encephalopathies (TSE), which are related animal diseases found not only in nearby countries but also in the United States, it is important that we take all measures necessary to ensure that our food is safe.

Currently, before slaughter, the United States Department of Agriculture's (USDA) Food Safety Inspection Service (FSIS) diverts downer livestock only if they exhibit clinical signs associated with BSE. Routinely, BSE is not correctly distinguished from many other diseases and conditions that show similar symptoms. The ante-mortem inspection that is currently used in the United States is very similar to the inspection process in Europe, which has proved to be inadequate for detecting BSE. Consequently, if BSE were present in a U.S. downed animal, it could currently be offered for slaughter. If the animal showed no clinical signs of the disease, the animal would then pass an ante-mortem inspection, making the diseased animal available for human consumption. The BSE agent could then cross-contaminate the normally safe muscle tissue during slaughter and processing. The disposal of downer livestock would ensure that the BSE agent would not be recycled to contaminate otherwise safe meat.

There are other TSE diseases already known to us such as scrapie that affects sheep and goats, chronic wasting disease in deer and elk, and classic Creutzfeldt-Jakob Disease in humans, all of which are present in the United States. Because our knowledge of such diseases are limited, the inclusion of horses, mules, swine, and other equine in this act are a necessary precaution. This precautionary measure is needed in order to ensure that the human population is not affected by diseased livestock. The Food and Drug Administration (FDA) has already created regulations that prevent imports of all live cattle and other ruminants and certain ruminant products from countries where BSE is known to exist. In 1997, the FDA placed a prohibition on the use of all mammalian protein, with a few exceptions, in animal feeds given to cattle and other ruminants. These regulations are a good start in protecting us from the possible spread of BSE, however, they do not go far enough. Because they still allow the processing of downer cattle.

According to a study performed by the Harvard School of the Public Health in conjunction with the USDA and surveillance data from European countries, downer cattle are among the highest risk population for BSE. According to the Harvard Study, the removal of nonambulatory cattle from the population intended for slaughter would reduce the probability of spreading BSE by 82 percent. The USDA and the FDA have acknowledged that downed animals serve as a potential pathway for the spread of BSE. While both have entertained the idea of prohibiting the rendering of downed cattle, they have taken no formal action. It is imperative that we, Congress, ensure that downer livestock does not enter our food chain, and the best way to accomplish this task is to codify the prohibition of downer livestock from entering our food supply.

The Downed Animal Protection Act fills a gap in the current USDA and FDA regulations. The bill calls for the humane euthanization of nonambulatory livestock, both for interstate and foreign commerce. The euthanization of nonambulatory livestock would remove this high risk population from the portion of livestock reserved for our consumption. Due to the presence of other TSE diseases found throughout other species of livestock, all animals that fit under the definition of livestock will be included in this bill.

The benefits of my bill are numerous, for both the public and the industry. On the face of it, the bill will prevent needless suffering by humanely euthanizing nonambulatory animals. The removal of downed animals from our products will insure that they are safer and of better quality. The reduction in the likelihood of the spread of diseases would result in safer working conditions for persons handling livestock. This added protection against disease would help the flow of livestock and livestock products in interstate and foreign commerce, making commerce in livestock more easily attainable.

Some individuals fear that this bill would place an excessive financial burden on the livestock industry. I want to remind my colleagues that one single downed cow in Canada diagnosed with BSE in 2003 shut down the world's third largest beef exporter. It is estimated that the Canadian beef industry lost more than $1 billion when more than 30 countries banned Canadian cattle and beef upon the discovery of BSE. As the Canadian cattle industry continues to recover from its economic loss, it is prudent for the United States to be proactive in preventing BSE and other animal diseases from entering our food chain.

Today, the USDA has increased its efforts to test approximately ten percent of downed cattle per year for BSE.

However, it is my understanding that the USDA is looking to revisit this issue. I do not believe that now is the time to lower our defenses. We must protect our livestock industry and human health from diseases such as BSE. This bill reduces the threat of passing diseases from downed livestock to our food supply. It ensures downed animals will not be used for human consumption. It also requires higher standards for food safety and protects the human population from diseases and the livestock industry from economic distress.

American consumers should be able to rely on the Federal Government to ensure that meat and meat by-products are safe for human consumption. I urge my colleagues to support this important bill. I ask unanimous consent that the text of the measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1779

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 ''Downed Animal Protection Act''.

SEC. 2. FINDING AND DECLARATION OF POLICY.

(a) FINDING.—Congress finds that the humane euthanization of nonambulatory livestock in interstate and foreign commerce—

(1) prevents needless suffering;

(2) results in safer and better working conditions for persons handling livestock;

(3) brings about improvement of products and reduces the likelihood of the spread of diseases that have a great and deleterious impact on interstate and foreign commerce in livestock; and

(4) produces other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate foreign commerce.

(b) DECLARATION OF POLICY.—It is the policy of the United States that all nonambulatory livestock in interstate and foreign commerce shall be immediately and humanely euthanized when such livestock become nonambulatory.

SEC. 3. UNLAWFUL SLAUGHTER PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

(a) IN GENERAL.—Public Law 85–765 (commonly known as the ''Humane Methods of Slaughter Act of 1958'') (7 U.S.C. 1901 et seq.) is amended by inserting after section 2 (7 U.S.C. 1902) the following:

''SEC. 3. NONAMBULATORY LIVESTOCK.

''(a) DEFINITIONS.—In this section:

''(1) COVERED ENTITY.—The term 'covered entity' means—

''(A) a stockyard;

''(B) a market agency;

''(C) a dealer;

''(D) a packer;

''(E) a slaughter facility; or

''(F) an establishment.

''(2) ESTABLISHMENT.—The term 'establishment' means an establishment that is covered by the Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

''(3) HUMANELY EUTHANIZE.—The term 'humanely euthanize' means to immediately render an animal unconscious by mechanical, chemical, or other means, with this state remaining until the death of the animal.

''(4) NONAMBULATORY LIVESTOCK.—The term 'nonambulatory livestock' means any cattle, sheep, swine, goats, or horses, mules, or other equines, that will not stand and walk unassisted.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''(b) HUMANE TREATMENT, HANDLING, AND DISPOSITION.—The Secretary shall promulgate regulations to provide for the humane treatment, handling, and disposition of all nonambulatory livestock by covered entities, including a requirement that nonambulatory livestock be humanely euthanized.

''(c) HUMANE EUTHANASIA.—

''(1) IN GENERAL.—Subject to paragraph (2), when an animal becomes nonambulatory, a covered entity shall immediately humanely euthanize the nonambulatory livestock.

''(2) DISEASE TESTING.—Paragraph (1) shall not limit the ability of the Secretary to test nonambulatory livestock for a disease, such as Bovine Spongiform Encephalopathy.

''(d) MOVEMENT.—

''(1) IN GENERAL.—A covered entity shall not move nonambulatory livestock while the nonambulatory livestock are conscious.

''(2) UNCONSCIOUSNESS.—In the case of any nonambulatory livestock that are moved, the covered entity shall ensure that the nonambulatory livestock remain unconscious until death.

''(e) INSPECTIONS.—

''(1) IN GENERAL.—It shall be unlawful for an inspector at an establishment to pass through inspection any nonambulatory livestock or carcass (including parts of a carcass) of nonambulatory livestock.

''(2) LABELING.—An inspector or other employee of an establishment shall label, mark, stamp, or tag as 'inspected and condemned' any material described in paragraph (1).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by subsection (a) takes effect on the date that is 1 year after the date of enactment of this Act.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall promulgate final regulations to implement the amendment made by subsection (a).

Mr. SANTORUM (for himself, Mr. LIEBERMAN, Mr. FRIST, Mr. HATCH, Mr. LUGAR, Mr. SMITH, Mr. INOUYE, Mr. COLEMAN, and Mr. BUNNING):

S. 1780. A bill to amend the Internal Revenue Code of 1986 to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise to introduce the CARE Act of 2005 along with Senator LIEBERMAN, a bill we have been trying to push through Congress since 2000. However, at no point in the past five years has the passage of this bill been so timely.

At a time where America appears divided on a War on Terror, Supreme Court nominations, and the relief effort in the gulf region, Americans are unified in their support of charitable organizations. In a recent Zogby poll, 86 percent of those polled rated private charities' response to Hurricane Katrina as excellent or good. By contrast, 32 percent described the government's response as excellent or good, and 67 percent said fair or poor.

The work of charitable organizations and their volunteers have been inspirational at a time when many feel hopeless. I recently held a hearing in the Finance Subcommittee of Social Security and Family Policy to hear from charitable organizations about their efforts around the gulf coast. Though the hearing was scheduled before the events of Hurricane Katrina, the amazing work being done by these organizations highlighted the need for charitable incentives to continue and expand the generosity we are seeing.

In response to Hurricane Katrina, we have seen organizations such as America's Second Harvest and the Florida Boulevard Baptist Church feed the hungry. We have seen that within 48 hours of Katrina, the Nation's fraternal benefit societies were feeding, housing, and providing supplies, clothes, toiletries, cash and beds to those in need in shelters both in Houston and in New Orleans. During the first week of this effort, fraternals had already expended upwards of $14 million on hurricane relief, a sum which is expected to increase as these efforts broaden. We see community foundations, such as the Baton Rouge Area Foundation, literally saving people's lives by helping Louisiana State University open a field hospital for 1,000 people in an old Kmart. And we see national organizations such as the YMCA of the USA providing program services such as emergency child care, recreation, and grief counseling. The YMCA has provided showers and other physical comforts and opened up their facilities as staging areas for relief, recovery and clean-up efforts. And the list goes on and on and on—not even considering the response of these same organizations and many others to Hurricane Rita.

The CARE Act is a bipartisan bill that received strong bipartisan support as it passed the Senate in the 108th Congress by a vote of 95–5. The House of Representatives passed companion legislation, the Charitable Giving Act, by a vote of 408–13. Sadly, this bill was blocked this bill from going to conference despite overwhelming support from both Houses and the general public.

The CARE Act of 2005 provides commonsense provisions to induce charitable giving. Among these include the above-the-line deduction for non-itemizers. More than two-thirds of Americans do not itemize on their tax returns, yet this group is estimated to contribute $36 billion to charities. Research indicates that lower and moderate-income individuals are more likely not to itemize on their tax returns, and that they give a greater percentage of their incomes to charity than higher income individuals. It is only fair that they benefit for their generosity. As Major Hood from the Salvation Army

so eloquently wrote in his testimony at my hearing, ''[t]he provision allowing non-itemizers to deduct charitable contributions can only encourage those Americans with smaller incomes—including young professionals who might otherwise be inclined to begin a lifetime of annual giving—to contribute to worthy causes. We do not discriminate among those in need, and we ask Congress not to discriminate in providing tax incentives for charitable giving.''

Additionally, the CARE Act calls for tax-free IRA charitable distributions for individuals aged 70½ and over. My home State of Pennsylvania has the second highest percentage of seniors in the country. Many of these older Americans want to experience the joy of making a difference by giving, and this provision provides them that opportunity. Certainly, these individuals should not be penalized for contributing portions of their life's savings to a worthy cause.

Organizations have been generous during this crisis by donating food to those who need it. The CARE Act provides expanded incentives that will yield an estimated $2 billion worth of food donations from farmers, restaurants, and corporations to help those in need. America's Second Harvest estimates that this is the equivalent of 878 million meals for hungry Americans over 10 years. Last year, the North American Mission Board of the Southern Baptist Convention helped provide 3 million meals to hungry people. At the time of my hearing they were feeding hurricane victims 250,000 meals each day. By allowing businesses to recoup production costs this provision will incentivize food donations and help our action fight hunger. For the first time, farmers, ranchers, small business and restaurant owners will benefit from the same tax incentives afforded major corporate donors for the donation of food to the needy.

The CARE Act also provides asset building initiatives for low-income individuals. Low-income Americans face a huge hurdle when trying to save. Individual Development Accounts, IDAs, provide them with a way to work toward building assets while instilling the practice of saving into their everyday lives. IDAs are one of the most promising tools that enable low-income and low-wealth American families to save, build assets, and enter the financial mainstream. Based on the idea that all Americans should have access, through the tax code or through direct expenditures, to the structures that subsidize homeownership and retirement savings of wealthier families, IDAs encourage savings efforts among the poor by offering them a one-to-one match for their own deposits. IDAs reward the monthly savings of working-poor families who are trying to buy their first home, pay for post-secondary education, or start a small business. These matched savings accounts are similar to 401(k) plans and other matched savings accounts, but can serve a broad range of purposes.

We have also seen the philanthropy of corporations such as Home Depot and Coca-Cola Company. The Home Depot Foundation has donated nearly $4 million to assist in the relief efforts. Coca-Cola Company donated $5 million and water and other beverages to the Federal Emergency Management Agency for its relief efforts. This is an appropriate time to gradually raise the caps on corporate contributions from 10 to 20 percent to encourage corporations to continue their social responsibility. We must also level the playing field for all corporate donations by expanding charitable incentives for S corporations to increase charitable giving.

In my home State of Pennsylvania, I have worked closely with the Pennsylvania Association of Nonprofit Organizations. I have heard from many of the nonprofits in my State about the pressing need for the charitable incentives we have in the CARE Act.

The time is now to expand charitable giving, both in my home State and throughout the Nation. One certainty we have seen is in every disaster that occurs in the United States and around the world is the desire of fellow Americans to help those that are in need. We should commend that generosity by passing this legislation.

By Mr. HATCH:

S. 1781. A bill to amend the Internal Revenue Code of 1986 to allow full expensing for the cost of qualified refinery property in the year in which the property is placed in service, and to classify petroleum refining property as 5-year property for purposes of depreciation; to the Committee on Finance.

Mr. HATCH. Mr. President, just this past May, I stood at a gas station in Salt Lake City and announced the introduction of S. 1039, the Gas Price Reduction Through Increased Refining Capacity Act of 2005.

By standing near a gas pump charging $2.25 per gallon, I thought I was making a strong statement about the high price of gas and the need for greater refining capacity in our country.

That was only a few months ago, but hurricanes Katrina and Rita have since exposed the vulnerability of our Nation's refining infrastructure, and the gas prices in May now seem like the good old days.

I am pleased that the energy bill signed by President Bush this summer included the principal concept of S. 1039—that of providing a strong tax incentive to expand refinery capacity by allowing the cost to be written off immediately. Unfortunately, because of budget restrictions, my legislation had to be cut.

I have long been concerned that our shrinking number of refineries and their proximity to our Nation's coasts pose an unacceptable risk to our economic and strategic security. I thought cutting S. 1039 was a mistake at the time, and now I am hoping Congress will remedy that mistake.

Today, I rise to reintroduce those portions of my refining capacity legislation that were left out of the energy bill and call upon my colleagues to help me finish what was begun with my original bill.

My new legislation, the Refinery Investment Tax Assistance Act, would enhance the incentives made in the energy bill by increasing the short-term incentive to add new and expanded refining facilities and by removing the obstacle of long tax depreciation schedules that refineries face.

For those refiners able to commit to installing new refining equipment before 2008 and to have that added capacity built by 2012, my original bill would have allowed a complete write-off for investments in new refining equipment in the first year. As passed by Congress, though, this provision was cut for budgetary reasons to allow for expensing of only 50 percent of the costs in the first year. The legislation I am introducing today would enhance that to allow for the full 100 percent expensing in the first year. Now, more than ever, we need to use every possible means to increase the security of our fuel supply.

This bill would also restore another very important provision of S. 1039 that was dropped out of the energy bill as a cost savings. This provision would help to remove some of the disparity the refining industry faces in our current tax system. Most manufacturers in our country are able to depreciate the cost of their new equipment over five years. Refineries, on the other hand, are strapped with a full 10-year depreciation period. This unfair treatment of our refining industry acts as a long-term obstacle to new investment in increased capacity. The current 10-year depreciation schedule for refiners is unwarranted, and it is past time that we level the playing field on depreciation for this critically important sector of our energy industry.

On September 6, in the aftermath of Katrina, Mr. Bob Slaughter of the National Petrochemical & Refiners Association testified before the Senate Energy and Natural Resources Committee. He said that an important solution to our energy crisis would be to ''[e]xpand the refining tax incentive provision in the Energy Act. Reduce the depreciation period for refining investments from 10 to seven or five years in order to remove a current disincentive for refining investment. Allow expensing under the current language to take place as the investment is made rather than when the equipment is actually placed in service. Or the percentage expensed could be increased as per the original legislation introduced by Senator HATCH.''

I think it is important to recognize that, over time, this legislation will not cost the U.S. Treasury one dime. It would allow refineries to change the timing of the depreciation of their equipment, but not the amount. And, we should keep in mind that when this

bill leads to more refineries and increased capacity, we will have also increased the tax base.

I want to throw my full support behind the proposals recently announced by House Energy and Commerce Chairman BARTON and House Resource Committee Chairman POMBO, which would take other approaches to increase the number of refineries in our Nation. From both a national security and an energy security perspective, I especially endorse a proposal by Chairman POMBO to locate more refineries on public lands near oil resource deposits. Such a move will make our Nation more secure from attacks from terrorists and from Mother Nature. I understand that Senate Energy and Natural Resource Committee Chairman Pete Domenici is promoting similar proposals on the Senate side. And I applaud these men for their leadership.

We have learned that when it comes to our Nation's energy security, refining is where we are the most vulnerable. It is not the time for half measures, but bold immediate action to establish a secure and independent refining program in this country. I hope my colleagues will join me in my efforts to achieve this goal. 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. 1781

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 ''Refinery Investment Tax Assistance Act of 2005''.

SEC. 2. FULL EXPENSING FOR QUALIFIED REFINERY PROPERTY.

(a) IN GENERAL.—Subsection (a) of section 179C of the Internal Revenue Code of 1986, as added by section 1323 of the Energy Policy Act of 2005, is amended by striking ''50 percent of''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 1323 of the Energy Policy Act of 2005.

SEC. 3. PETROLEUM REFINING PROPERTY TREATED AS 5-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (B) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to 5-year property) is amended by striking ''and'' at the end of clause (v), by striking the period at the end of clause (vi) and inserting '', and'', and by adding at the end the following new clause:

''(vii) any petroleum refining property.''.

(b) PETROLEUM REFINING PROPERTY.—Section 168(i) of such Code is amended by adding at the end the following new paragraph:

''(18) PETROLEUM REFINING PROPERTY.—

''(A) IN GENERAL.—The term 'petroleum refining property' means any asset for petroleum refining, including assets used for the distillation, fractionation, and catalytic cracking of crude petroleum into gasoline and its other components.

''(B) ASSET MUST MEET ENVIRONMENTAL LAWS.—Such term shall not include any property which does not meet all applicable environmental laws in effect on the date such property was placed in service. For purposes of the preceding sentence, a waiver under the Clean Air Act shall not be taken into account in determining whether the applicable environmental laws have been met.

''(C) SPECIAL RULE FOR MERGERS AND ACQUISITIONS.—Such term shall not include any property with respect to which a deduction was taken under subsection (e)(3)(B) by any other taxpayer in any preceding year.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by this section shall not apply to any property with respect to which the taxpayer has entered into a binding contract for the construction thereof on or before the date of the enactment of this Act.

By Mrs. CLINTON (for herself and Mr. OBAMA):

S. 1784. A bill to amend the Public Health Service Act to promote a culture of safety within the health care system through the establishment of a National Medical Error Disclosure and Compensation Program; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I am pleased today to introduce legislation that will improve patient safety while helping to provide some relief to health care providers dealing with escalating medical liability costs.

We are dealing with a medical malpractice problem in this country that is jeopardizing patient safety and hurting our health care system. As I visit with doctors and hospitals in New York and around the Nation, I hear about the pressures and problems of escalating medical malpractice insurance premiums.

These high premiums are forcing many physicians to alter their practice of medicine and leaving some patients without access to necessary medical care. In my State of New York, an unacceptable 40 percent of our counties have less than 5 practicing obstetricians.

At the same time, we have all heard the terrifying statistic from the landmark 1999 IOM report stating that as many as 98,000 deaths every year are the result of medical errors. But, far fewer people know that the IOM suggests that 90 percent of medical errors are the result of failed systems and procedures, not the negligence of physicians.

We must do better. If properly designed, these systems and procedures could go a long way towards seriously reducing medical errors.

But, understanding the root causes of errors requires their disclosure and analysis. And that's the fundamental tension between the medical liability system and our common goal of providing high quality care and improving patient safety in the health care system.

Studies have consistently shown that health care providers are reticent to engage in patient safety activities and be open about errors because they believe they are being asked to do so without appropriate assurances of legal protection.

That's where this legislation comes in. We build on the patient safety bill that was signed into law earlier this summer by creating a voluntary program to encourage disclosure of errors, an opportunity to enter negotiations and early settlement, while, at the same time, protecting patients' rights and providing liability protection for health care providers who participate in the program.

Our bill is designed to bridge the gap between the medical liability and patient safety systems for the benefit of patients and providers.

The truly unfortunate result of the current congressional stalemate over caps is that patients and physicians are left waiting for someone to break the logjam and work to find bipartisan solutions that have an opportunity to mitigate this problem. I believe it's critical that we find a way around this stalemate and that Congress work in good faith to find solutions that can garner enough support to find their way to the President's desk.

I believe that this is an exciting and innovative program that will improve patient-physician communication, reduce the rates of preventable patient injury, reduce the liability insurance premiums that physicians are facing, and insure that patients have access to fair compensation for medical injury: Four fundamental goals that I believe are necessary components of any solution we consider.

There are a number of successful programs across the country that are consistent with the provisions of our legislation, including one at the University of Michigan, and even one initiated by a medical malpractice insurance provider in Colorado. I am excited about the results these programs are producing—fewer numbers of suits being filed, more patients being compensated for injuries, greater patient trust and satisfaction, and significantly reduced administrative and legal defense costs for providers, insurers, and hospitals where these programs are in place.

I am hopeful that our legislation will provide an opportunity for more hospitals and physicians to use this program and see for themselves the benefits they—and their patients—will reap.

Mr. OBAMA. Mr. President, it is my pleasure to join Senator CLINTON to introduce legislation that will help us all find common ground on the debate over patient safety and medical malpractice claims.

Today, medical error is the eighth leading cause of death in the United States. Every year, these tragic mistakes cost the lives of up to 98,000 Americans. This is unacceptable in America, and we must do more to ensure that every patient gets the right care, at the right time, in the right way.

The debate in Washington over this issue has been centered on caps and lawsuits. But across America, hospitals and medical providers are proving that

there's a better way to protect patients and doctors, all while raising the quality of our care and lowering its cost.

From the Children's Hospitals and Clinics of Minnesota to the VA hospital in Lexington, Kentucky, doctors and administrators aren't trying to cover up medical errors—They're trying to admit them. Instead of closing ranks and keeping the patient in the dark, they're investigating potential errors, apologizing if mistakes have been made, and offering a reasonable settlement that keeps the case out of court.

This program is often known as ''Sorry Works,'' and it's led to some amazing results. When patients are treated with respect and told the truth, they sue less. More are actually compensated for their injuries, but medical providers pay less because the reward is the result of a settlement, not an expensive lawsuit. Malpractice costs for doctors go down, and health care professionals actually learn from their mistakes so they're not repeated and lives are saved.

At the VA hospital in Lexington, Kentucky, this program has reduced the average settlement to $16,000, compared with $98,000 nationwide. This ranked in the lowest quartile of all VA facilities for malpractice payouts. At the University of Michigan's hospital system, this program helped them cut their lawsuits in half and save up to $2 million in defense litigation.

The bill we're introducing today builds on these hopeful results and incorporates them into a national program. The National Medical Error Disclosure and Compensation Act, or MEDiC Act, will help reduce medical error rates and medical malpractice costs by opening the lines of communication between doctors and patients—encouraging honesty and accountability in the process.

The bill will also set up a National Patient Safety Database, which will be used to determine best practices in preventing medical errors, improving patient safety, and increasing accountability in the healthcare system.

We expect participants to see a cost savings, and we will require them to reinvest a portion of these savings into patient quality measures that will reduce medical errors. This bill also requires that some of these savings are passed along to providers in the form of lower malpractice insurance premiums.

Certainly, these are lofty goals. But what Senator CLINTON and I hope to do with this legislation is promote the type of creative thinking that will be required if this country is going to overcome some of the gridlock in the healthcare debate. The MEDiC Act of 2005 brings together some of the best ideas currently out there, and I hope my colleagues in the Senate will work with Senator CLINTON and me to put these ideas in action.

By Mr. CORNYN (for himself, Mr. LEAHY, Mr. HATCH, and Mr. KOHL):

S. 1785. A bill to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise today along with the Senior Senator from Vermont in introducing the Vessel Hull Design Protection Act Amendments of 2005. This is the third recent piece of legislation on which I have teamed with Senator LEAHY—first working together on important reforms to the Freedom of Information Act and then joining to introduce significant counterfeiting prevention legislation. I am glad to continue our work by introducing this legislation which, though seemingly technical and minor, offers very important clarifications about the scope of protections available to boat designs.

Boat designs, like any technical designs, are complex and are the result of a great deal of hard work and contribution of intellectual property. Accordingly, Congress enacted the Vessel Hull Design Protection Act in 1998 to provide necessary protections that were not present among copyright statutes prior to that time. The Act has been instrumental for the continued development and protection of boat designs but unfortunately recently has encountered a few hurdles.

A recent court decision raised questions about the scope of protections available to various boat designs. Justifiably or not, this interpretation under the VHDPA unfortunately has led many in the boat manufacturing industry to conclude that the Act's provisions are not effective at protecting vessel designs. Intellectual property protection of those designs is critical to these manufacturers in order to encourage innovative design and clarification is needed.

The legislation we offer will clarify that the protections accorded to a vessel design can be used to separately protect a vessel's hull and/or deck as well as a plug or mold of either the hull or deck. The proposed amendments would make clear that it remains possible for boat designers to seek protection for both the hull and the deck, and plug or mold of both, of a single vessel, and many designers no doubt will continue to do so. However, these amendments are intended to clarify that protection under the VHDPA for these vessel elements may be analyzed separately.

This bipartisan legislation provides the necessary assurance to boat manufacturers that the Vessel Hull Design Protection Act will remain a vital intellectual property protection statute. The bill offers very important clarifications about the scope of protections available to boat designs and will be welcome news to boat makers across the Nation and in Texas. The thousands of miles of coastline in Texas, and all the lakes and rivers in between, provide significant opportunities for recreational and commercial boating throughout the State. This legislation will ensure that there will be continued innovation in the design and manufacture of boats for many years to come.

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. 1785

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 ''Vessel Hull Design Protection Amendments of 2005''.

SEC. 2. DESIGNS PROTECTED.

Section 1301(a) of title 17, United States Code, is amended by striking paragraph (2) and inserting the following:

''(2) VESSEL FEATURES.—The design of a vessel hull or deck, including a plug or mold, is subject to protection under this chapter, notwithstanding section 1302(4).''.

SEC. 3. DEFINITIONS.

Section 1301(b) of title 17, United States Code, is amended—

(1) in paragraph (2), by striking ''vessel hull, including a plug or mold,'' and inserting ''vessel hull or deck, including a plug or mold,'';

(2) by striking paragraph (4) and inserting the following:

''(4) A 'hull' is the exterior frame or body of a vessel, exclusive of the deck, superstructure, masts, sails, yards, rigging, hardware, fixtures, and other attachments.''; and

(3) by adding at the end the following:

''(7) A 'deck' is the horizontal surface of a vessel that covers the hull, including exterior cabin and cockpit surfaces, and exclusive of masts, sails, yards, rigging, hardware, fixtures, and other attachments.''.

Mr. LEAHY. Mr. President, Senator CORNYN and I have already worked together on significant Freedom of Information Act legislation and on counterfeiting legislation during the first session of this Congress. Today, we are introducing another bill and taking our partnership to the high seas, or at least to our Nation's boat manufacturing industry, with the Vessel Hull Design Protection Act Amendments of 2005.

Designs of boat vessel hulls are often the result of a great deal of time, effort, and financial investment. They are afforded intellectual property protection under the Vessel Hull Design Protection Act that Congress passed in 1998. This law exists for the same reason that other works enjoy intellectual property rights: to encourage continued innovation, to protect the works that emerge from the creative process, and to reward the creators. Recent courtroom experience has made it clear that the protections Congress. passed seven years ago need some statutory refinement to ensure they meet the purposes we envisioned. The Vessel Hull Design Protection Act Amendments shore up the law, making an important clarification about the scope of

the protections available to boat designs.

We continue to be fascinated with, and in so many ways dependent on, bodies of water, both for recreation and commerce. More than fifty percent of Americans live on or near the coastline in this country. We seem always to be drawn to the water, whether it is the beautiful Lake Champlain in my home State of Vermont or the world's large oceans. And as anyone who has visited our seaports can attest, much of our commerce involves sea travel. I would like to thank Senators KOHL and HATCH for cosponsoring this legislation. Protecting boat designs and encouraging innovation in those designs are worthy aims, and I hope we can move quickly to pass this bipartisan legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 254—MARKING THE DEDICATION OF THE GAYLORD NELSON WILDERNESS WITHIN THE APOSTLE ISLANDS NATIONAL LAKESHORE

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 254

Whereas the Honorable Gaylord Nelson, a State Senator, Governor, and United States Senator from Wisconsin, devoted his life to protecting the environment by championing issues of land protection, wildlife habitat, environmental health, and increased environmental awareness, including founding Earth Day;

Whereas the Honorable Gaylord Nelson authored the Apostle Islands National Lakeshore Act, which led to the protection of one of the most beautiful areas in Wisconsin and recognized the rich assemblage of natural resources, cultural heritage, and scenic features on Wisconsin's north coast and 21 islands of the 22-island archipelago;

Whereas the Apostle Islands National Lakeshore was designated a National Park on September 26, 1970;

Whereas, on December 8, 2004, approximately 80 percent of the Apostle Islands National Lakeshore was designated the Gaylord Nelson Wilderness;

Whereas the Gaylord Nelson Wilderness within the Apostle Islands National Lakeshore provides a refuge for many species of birds, including threatened bald eagles and endangered piping plovers, herring-billed gulls, double-crested cormorants, and great blue herons, and is a safe haven for a variety of amphibians, such as blue-spotted salamanders, red-backed salamanders, gray treefrogs, and mink frogs, and is a sanctuary for several mammals, including river otters, black bears, snowshoe hares, and fishers;

Whereas the official dedication of the Gaylord Nelson Wilderness occurred on August 8, 2005, 36 days after the Honorable Gaylord Nelson's passing; and

Whereas the Honorable Gaylord Nelson changed the consciousness of our Nation and embodied the principle that 1 person can change the world, and the creation of the Gaylord Nelson Wilderness is a small, but fitting, recognition of his efforts: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the Honorable Gaylord Nelson's environmental legacy;

(2) celebrates the dedication of the Gaylord Nelson Wilderness within the Apostle Islands National Lakeshore; and

(3) requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the family of the Senator.

Mr. FEINGOLD. Mr. President, December 8, 2004, approximately 80 percent of the Apostle Islands National Lakeshore in Wisconsin was designated the Gaylord Nelson Wilderness. Although we did not formally celebrate the new wilderness area until August 8, 2005, we have been delighting in the designation ever since December of last year.

The designation of the Gaylord Nelson Wilderness within the Apostle Islands National Lakeshore on August 8, 2005 was a tremendous occasion for both Wisconsin and the country. I was deeply honored to participate in the ceremony marking the creation of the Gaylord Nelson Wilderness. I knew Gaylord, and am proud to occupy his Senate seat. Like all of those in attendance at the dedication ceremony, including Tia Nelson, Governor Doyle, Congressman OBEY, local officials, tribal chairs, and many others, I was deeply saddened that Gaylord wasn't able to be sitting among us, having passed away on July 3, 2005.

However, I do believe that, because the area, the magnificent Apostles, and the wilderness designation we were celebrating were such a part of Gaylord, he was in fact there with us that day, urging us to mark the achievement and to continue his life's work of building a national conservation ethic. As we all know, while his record of achievements is long and impressive, it is Senator Nelson's passion and commitment to protecting our environment that will remain the centerpiece of his legacy. For this reason, Senator KOHL and I have submitted a resolution to bring recognition to Gaylord's unwavering efforts on behalf of the environment and to celebrate the dedication of a wilderness area rightly named in his honor.

Gaylord so believed in his responsibility to the environment that he started a revolution that has inspired millions of people from across the globe. The day he created in 1970—Earth Day—has become a cause for celebration, education, and reflection for all. Simply stated, Gaylord Nelson changed the consciousness of a Nation, and quite possibly the world. He was a distinguished Governor and Senator, a recipient of the Presidential Medal of Freedom, and a personal hero of mine. Most importantly, he was the embodiment of the principle that one person can change the world.

August 8, 2005 marked the beginning of a new period for the Apostle Islands and I could not be more proud of this. In 1998, Representative OBEY and I asked for a wilderness survey. Seven years later, we finally gathered to salute the awe-inspiring resource as well as the man who dedicated himself to protecting our environment, particularly those places where we humans are but humble visitors—wilderness areas. Let us not forget, however, that before we could talk about having a wilderness area within the Apostle Islands National Lakeshore, we had to have a National Lakeshore. I am sure it will come as no surprise that Gaylord was essential in the effort to recognize the Apostle Islands as a national treasure.

The wild and primitive nature of the Apostles and now the Gaylord Nelson Wilderness has always been an attraction, not only for Wisconsin residents but for people from across the globe. At the Apostles you can find pristine old growth forests; wetlands that are home to an astounding ecological diversity; birds that travel long distances and use the islands for respite; and amphibians, which can act as indicators of the Park's environmental health.

It is a truly amazing place.

And people know it. In fact, just recently, the Apostles was rated the #1 National Park in the U.S. by National Geographic Traveler. The rating was based on a variety of factors, most notably environmental and ecological quality, social and cultural integrity, and the outlook for the future.

We have it all in the Park—ecological and cultural resources intertwined with one another. The history of the islands is a history of people living off, and very much in balance with, the land and water surrounding them. A visit to the Apostles and the Gaylord Nelson Wilderness can be, if we let go of the trappings of modern society, an enlightening voyage that challenges us to think about those who came before us, those who will follow us, and the connections between us and the natural resources we depend on for our survival.

The Ojibwae, who Wisconsinites know were the original inhabitants of the Apostles, had great respect for the resources. They believed in taking something only if they were giving something in return. The Ojibwae people understood their dependence on the environment long before many others began contemplating such a relationship. Unfortunately, as a society, we have not always heeded their example. We must be better stewards of our land, our air, and our water. Gaylord pushed us toward that goal every day of his life. And, what better way to mark the dedication of the Wilderness Area named in his honor than for each of us to dedicate ourselves to actively carrying his legacy forward. That is Gaylord's challenge for all of us.

So many people supported the creation of the Lakeshore and the Wilderness area. The support has taken many forms—all of which have added to the success of our Park and the wilderness designation. I am especially grateful for the families who have donated their properties, many of which are filled with childhood and other cherished family memories, for the betterment of

the whole Apostle Islands and now the Gaylord Nelson Wilderness. Future generations whom none of us will ever know will benefit deeply from their commitment to one of Wisconsin's most treasured places.

Every time I visit the Apostles and pieces of what are now the Gaylord Nelson Wilderness, I depart with a sense of inner peace and clarity. A New York Times journalist wrote about the Apostle Islands National Lakeshore in 1972, saying he encountered a ''silence so intense you can hear it.'' I believe that what all those who visit the Gaylord Nelson Wilderness are bound to hear through that ''intense silence'' is Gaylord himself calling them to action.

SENATE RESOLUTION 255—RECOGNIZING THE ACHIEVEMENTS OF THE UNITED STATES FISH AND WILDLIFE SERVICE AND THE WATERFOWL POPULATION SURVEY

Mrs. LINCOLN (for herself and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 255

Whereas every spring and summer teams of United States Fish and Wildlife Service pilot-biologists take to the skies to survey North America's waterfowl breeding grounds flying more than 80,000 miles a year, crisscrossing the country just above the treetops and open fields, they and observers on the ground record the number of ducks, geese, and swans and assess the quality and quantity of water-fowl breeding habitats.

Whereas the pilot biologists operate from the wide open bays and wetlands of the eastern shores of North America to some of the most remote regions of Canada and Alaska, and are documenting an important part of our wildlife heritage;

Whereas the Waterfowl Population Survey, operated by the United States Fish and Wildlife Service, is celebrating its 50th anniversary in 2005, is featured on the 2005–2006 Duck Stamp, and has been recognized by the Congressional Sportsmen's Foundation for its contribution to waterfowl hunting;

Whereas the Waterfowl Population Survey Program has evolved into the largest and most reliable wildlife survey effort in the world;

Whereas for more than 50 years cooperative waterfowl surveys have been performed by the United States Fish and Wildlife Service, the Canadian Wildlife Service, State and provincial biologists, and nongovernmental partners; and

Whereas survey results determine the status of North America's waterfowl populations, play an important role in setting annual waterfowl hunting regulations, and help guide the decisions of waterfowl managers throughout North America: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and contributions of the Waterfowl Population Survey Program;

(2) expresses strong support for the continued success of the Waterfowl Population Survey Program;

(3) encourages the United States Fish and Wildlife Service in its efforts to broaden understanding and public participation in the Waterfowl Population Survey Program by increasing partnerships to continue growth and development of the Survey; and

(4) reaffirms its commitment to the Waterfowl Population Survey Program and the conservation of the rich natural heritage of the United States.

SENATE RESOLUTION 256—HONORING THE LIFE OF SANDRA FELDMAN

Mr. SCHUMER (for himself, Mrs. CLINTON, Mrs. MURRAY, Mr. BINGAMAN, and Mr. KENNEDY) submitted the following resolution; which was considered and agreed to:

S. RES. 256

Whereas Sandra Feldman was born Sandra Abramowitz in October, 1939, to blue-collar parents living in a tenement in Coney Island, New York;

Whereas Sandra Feldman, while at James Madison High School, Brooklyn College, and New York University, began a life-long dedication to education both in the United States and abroad;

Whereas Sandra Feldman began her career by teaching fourth grade at Public School 34 on the Lower East Side of New York City;

Whereas during her service as union leader at Public School 34, Sandra Feldman became employed by the United Federation of Teachers in New York City, and was elected president in 1986, after 20 years of service;

Whereas Sandra Feldman's tenure as president of the United Federation of Teachers was distinguished by her devotion to better working conditions for the teachers she represented;

Whereas in 1997, the American Federation of Teachers elected Sandra Feldman to serve as their president, until she retired 7 years later;

Whereas Sandra Feldman effectively represented the educators, healthcare professionals, public employees, and retirees who made up the membership of the American Federation of Teachers;

Whereas Sandra Feldman was a tireless advocate for public education, working with President George W. Bush on the No Child Left Behind Act of 2001 to improve accountability standards and provide increased resources to schools to help increasing professional development to better equip teachers to instruct students, and using research-driven methods to redesign school programs;

Whereas Sandra Feldman was equally devoted to fighting against discrimination, raising the nursing shortage into national public awareness, advocating for smaller class sizes and patient-to-nurse ratios promoting increased benefits and compensation for workers, and spreading her message beyond her own membership by advocating for workers overseas as well;

Whereas Sandra Feldman lent her expertise to both the national and international labor movements in her capacities as a member of the AFL-CIO executive council and a vice president of Education International; and

Whereas Sandra Feldman succumbed on September 18, 2005, to a difficult struggle against breast cancer at the age of 65: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Sandra Feldman, a vibrant and dedicated public servant;

(2) recognizes the contributions of Sandra Feldman to public education;

(3) expresses its deepest condolences to those who knew and loved Sandra Feldman; and

(4) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Sandra Feldman.

SENATE RESOLUTION 257—RECOGNIZING THE SPIRIT OF JACOB MOCK DOUB AND MANY YOUNG PEOPLE WHO HAVE CONTRIBUTED TO ENCOURAGING YOUTH TO BE PHYSICALLY ACTIVE AND FIT, AND EXPRESSING SUPPORT FOR ''NATIONAL TAKE A KID MOUNTAIN BIKING DAY''

Mr. BURR (for himself and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 257

Whereas according to the Centers for Disease Control and Prevention, obesity rates have nearly tripled in adolescents in the United States since 1980;

Whereas overweight adolescents have a 70 percent chance of becoming overweight or obese adults;

Whereas research conducted by the National Institutes of Health indicates that, while genetics do play a role in childhood obesity, the large increase in childhood obesity rates over the past few decades can be traced to overeating and lack of sufficient exercise;

Whereas the Surgeon General and the President's Council on Physical Fitness and Sports recommend regular physical activity, including bicycling, for the prevention of overweight and obesity;

Whereas Jacob Mock ''Jack'' Doub, born July 11, 1985, was actively involved in encouraging others, especially children, to ride bicycles and was an active youth who was introduced to mountain biking at the age of 11 near Grandfather Mountain, North Carolina, and quickly became a talented cyclist;

Whereas Jack Doub died unexpectedly from complications related to a bicycling injury on October 21, 2002;

Whereas Jack Doub's family and friends have joined, in association with the International Mountain Bicycling Association, to honor Jack Doub's spirit and love of bicycling by establishing the Jack Doub Memorial Fund to promote and encourage children of all ages to learn to ride and lead a physically active lifestyle;

Whereas the International Mountain Bicycling Association's worldwide network, which is based in Boulder, Colorado, includes 32,000 individual members, more than 450 bicycle clubs, 140 corporate partners, and 240 bicycle retailer members, who coordinate more than 1,000,000 volunteer trail work hours each year and have built more than 5,000 miles of new trails;

Whereas the International Mountain Bicycling Association has encouraged low-impact riding and volunteer trail work participation since 1988; and

Whereas ''National Take a Kid Mountain Biking Day'' was established in honor of Jack Doub in 2004 by the International Mountain Bicycling Association, and is celebrated on the first Saturday in October of each year: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes—

(A) the health risks associated with childhood obesity;

(B) the spirit of Jacob Mock ''Jack'' Doub and so many others who have been actively promoting physical activity to combat childhood obesity; and

(C) Jack Doub's contribution to encouraging youth of all ages to be physically active and fit, especially through bicycling;

(2) supports the goals and ideals of ''National Take a Kid Mountain Biking Day'', which was established in honor of Jack Doub in 2004 by the International Mountain Bicycling Association, and is celebrated on the first Saturday in October of each year; and

(3) encourages parents, schools, civic organizations, and students to support the International Mountain Bicycling Association's ''National Take a Kid Mountain Biking Day'' to promote increased physical activity among youth in the United States.

SENATE RESOLUTION 258—TO COMMEND TIMOTHY SCOTT WINEMAN

Mr. FRIST (for himself, Mr. REID, and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 258

Whereas Timothy S. Wineman became an employee of the United States Senate on October 19, 1970, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the United States Senate for a period that included 19 Congresses;

Whereas Timothy S. Wineman has served in the senior management of the Disbursing Office for more than 25 years, first as the Assistant Financial Clerk of the United States Senate from August 1, 1980 to April 30, 1998, and finally as Financial Clerk of the United States Senate from May 1, 1998 to October 14, 2005;

Whereas Timothy S. Wineman has faithfully discharged the difficult duties and responsibilities of his position as Financial Clerk of the United States Senate with great pride, energy, efficiency, dedication, integrity, and professionalism;

Whereas Timothy S. Wineman has earned the respect, affection, and esteem of the United States Senate; and

Whereas Timothy S. Wineman will retire from the United States Senate on October 14, 2005, with 35 years of service with the United States Senate all with the Disbursing Office: Now, therefore, be it

Resolved, That the United States Senate commends Timothy S. Wineman for his exemplary service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Timothy S. Wineman.

SENATE RESOLUTION 259—COMMENDING THE EFFORTS OF THE DEPARTMENT OF VETERANS AFFAIRS IN RESPONDING TO HURRICANE KATRINA

Mr. CRAIG (for himself and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on Veterans' Affairs:

S. RES. 259

Whereas Hurricane Katrina physically devastated many areas in the States of Alabama, Mississippi, and Louisiana;

Whereas the Department of Veterans Affairs operates 11 medical centers, 18 community-based outpatient clinics, 3 regional offices, and 8 national cemeteries in the States of Alabama, Mississippi, and Louisiana;

Whereas the Department of Veterans Affairs evacuated over 1,000 patients, employees, and their families from facilities in the affected areas without any loss of life due to the evacuations;

Whereas over 1,000 employees of the Department of Veterans Affairs are volunteering to assist veterans and their families affected by Hurricane Katrina throughout the United States;

Whereas the Department of Veterans Affairs is providing shelter to over 550 staff and their families who have been displaced as a result of Hurricane Katrina;

Whereas patients and employees of the Department of Veterans Affairs in Texas provided extraordinary support and medical assistance to veterans, staff, and families affected by Hurricane Katrina and coordinated numerous medical efforts as part of the overall Federal Government response and recovery efforts in the Gulf Region; and

Whereas heroic actions and efforts on the part of numerous employees and volunteers of the Department of Veterans Affairs saved countless lives and provided immeasurable comfort to the victims of Hurricane Katrina: Now, therefore, be it

Resolved, That the Senate commends the employees and volunteers of the Department of Veterans Affairs, who risked life and limb to assist veterans, staff, and their respective families who were affected by Hurricane Katrina.

Mr. CRAIG. Mr. President, I rise today to submit a resolution that honors the extraordinary heroics exhibited by employees of the Department of Veterans Affairs in the response to the catastrophic conditions caused by Hurricane Katrina.

The Department of Veterans Affairs operates 11 medical centers, 18 community-based outpatient clinics, three regional offices, and eight national cemeteries in the States of Alabama, Mississippi, and Louisiana. Throughout this tragedy, VA moved employees, their families, equipment, and even patients from many of these places. Incredibly with over 1,000 people evacuated in total, not one life was lost.

While it is impossible for me to recognize every act of bravery and courage exhibited, I would be remiss if I did not highlight the incredible story of two VA nurses and their efforts to ensure continued patient care during the aftermath of Katrina. These two nurses not only braved the danger of the storm, but they risked their own lives to ensure that their patients could survive. These two women fed their own water supply to their patients, and, even more incredibly, they then administered intravenous fluids to one another to stay hydrated so that they could continue to deliver care. Clearly, this was going far above and beyond the call of duty. The example set by these two courageous women must be recognized.

I also want to note that VA's success in responding to this storm was largely due to the extensive preparation by VA workers before Katrina hit the Gulf Region. This preparation ensured the successful administration of continued medical care to veterans upon relocation as well as the safe evacuation of all staff and their families.

Before the storm hit, VA workers oversaw the evacuation of 166 patients in Mississippi and Louisiana. In addition, VA workers had the foresight to transfer copies of electronic medical records from the New Orleans VA Medical Center to the VA facility in Houston so that those records would be available on a national level. The bottom line is that this careful preparation before the storm hit saved lives.

The examples of sacrifice and heroics are countless. But, I don't want to forget those who simply stayed put in the right place and did their job—sometimes for days on end. I am speaking most specifically of the valiant efforts of the employees in the VA facilities throughout Texas. These dedicated doctors, nurses, and supporting staff worked countless hours providing medical assistance, shelter and comfort to the evacuated VA patients, employees, and their families.

As Chairman of the Senate Committee on Veterans' Affairs, it is my distinct honor to commend the heroic efforts of VA workers throughout the country in this resolution. I am also pleased to note that Ranking Member AKAKA has joined with me in expressing our sincere appreciation. The devastation of Hurricane Katrina is something with which we are all familiar. It gives me great pleasure to highlight the dedication, sacrifice, and courage of VA workers in light of the terrible devastation caused by what many have called the worst natural disaster in our Nation's history.

SENATE CONCURRENT RESOLUTION 54—EXPRESSING THE SENSE OF CONGRESS REGARDING A COMMEMORATIVE POSTAGE STAMP HONORING JASPER FRANCIS CROPSEY, THE FAMOUS STATEN ISLAND-BORN 19TH CENTURY HUDSON RIVER PAINTER

Mr. SCHUMER submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. CON. RES. 54

Whereas Jasper Francis Cropsey was born on February 18, 1823, in Rossville, Staten Island, New York to Jacob Cropsey and Elizabeth Hilyer Cortelyou;

Whereas Jasper Francis Cropsey was a famous second generation 19th Century Hudson River Valley Painter, and became known as America's ''Painter of Autumn'' after his vibrant depiction of Autumn on the Hudson River was unveiled in London in 1860;

Whereas Jasper Francis Cropsey contributed greatly to the Hudson River Valley, Staten Island, and the United States through his artistic and architectural talent by producing, throughout his lifetime, more than 1,300 oil paintings, 400 water colors, and numerous architectural drawings; and

Whereas Jasper Francis Cropsey admired the work of Thomas Cole and other American landscape painters and he believed in the natural unspoiled beauty of the United States, depicting serene landscapes of man's peaceful coexistence with nature and harmonious American naturalism: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) a commemorative postage stamp should be issued by the United States Postal Service honoring Jasper Francis Cropsey, the famous Staten Island-born 19th Century Hudson River Painter; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1875. Mr. GRAHAM (for Mrs. HUTCHISON (for herself and Mr. NELSON, of Florida)) proposed an amendment to the bill S. 1281, to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010.

SA 1876. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1877. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1878. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1879. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1880. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 147, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; which was ordered to lie on the table.

SA 1881. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1875. Mr. GRAHAM (for Mrs. HUTCHISON (for herself and Mr. NELSON of Florida)) proposed an amendment to the bill S. 1281, to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010; as follows:

On page 2, after line 8, beginning with the item relating to section 137 strike through the item relating to section 152 on page 3 and insert the following:

Sec. 137. Lessons learned and best practices.
Sec. 138. Safety management.
Sec. 139. Creation of a budget structure that aids effective oversight and management.
Sec. 140. Earth observing system.
Sec. 141. NASA healthcare program.
Sec. 142. Assessment of extension of data collection from Ulysses and Voyager spacecraft.
Sec. 143. Program to expand distance learning in rural underserved areas.
Sec. 144. Institutions in NASA'S minority institutions program.
Sec. 145. Aviation safety program.
Sec. 146. Atmospheric, geophysical, and rocket research authorization.
Sec. 147. Orbital debris.
Sec. 148. Continuation of certain educational programs.
Sec. 149. Establishment of the Charles ''Pete'' Conrad Astronomy Awards Program.
Sec. 150. GAO assessment of feasibility of Moon and Mars exploration missions.
Sec. 151. Workforce.
Sec. 152. Major research equipment and facilities.
Sec. 153. Data on specific fields of study.

On page 3, before line 1, strike the second item relating to section 161 and insert the following:

Sec. 162. Facilities management.

On page 3, before line 1, after the item relating to section 304 insert the following:

Sec. 305. Power and propulsion reporting.
Sec. 306. Utilization of NASA field centers and workforce.

On page 3, before line 1, beginning with the item relating to section 402 strike through the item relating to section 507 and insert the following:

Sec. 402. Commercial technology transfer program.
Sec. 403. Authority for competitive prize program to encourage development of advanced space and aeronautical technologies.
Sec. 404. Commercial goods and services.

TITLE V—AERONAUTICS RESEARCH AND DEVELOPMENT

Sec. 501. Governmental interest in aeronautics.
Sec. 502. National policy for aeronautics research and development.
Sec. 503. High priority aeronautics research and development programs.
Sec. 504. Test facilities.
Sec. 505. Miscellaneous provisions.

TITLE VI—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS.

Sec. 601. Extension of indemnification authority.
Sec. 602. Intellectual property provisions.
Sec. 603. Retrocession of jurisdiction.
Sec. 604. Recovery and disposition authority.
Sec. 605. Requirement for independent cost analysis.
Sec. 606. Electronic access to business opportunities.
Sec. 607. Reports elimination.
Sec. 608. Small business contracting.
Sec. 609. Government accountability office review and report.

On page 4, strike lines 16 through 22, and insert the following:

(4) The exploration, development, and permanent habitation of the Moon will inspire the Nation, spur commerce, imagination, and excitement around the world, and open the possibility of further exploration of Mars. NASA should return to the Moon within the next decade.

On page 10, line 7, strike ''schedules;'' and insert ''schedules, and may place a greater emphasis on science, including the programs described in this paragraph, throughout the fiscal years for which funds are authorized by this Act (and for this purpose, of the funds authorized by section 101(1) of this Act, no less than $5,341,200,000 shall be for science, and of the funds authorized by section 102(1) of this Act, no less than $5,960,300,000 shall be for science);''.

On page 14, line 12, strike ''and''.

On page 14, line 17, strike ''orbit.'' and insert ''orbit;''.

On page 14, between lines 17 and 18, insert the following:

(5) conduct a program to assure the health and safety of astronauts during extended space exploration missions which include more effective countermeasures to mitigate deleterious effects of such missions, and the means to provide in-space exploration medical care delivery to crews with little or no real-time support from Earth, relevant issues such as radiation exposure, exercise countermeasures, cardiac health, diagnostic and monitoring devices, and medical imaging;

(6) utilize advanced power and propulsion technologies, including nuclear and electric technologies, to enable or enhance robotic and human exploration missions when feasible; and

(7) develop a robust technology development program to provide surface power for use on the Moon and other locations relevant to NASA space exploration goals which, to the extent feasible, address needs for modular, scalable power sources for a range of applications on the Moon including human and vehicular uses.

On page 16, beginning with line 8, strike through line 12 on page 18.

On page 18, line 13, strike ''**SEC 139.**'' and insert ''**SEC. 137.**''.

On page 19, line 9, strike ''**SEC. 140.**'' and insert ''**SEC. 138.**''.

On page 20, line 20, strike ''**SEC. 141.**'' and insert ''**SEC. 139.**''.

On page 21, line 17, strike ''**SEC. 142.**'' and insert ''**SEC. 140.**''.

On page 23, line 9, strike ''**SEC. 143.**'' and insert ''**SEC. 141.**''.

On page 23, line 17, strike ''**SEC. 144.**'' and insert ''**SEC. 142.**''.

On page 24, line 8, strike ''**SEC. 145.**'' and insert ''**SEC. 143.**''.

On page 25, line 4, strike ''**SEC. 146.**'' and insert ''**SEC. 144.**''.

On page 25, line 23, strike ''**SEC. 147.**'' and insert ''**SEC. 145.**''.

On page 26, line 6, strike ''**SEC. 148.**'' and insert ''**SEC. 146.**''.

On page 26, line 13, strike ''**SEC. 149.**'' and insert ''**SEC. 147.**''.

On page 26, line 18, strike ''**SEC. 150.**'' and insert ''**SEC. 148.**''.

On page 27, line 1, strike ''**SEC. 151.**'' and insert ''**SEC. 149.**''.

On page 28, line 3, strike ''**SEC. 152.**'' and insert ''**SEC. 150.**''.

On page 28, line 12, after ''schedules.'' insert ''The Comptroller General shall include in this assessment the short- and long-term impact of the exploration program on other NASA program areas, including aeronautics, space science, earth science and NASA's overall research and technology development budget.''.

On page 28, between lines 12 and 13, insert the following:

SEC. 151. WORKFORCE.

(a) IN GENERAL.—The Administrator shall develop a human capital strategy to ensure that NASA has a workforce of the appropriate size and with the appropriate skills to carry out the programs of NASA, consistent with the policies and plans developed pursuant to this section. The strategy shall ensure that current personnel are utilized, to the maximum extent feasible, in implementing the vision for space exploration and NASA's

other programs. The strategy shall cover the period through fiscal year 2011.

(b) CONTENT.—The strategy shall describe, at a minimum—

(1) any categories of employees NASA intends to reduce, the expected size and timing of those reductions, the methods NASA intends to use to make the reductions, and the reasons NASA no longer needs those employees;

(2) any categories of employees NASA intends to increase, the expected size and timing of those increases, the methods NASA intends to use to recruit the additional employees, and the reasons NASA needs those employees;

(3) the steps NASA will use to retain needed employees; and

(4) the budget assumptions of the strategy, which for fiscal years 2006 and 2007 shall be consistent with the authorizations provided in subtitle A, and any expected additional costs or savings from the strategy by fiscal year.

(c) SCHEDULE.—The Administrator shall transmit the strategy developed under this section to the Senate Committee on Commerce, Science, and Transportation and House of Representatives Committee on Science not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. At least 60 days before transmitting the strategy, NASA shall provide a draft of the strategy to its Federal Employee Unions for a 30-day consultation period after which NASA shall respond in writing to any written concerns provided by the Unions.

(d) LIMITATION.—

(1) IN GENERAL.—NASA may not initiate any buyout offer after the date of enactment of this Act until 60 days after the strategy required by this subsection has been transmitted to the Senate Committee on Commerce, Science, and Transportation and House of Representatives Committee on Science in accordance with subsection (c). NASA may not implement any reduction-in-force or other involuntary separations (except for cause) prior to June 1, 2007, except as provided in paragraph (2).

(2) EXCEPTIONS.—

(A) SPECIFIC BUY-OUTS.—Notwithstanding paragraph (1), NASA may make exceptions can be made for specific buy-outs on a case-by-case basis, if NASA provides information to the Committees that justifies those specific buy-outs, including why the relevant employees could not be utilized to fulfill other NASA missions.

(B) EMERGENCY REDUCTIONS-IN-FORCE.—NASA may also request an exception for an emergency reduction-in-force of management personnel by transmitting to the Committees—

(i) a detailed rationale for the proposed reduction-in-force;

(ii) an explanation of why the proposed reduction-in-force cannot wait until after the workforce strategy has been transmitted to the Committees in accordance with the requirements of this section; and

(iii) an explanation of why the relevant employees could not be utilized to fulfill other NASA missions.

SEC. 152. MAJOR RESEARCH EQUIPMENT AND FACILITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, the National Science Foundation may use funds in the major research equipment and facilities construction account for the design and development of projects that—

(1) have been given a very high rating by relevant scientific peer review panels in the relevant discipline;

(2) have substantial cost-sharing with non-Foundation entities; and

(3) have passed a critical design review.

(b) NATIONAL SCIENCE BOARD APPROVAL.—Nothing in subsection (a) shall be construed to eliminate the need for approval by the National Science Board before such equipment and facilities are eligible for acquisition, construction, commissioning, or upgrading.

SEC. 153. DATA ON SPECIFIC FIELDS OF STUDY.

(a) IN GENERAL.—The National Science Foundation shall collect statistically reliable data through the American Community Survey on the field of degree of college-educated individuals.

(b) ADDITIONAL CENSUS QUESTION.—In order to facilitate the implementation of subsection (a), the Secretary of Commerce shall expand the American Community Survey to include a question to elicit information concerning the field of study in which college-educated individuals received their degrees. The Director of the Bureau of the Census shall consult with the Director of the National Science Foundation concerning the wording of the question or questions to be added to the Survey.

On page 28, beginning with line 21, strike through line 5 on page 30 and insert the following:

NASA shall develop a facilities investment plan through fiscal year 2015 that takes into account uniqueness, mission dependency, and other studies required by this Act.

On page 33, line 2, strike ''and''.

On page 33, between lines 2 and 3, insert the following:

(4) consider the need for a life sciences centrifuge and any associated holding facilities; and

On page 33, line 3, strike ''(4)'' and insert ''(5)''.

On page 38, beginning with line 24, strike through line 9 on page 39 and insert the following:

(a) POLICY STATEMENT.—It is the policy of the United States to possess the capability for assured human access to space. The Administrator shall act to ensure that the United States retains that capacity on a continuous basis. The Administrator shall conduct the transition from the Space Shuttle orbiter to a replacement capacity in a manner that efficiently uses the personnel, capabilities, and infrastructure that are currently available to the extent feasible.

(b) PROGRESS REPORT.—Within 180 days after the date of enactment of this Act and annually thereafter, the Administrator shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the progress and the estimated amount of time before the next generation human-rated NASA spacecraft will demonstrate crewed, orbital spaceflight.

(c) POLICY COMPLIANCE REPORT.—If, 1 year before the final flight of the Space Shuttle orbiter, the United States has not demonstrated a replacement human space flight system, the Administrator shall certify that the United States cannot uphold the policy outlined in subsection (a) and shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science describing—

(1) United States strategic risks associated with the hiatus or gap;

(2) the estimated length of time during which the United States will not have independent human access to space;

(3) what steps will be taken to shorten that length of time; and

(4) what other means will be used to allow human access to space during that time.

On page 39, line 10, strike ''(b) REPORT.—'' and insert ''(d) TRANSITION PLAN REPORT.—''.

On page 39, line 19, strike ''(c)'' and insert ''(e)''.

On page 40, line 7, strike ''In'' and insert ''(a) IN GENERAL.—In''.

On page 40, between lines 12 and 13, insert the following:

(b) FEASIBILITY STUDY.—The Administrator shall initiate a feasibility study for establishing a National Free Flyer Launch Center as a means of consolidating and integrating secondary launch capabilities, launch opportunities, and payloads.

(c) ASSESSMENT.—The feasibility study required in this section shall include an assessment of the potential utilization of existing launch and launch support facilities and capabilities in the states of Montana and New Mexico and their respective contiguous states, and the state of Alaska, and shall include an assessment of the feasibility of integrating the potential National Free Flyer Launch Center within the operations and facilities of an existing non-profit organization such as the Inland Northwest Space Alliance in Missoula, Montana, or similar entity.

SEC. 305. POWER AND PROPULSION REPORTING.

The Administrator shall, within 180 days after the date of enactment of this Act, provide to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, a full description of plans to develop and utilize nuclear power and nuclear propulsion capabilities to achieve agency goals and any requirements in this Act, and address how those plans meet the intent of the Vision for Space Exploration and the President's Space Transportation Policy Directive.

SEC. 306. UTILIZATION OF NASA FIELD CENTERS AND WORKFORCE.

(a) IN GENERAL.—In budgeting for and carrying out elements of this title, the Administrator shall make the most effective use of existing research, development, testing, and space exploration expertise and facilities resident within NASA field centers.

(b) RESPONSIBILITIES OF FIELD CENTERS.—The Administrator shall take appropriate action to balance responsibilities between the field centers for leading the development of systems relevant to the Vision for Space Exploration, including systems identified in this title or any architecture studies performed by NASA.

On page 41, between lines 15 and 16, insert the following:

SEC. 402. COMMERCIAL TECHNOLOGY TRANSFER PROGRAM.

(a) IN GENERAL.—The Administrator shall execute a commercial technology transfer program with the goal of facilitating the exchange services, products, and intellectual property between NASA and the private sector. This program shall be maintained in a manner that provides measurable benefits for the agency, the domestic economy, and research communities.

(b) PROGRAM STRUCTURE.—In carrying out the program described in paragraph (a), the Administrator shall maintain the funding and program structure of NASA's existing technology transfer and commercialization organizations through the end of fiscal year 2006.

On page 41, line 16, strike ''**SEC. 402.**'' and insert ''**SEC. 403.**''.

On page 45, line 1, strike ''**SEC. 403.**'' and insert ''**SEC. 404.**''.

On page 45, between lines 7 and 8, insert the following:

TITLE V—AERONAUTICS RESEARCH AND DEVELOPMENT

SEC. 501. GOVERNMENTAL INTEREST IN AERONAUTICS.

Congress reaffirms the national commitment to aeronautics research made in the National Aeronautics and Space Act of 1958.

Aeronautical research and development remains a core mission of NASA. NASA is the lead agency for civil aeronautics research. NASA shall conduct a robust program of aeronautics research that includes fundamental basic research as well as research in the fields of vehicle systems and of safety and security.

SEC. 502. NATIONAL POLICY FOR AERONAUTICS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The President shall develop through NASA and other relevant entities, a national aeronautics policy to guide the aeronautics programs of the United States through the year 2020. The development of this policy shall utilize external studies that have been conducted on the state of United States aeronautics and aviation research and have suggested policies to ensure continued competitiveness.

(b) CONTENT.—At a minimum the national aeronautics policy shall describe—

(1) national goals for aeronautics research;

(2) the priority areas of research for aeronautics through fiscal year 2011;

(3) the basis of which and the process by which priorities for ensuing fiscal years will be selected; and

(4) respective roles and responsibilities of various Federal agencies in aeronautics research.

(c) NASA INPUT.—In providing input to and executing the National Aeronautics Policy, the Administrator, shall consider the following issues:

(1) The established governmental interest in conducting research and development programs for improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and vehicles, as described in section 102(c)(2) of the National Aeronautics and Space Act of 1958 and reaffirmed in section 501.

(2) The established governmental interest in conducting research and development programs that contribute to preservation of the role of the United States as a global leader in aeronautical technologies and in the application thereof in section 102(c)(5) of the National Aeronautics and Space Act of 1958 and reaffirmed in section 501.

(3) The appropriate balance between long-term, high risk research and shorter, more incremental research, and the expected impact on the United States economy and public good.

(4) The appropriate balance between in-house research and procurement with industry and academia.

(5) The extent to which NASA should address military and commercial aviation needs.

(6) How NASA will coordinate its aeronautics program with other Federal agencies.

(7) Opportunities for partnerships with the private sector.

(d) SCHEDULE.—

(1) No later than 1 year after the date of enactment of this Act, the President shall submit the national aeronautics policy to the Appropriations Committees of the House of Representatives and the Senate, the House Committee on Science, and the Senate Committee on Commerce, Science, and Transportation.

(2) No later than 60 days after the transmittal of the policy, the Administrator shall submit NASA's response to the policy, to the Appropriations Committees of the House of Representatives and the Senate, the House Committee on Science, and the Senate Committee on Commerce, Science and Transportation.

SEC. 503. HIGH PRIORITY AERONAUTICS RESEARCH AND DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—In its role as lead agency for civil aeronautics research and development, NASA shall develop programs and projects in accordance with the National Aeronautics Policy described in section 502, as well program areas listed in subsection (b). These programs must be driven by scientific merit.

(b) RESEARCH AND DEVELOPMENT.—In executing an aeronautics research and development program, the Administrator shall, at a minimum, within the budgetary and programmatic resources provided, conduct programs in the following areas:

(1) FUNDAMENTAL RESEARCH.—The Administrator shall establish a program of long-term fundamental research in aeronautical sciences and technologies that is not tied to specific development projects. The Administrator shall set aside no less than 5 percent of the aeronautics budget for this program. As part of this program, the Administrator is encouraged to make merit-reviewed grants to institutions of higher learning, including such institutions located in states that participate in the Experimental Program to Stimulate Competitive Research.

(2) VEHICLE SYSTEMS RESEARCH AND TECHNOLOGY.—In order to maintain United States economic competitiveness and protect the environment, the Administrator shall establish programs in each of the following technology areas:

(A) ENVIRONMENTAL AIRCRAFT RESEARCH AND DEVELOPMENT.—The Administrator shall establish an initiative with the objective of developing and demonstrating in a relevant environment, technologies to enable the following commercial aircraft performance characteristics:

(i) NOISE.—Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate;

(ii) ENERGY CONSUMPTION.—Twenty-five percent reduction in the energy required for medium to long range flights, compared to aircraft in commercial service as of the date of enactment of this Act; and

(iii) EMISSIONS.—Nitrogen oxides on takeoff and landing that are significantly reduced, without adversely affecting hydrocarbons and smoke, relative to aircraft in commercial service as of the date of enactment of this Act.

(B) SUPERSONIC TRANSPORT RESEARCH AND DEVELOPMENT.—The Administrator shall establish an initiative with the objective of developing and demonstrating in a relevant environment within airframe and propulsion technologies to enable efficient, economical overland flight of supersonic civil transport aircraft with no significant impact on the environment.

(C) ROTORCRAFT AND OTHER RUNWAY-INDEPENDENT AIR VEHICLES.—The Administrator shall establish a rotorcraft and other runway-independent air vehicles initiative with the objective of developing and demonstrating improved safety, noise, and environmental impact in a relevant environment.

(D) HYPERSONICS RESEARCH.—The Administrator shall establish a hypersonics research program whose objective shall be to explore the science and technology of hypersonic flight using air-breathing propulsion concepts, through a mix of theoretical work, basic and applied research, and development of flight research demonstration vehicles. Emphasis in the program shall be given to advancing and demonstrating turbine engine technology in the transition to hypersonic range Mach 3 to Mach 5.

(E) REVOLUTIONARY AERONAUTICAL CONCEPTS.—The Administrator shall establish a research program which covers a unique range of subsonic, fixed wing vehicles and propulsion concepts. This research is intended to push technology barriers beyond current subsonic technology. Propulsion concepts include advanced materials, morphing engines, hybrid engines, and fuel cells.

(F) MORE ELECTRIC AIRCRAFT INITIATIVE.—The Administrator shall establish a program for innovative and focused research and development such as fuel cell technologies.

(3) AIRSPACE SYSTEMS RESEARCH.—The Airspace Systems Research program shall pursue research and development to enable revolutionary improvements to and modernization of the National Airspace system, as well as to enable the introduction of new systems for vehicles that can take advantage of an improved, modern air transportation system. In pursuing research and development in this area, the Administrator shall align the projects of the Airspace Systems Research program so that they directly support the objectives of the Joint Planning and Development Office's Next Generation air Transportation System Integrated Plan.

(4) AVIATION SAFETY AND SECURITY RESEARCH.—The Aviation Safety and Security Research program shall pursue research and development activities that directly address the safety and security needs of the National Airspace System and the aircraft that fly in it.

SEC. 504. TEST FACILITIES.

(a) Prior to completion of the National Aeronautics Policy described in section 502 and transmittal of such policy pursuant to subsection (d) of that section, the Administrator may not close, suspend, or terminate contracts for the operation of major aeronautical test facilities, including wind tunnels, unless the Administrator—

(1) certifies in writing that such closure will not have an adverse impact on NASA's ability to execute the National Policy and achieve the goals described in that Policy; and

(2) provides notification to and receives concurrence from the Appropriations Committees of the House of Representatives and the Senate, the House Committee on Science, and the Senate Committee on Commerce, Science and Transportation 60 days in advance of such action.

SEC. 505. MISCELLANEOUS PROVISIONS.

(a) WORKFORCE DEVELOPMENT.—The Administrator shall encourage the development of a skilled and diverse aeronautics research workforce using appropriate available tools such as grants, scholarships for service, and fellowships.

(b) ALIGNMENT OF PROGRAMS.—Notwithstanding any other provision of this title, the Administrator shall align NASA's aeronautics program with priorities established by the Joint Planning and Development Office and by the National Aeronautics Policy described in section 502 of this Act.

On page 45, line 8, strike ''**TITLE V**'' and insert ''**TITLE VI**''.

On page 45, line 11, strike ''**SEC. 501**'' and insert ''**SEC. 601.**''.

On page 45, line 17, strike ''**SEC. 502**'' and insert ''**SEC. 602.**''.

On page 49, line 1, strike ''**SEC. 503**'' and insert ''**SEC. 603.**''.

On page 49, line 3, strike ''502'' and insert ''602''.

On page 49, line 16, strike ''**SEC. 504**'' and insert ''**SEC. 604.**''.

On page 51, line 1, strike ''**SEC. 505**'' and insert ''**SEC. 605.**''.

On page 52, line 1, strike ''**SEC. 506**'' and insert ''**SEC. 606.**''.

On page 57, line 7, strike ''**SEC. 507**'' and insert ''**SEC. 607.**''.

On page 57, strike line 17 through line 19.

On page 58, after line 5, add the following:

(3) Section 323 of the National Aeronautics and Space Administration Authorization Act of 2000 is amended by striking subsection (a).

SEC. 608. SMALL BUSINESS CONTRACTING.

(a) PLAN.—In consultation with the Small Business Administration, the Administrator shall develop a plan to maximize the number and amount of contracts awarded to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632) and to meet established contracting goals for such concerns.

(b) PRIORITY.—The Administrator shall establish, as a priority, meeting the contracting goals developed in conjunction with the Small Business Administration to maximize the amount of prime contracts, as measured in dollars, awarded in each fiscal year by NASA to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)).

SEC. 609. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW AND REPORT.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of NASA's policies, processes, and procedures in the planning and management of applications research and development implemented in calendar years 2001 to 2005 within the Applied Sciences Directorate and former Earth Science Applications Program. A formal and transparent peer review process that instills public and stakeholder confidence in NASA's sponsored applications research and development programs is important and the process by which this program defines requirements, scopes programs, selects peer reviewers, manages the research competition, and selects proposals is of concern. The review shall include—

(1) the program planning and analysis process used to formulate applied science research and development requirements, priorities, and solicitation schedules, including changes to the process within the period under review, and the effects of such planning on the quality and clarity of applied sciences research announcements;

(2) the peer review process including—

(A) membership selection, determination of qualifications and use of NASA and non-NASA reviewers;

(B) management of conflicts of interest, including reviewers funded by the program with a significant consulting or contractual relationship with NASA, and individuals who both review proposals and participate in the submission of proposals under the same solicitation announcement;

(C) compensation of non-NASA proposal reviewers;

(3) the process for assigning or allocating applied research to NASA researchers and to non-NASA researchers; and

(4) alternative models for NASA planning and management of applied science and applications research, including an evaluation of—

(A) the National Institutes of Health's intramural and extramural research program structure, peer review process, management of conflicts of interests, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality;

(B) the Department of Agriculture's research programs and structure, peer review process, management of conflicts of interest, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality; and

(C) the ''best practices'' of both in the planning, selection, and management of applied sciences research and development.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science describing the results of the review conducted under subsection (a), including recommendations for NASA best practices.

(c) IMPLEMENTATION.—Not later than 90 days after receipt of the report, NASA shall provide the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science a plan describing the implementation of those recommendations.

SA 1876. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. TRANSFER TO REDEVELOPMENT AUTHORITIES WITHOUT CONSIDERATION OF PROPERTY LOCATED AT MILITARY INSTALLATIONS CLOSED OR REALIGNED UNDER 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 2905(b)(4)(B) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking ''shall seek'' and all that follows through ''with respect to the installation'' and inserting the following: ''may not obtain consideration in connection with any transfer under this paragraph of property located at the installation. The redevelopment authority to which such property is transferred shall'';

(2) in clause (i), by striking ''agrees'' and inserting ''agree''; and

(3) in clause (ii)—

(A) by striking ''executes'' and inserting ''execute''; and

(B) by striking ''accepts'' and inserting ''accept''.

SA 1877. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. ENVIRONMENTAL REMEDIATION AT MILITARY INSTALLATIONS CLOSED UNDER 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by inserting after subsection (e) the following new subsection:

''(f) SCOPE OF ENVIRONMENTAL REMEDIATION AT MILITARY INSTALLATIONS CLOSED UNDER 2005 ROUND OF BASE CLOSURE AND REALIGNMENT.—

''(1) AGREEMENT REQUIRED.—With respect to each military installation approved for closure under this part after January 1, 2005, the Secretary of Defense shall enter into an agreement with the chief executive officer of the State in which such military installation is located regarding the environmental remediation of property and facilities at such installation.

''(2) CONTENT OF AGREEMENT.—Each agreement entered into under paragraph (1) shall include—

''(A) a description of the remediation to be performed by the Department of Defense, including the level of remediation necessary for the redevelopment of such property and facilities; and

''(B) a schedule for such remediation.''.

SA 1878. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. LIMITATION ON TRANSFER OF UNITS UNDER THE 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT PENDING READINESS OF RECEIVING LOCATIONS.

The Secretary of Defense may not transfer any unit from a military installation closed or realigned as part of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) until the Secretary certifies that all facilities and infrastructure necessary to support such unit at the military installation to which the unit will be transferred are ready for use by such unit.

SA 1879. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

SEC. 330. NAVY HUMAN RESOURCES BENEFIT CALL CENTER.

Of the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, $1,500,000 may be available for Civilian Manpower and Personnel for a Human Resources Benefit Call Center in Machias, Maine.

SA 1880. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 147, to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; which was ordered to lie on the table; as follows:

On page 73, between lines 12 and 13, insert the following:

SEC. ___. RESOLUTION OF APOLOGY TO THE NATIVE PEOPLES OF THE UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of people of European descent;

(2) the Native Peoples have for millennia honored, protected, and stewarded this land we cherish;

(3) the Native Peoples are spiritual peoples with a deep and abiding belief in the Creator, and for millennia their people have maintained a powerful spiritual connection to this land, as is evidenced by their customs and legends;

(4) the arrival of Europeans in North America opened a new chapter in the histories of the Native Peoples;

(5) while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

(6) the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of the Native Peoples in their vicinities;

(7) in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, ''The utmost good faith shall always be observed toward the Indians'';

(8) Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

(9) Native Peoples and non-Native settlers engaged in numerous armed conflicts;

(10) the United States Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

(11) this Nation should address the broken treaties and many of the more ill-conceived Federal policies that followed, such as extermination, termination, forced removal and relocation, the outlawing of traditional religions, and the destruction of sacred places;

(12) the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Act of May 28, 1830 (4 Stat. 411, chapter 148) (commonly known as the ''Indian Removal Act'');

(13) many Native Peoples suffered and perished—

(A) during the execution of the official United States Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(B) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(C) on numerous Indian reservations;

(14) the United States Government condemned the traditions, beliefs, and customs of the Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the Act of February 8, 1887 (25 U.S.C. 331; 24 Stat. 388, chapter 119) (also known as the ''General Allotment Act''), and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden;

(15) officials of the United States Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized tribal land and the theft of tribal resources and assets from recognized tribal land;

(16) the policies of the United States Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;

(17) despite the wrongs committed against Native Peoples by the United States, the Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native people have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group;

(18) Indian tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official United States Government positions, and by leadership of their own sovereign Indian tribes;

(19) Indian tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

(20) the National Museum of the American Indian was established in the Smithsonian Institution as a living memorial to the Native Peoples and their traditions; and

(21) Native People are endowed by their Creator with certain unalienable rights, and that among those are life, liberty, and the pursuit of happiness.

(b) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship the Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors the Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the United States Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land by providing a proper foundation for reconciliation between the United States and Indian tribes; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(c) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

SA 1881. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. SMALL AND RENEWABLE POWER CONTRACTS.

Section 501(b)(1) of title 40, United States Code, is amended by striking subparagraph (B) and inserting the following:

''(B) PUBLIC UTILITY CONTRACTS.—

''(i) TERM.—A contract for public utility services may be made for a period of not more than 20 years.

''(ii) DEFINITION OF PUBLIC UTILITY ELECTRIC SERVICES.—In this subparagraph, the term 'public utility services', with respect to electricity services, includes electricity supplies and services, including transmission, generation, distribution, and other services directly used in providing electricity.''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, September 28, 2005, at 2:30 p.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Indian Housing.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 6, 2005 at 3 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1025, to amend the Act entitled ''An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas, and for other purposes'' to authorize the Equus Beds Division of the Wichita Project; S. 1498, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District; S. 1529, to provide for the conveyance of certain Federal land in the city of Yuma, Arizona; S. 1578, to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs; and S. 1760, to authorize early repayment of obligations to the Bureau of Reclamation within the Rogue River Valley Irrigation District or within the Medford Irrigation District, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those

wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Kellie Donnelly 202–224–9360 or Shannon Ewan at 202–224–7555.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, October 6, 2005 at 10 a.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive an update on Hurricanes Katrina and Rita's effects on energy infrastructure and the status of recovery efforts in the Gulf Coast region.

Because of the limited time available for the hearing, witnesses may testify invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

I would also like to announce that the hearing to evaluate and receive a status report on the Environmental Management programs of the Department of Energy which was previously scheduled before the Committee for this date and time has been postponed and will be rescheduled at a later date.

For further information, please contact Lisa Epifani 202–224–5269 or Shannon Ewan at 202–224–7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 28, 2005, at 10 a.m., on S. 1114—Professional Athletes Drug Testing bill and S. 1334—Professional Sports Integrity and Accountability Act, in Hart 216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, September 28, at 11:30 a.m. to consider pending calendar business.

Agenda

Agenda Item 3: S. 166—To amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation in the Deschutes River Conservancy, and for other purposes.

Agenda Item 4: S. 206—To designate the Ice Age Floods National Geologic Trail, and for other purposes.

Agenda Item 5: S. 213—To direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, NM.

Agenda Item 6: S. 242—To establish four memorials to the Space Shuttle *Columbia* in the State of Texas.

Agenda Item 7: S. 251—To authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Sub-basins in Oregon.

Agenda Item 8: S. 592—To extend the contract for the Glendo Unit of the Missouri River Basin Project in the State of Wyoming.

Agenda Item 9: S. 652—To provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, PA, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin.

Agenda Item 11: S. 761—To rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes.

Agenda Item 12: S. 777—To designate Catoctin Mountain Park in the State of Maryland as the ''Catoctin Mountain National Recreation Area,'' and for other purposes.

Agenda Item 13: S. 819—To authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, SD, to reflect increased demands for municipal, industrial, and fish and wildlife purposes.

Agenda Item 14: S. 891—To extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, NE.

Agenda Item 15: S. 895—To direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents.

Agenda Item 16: S. 955—To direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, TN, relating to the Battle of Franklin.

Agenda Item 17: S. 958—To amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail.

Agenda Item 18: S. 1154—To extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, and for other purposes.

Agenda Item 19: S. 1170—To establish the Fort Stanton-Snowy River National Cave Conservation Area.

Agenda Item 20: S. 1238—To amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and for other purposes.

Agenda Item 21: S. 1338—To require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

Agenda Item 23: H.R. 126—To amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore.

Agenda Item 24: H.R. 409—To provide for the exchange of land within the Sierra National Forest, CA, and for other purposes.

Agenda Item 26: H.R. 539—To designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System.

Agenda Item 27: H.R. 584—To authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior.

Agenda Item 28: H.R. 606—To authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California.

Agenda Item 29: H.R. 1101—To revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, CA.

Agenda Item 30: H.R. 2362—To reauthorize and amend the National Geologic Mapping Act of 1992.

In addition, the Committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet Wednesday, September 28, 2005, at 9:30 a.m. to conduct a hearing to discuss the role of science in environmental policy making.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURR. Mr. President I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, September 28, 2005, at 10 a.m., to hear testimony on ''Hurricane Katrina: Community Rebuilding Needs and Effectiveness of Past Proposals.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on

Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 28, 2005, at 9:30 a.m. to hold a hearing on Darfur Revisited: The International Response.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, September 28, 2005, at 9:30 a.m. for a hearing titled, ''Recovering from Hurricane Katrina: Responding to the Immediate Needs of Its Victims.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BURR. Mr. President, I ask unanimous consent that the Committee Indian Affairs be authorized to meet on Wednesday, September 28, 2005, at 2:30 p.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Indian Housing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BURR. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Protecting Copyright and Innovation in a Post-Grokster World'' on Wednesday, September 28, 2005 at 9:30 a.m. in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: The Honorable Mary Beth Peters, U.S. Register of Copyrights, Copyright Office, Washington, DC; and the Honorable Debra Wong Yang, U.S. Attorney for the Central District of California and Chair of the Attorney General's Advisory Committee on Cyber/Intellectual Property Subcommittee, Los Angeles, CA.

Panel II: Marty Roe, Lead Singer, Diamond Rio, Nashville, TN; Cary Sherman, President, Recording Industry Association of America, Washington, DC; Gary Shapiro, President and Chief Executive Officer, Consumer Electronics Association, Arlington, VA; Mark Lemley, William H. Neukom, Professor of Law, Stanford University Law School and Director Stanford Program in Law, Science and Technology Stanford, CA; Ali Aydar, Chief Operating Officer, SNOCAP, San Francisco, CA; and Sam Yagan, President, MetaMachine, Inc. (developer of eDonkey and Overnet) New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BURR. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Wednesday, September 28, at 2:30 p.m.

The purpose of the hearings is to review the Grazing programs of the Bureau of Land Management and the Forest Service, including proposed changes to grazing regulations, and the status of grazing regulations, and the status of grazing permit renewals, monitoring programs and allotment restocking plans.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Johanna Mihok, a legal intern on my Judiciary Committee staff, be granted floor privileges for the duration of the consideration of Judge John Roberts to be Chief Justice of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I ask unanimous consent Elizabeth Leef of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that Valerie Frias and Katherine Hutchinson, two Judiciary Committee staffers, be granted floor privileges for the duration of the debate on the nomination of John G. Roberts to be Chief Justice of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. First, I ask unanimous consent that Matt Reisetter of my staff be granted the privilege of the floor for the remainder of the debate on the nomination of Judge Roberts.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 174, S. 1281.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science and Transportation with amendments.

(Strike the parts shown in black brackets and insert the parts shown in italic.)

Mrs. HUTCHISON. Mr. President, I am delighted to join my friend and colleague, the distinguished Senator from Florida, in bringing before the Senate today, S. 1281, the NASA Authorization Bill of 2005. Our subcommittee and the full Commerce Committee have worked hard to prepare legislation that we believe is important and timely, because it comes at a watershed moment in this Nation's civil space program.

That moment has come at no small cost. It grew out of a terrible tragedy that took place in the skies over Texas 2½ years ago, when the space shuttle *Columbia* and her brave crew were lost as they were returning home from an important and successful research mission.

In the aftermath of that accident, we were forced, as a nation, to once again confront the question of the value of space exploration in the face of the risks involved in sending our best and brightest—and those of other nations who are our partners in space exploration—into the hostile realm of space. The overwhelming and resounding answer, from the families of those who were lost to men, women and children across the country, and our elected leadership, was ''yes.'' They gave the same answer that Lewis and Clark gave to Thomas Jefferson 200 years ago, when he charged them with the task of exploring what was then a great, largely unknown expanse.

Just as that difficult but inspiring voyage of discovery opened the way for this Nation to spread its wings from sea to sea, the voyages of discovery into the far reaches of space have begun—and will continue—to open vast opportunities for our Nation, and for the world.

While the vision that drove Lewis and Clark—the discovery of a northwest passage to the Pacific Ocean—was not the result they achieved, the understanding of the raw richness of our continent, and the insights into themselves and their fellow human beings provided a wealth of discovery more diverse and more valuable than any specific goal they had in mind as they began.

Among the many important findings of the investigation into the *Columbia* accident was the need for a renewed guiding vision for our human space exploration programs. On January 14, 2004, President George W. Bush provided the essence of that bold new vision for exploration, not only for NASA, but for the Nation. It extends far beyond his tenure in office—beyond the tenure of most of us serving in the Senate today. It reaches beyond many years and ultimately millions of miles into the solar system in which we live. It will require a long-standing commitment by this Nation, and it will not be an easy vision to accomplish. We will find unexpected obstacles and challenges along the way. If we didn't, it would not really be exploration. Our task as a nation, and in the company of international partners who will join us on this journey, will be to meet those challenges and turn them into opportunities.

The essential first step in the new Vision for Exploration was to return the space shuttle to flight. As we all know, the space shuttle *Discovery* launched into orbit and began this Nation's return to space flight on July 26th. Commander Eileen Collins and her crew,

the crew aboard the International Space Station, and the entire NASA team conducted an extremely successful first test flight to assess the progress made in the space shuttle program since the tragic *Columbia* accident. While the shedding of foam debris during liftoff—the direct cause of the damage to *Columbia*—was reduced to a level far below that previously experienced, it has not been eliminated and more work remains to understand and address that problem. Fortunately, among the major improvements in the Shuttle program is the vast increase in the ability to monitor and collect visual information on the health of the Orbiter both during launch and in orbit. That unprecedented level of information was combined with new on-orbit repair techniques to further enhance our confidence in the shuttle program's flight readiness. All of us, I'm sure, were thrilled to watch astronaut Steve Robinson deftly pluck the small gap fillers from *Discovery*'s underside, and the amazing never before seen images of the orbiter's thermal protection system. Our subcommittee will continue to monitor the application of the findings of this first test flight to the preparations for the launch of the second test flight next year, which continues this first step in the Vision for Exploration.

The legislation we bring before the Senate today supports the Vision of Exploration outlined by the President. It provides an opportunity for the Congress to fulfill its responsibility to help set the stage for the commencement of our new national journey of exploration. It has been 5 years since the Congress has enacted authorization legislation for NASA and its programs. Those 5 years have seen a great deal of change in the realm of space exploration. First and foremost, for nearly all of that time, humans have been living and working continuously on orbit 240 miles above the earth aboard the International Space Station. Despite the interruption of its assembly by the *Columbia* accident, the space station has already provided a great deal of important scientific information resulting from the research the expedition crews aboard the ISS have been able to accomplish. And most of its laboratory facilities are not yet on orbit. The space station represents an immensely valuable asset for this Nation and our international and scientific partners, and the legislation before the Senate today will serve to ensure it realizes the vast potential it has long promised.

The past 5 years have seen other changes.

As we have undergone the recovery from the *Columbia* accident, we have witnessed the most comprehensive review of the hardware, systems and processing for the space shuttle program since it began operational flights 24 years ago. While we may never be able to completely eliminate the risks of human spaceflight, the space shuttle system is safer today than it has ever been, and we have learned valuable lessons that can be applied to the next generation of human space flight vehicle.

Last year we witnessed dramatic evidence of yet another major change in space exploration when pilot Mike Melville flew *SpaceShipOne*, built by the Scaled Deposits Corporation, over 100 kilometers high, to become the first person to fly a privately-built vehicle into the reaches of space on September 29, 2004. Five days later, on October 4 Brian Binnie at the controls, *SpaceShipOne* became the first private manned spacecraft to exceed an altitude of 328,000 feet twice within the span of a 14-day period. With that accomplishment, Scaled Deposits Corporation won the $10 million Ansari X-Prize, funded entirely by private funds. A new era in private, commercial development of manned and unmanned spacecraft has begun, which offers exciting opportunities for the future.

For example, two space entrepreneurs are planning to join together in the launch early next year of the Falcon V launch vehicle, built by Elon Musk's Space-X Corporation, which will carry aloft a prototype one-third scale space module built by Robert Bigelow's Bigelow Aerospace Corporation. Other companies are developing designs and building prototype hardware that could be the precursors of commercially developed space station modules and the means of supplying and maintaining them with cargo and crews that could complement and expand the research opportunities provided by the International Space Station. S. 1281 includes language which both encourages and enables increased commercial involvement in space activities, including servicing the International Space Station, developing and conducting free-flying space research vehicles, and providing for increased use of competitive prizes and incentives to spur private investment and development. We would expect to see that private sector interest and involvement eventually extend beyond earth orbit to become an integral part of the nation's broader commitment to exploration of the Moon, Mars and destinations beyond.

I would like now to discuss some of the key provisions of the NASA reauthorization bill which I believe are especially important to the new beginning we are making as a nation within the Vision for Exploration.

There is an old saying that a journey of a thousand miles begins with a single step. It is also true that we must begin from where we find ourselves today. As I said earlier, the first step of the Vision was initiated this past summer with the launch of Discovery, and will continue with the subsequent flights of the space shuttle to complete the assembly of the International Space Station and fulfill our commitments to our international partners and—I must add—our commitments to our scientific partners.

Over the past 17 years, this Chamber has been the scene of vigorous discussion and debate on the International Space Station, long before the first module was launched in November of 1998. Through all that discussion, the central theme of those of us who supported the space station—and two-thirds of us consistently supported it in the votes following those debates—was that the ISS represents a unique laboratory in space, which holds the promise for scientific findings that can directly benefit us on Earth. I find it interesting to hear statements that the space station has not fulfilled that promise. Those who suggest that seem to have forgotten that it is not yet completed. In fact, only one of the three planned laboratories is on orbit now—the US Destiny laboratory—and it is not yet fully equipped. The remaining modules are completed, and are at the Kennedy Space Center, awaiting their launch and outfitting so that the long-standing plans for ISS research can finally begin. We and our international partners have invested far too much in building and preparing those facilities, and the on-orbit structure that will provide their home and supporting power and crew accommodations, to back away from that investment now. To do so would not only represent a wasteful, irresponsible and inexcusable breach of faith with the American taxpayers, but an unconscionable betrayal of scientists and researchers in a wide range of disciplines who have invested years of effort and resources preparing to conduct research that can only be done in the microgravity of space.

This bill acknowledges and reaffirms our commitment to fulfill the promise of the ISS. We recognize that NASA has limited total resources and has been given an enormous task to lead the Vision for Exploration. The demands of many valuable and important existing programs have forced NASA to make difficult choices in focusing those scarce resources in ways which support the goals of the Vision. We understand that reality, and have attempted in this 5-year reauthorization bill to provide a stable, consistent and moderately increasing level of funding to enable NASA to address those challenges.

At the same time, we have encouraged, as I noted earlier, the increased participation and involvement of commercial interests and capabilities, in a way that can relieve NASA of some of the basic burdens of space operations. With respect to space station research, we believe additional steps must be taken to enable NASA to conduct the research it must to support long-duration human spaceflight, and to return to the Moon, and move onward to Mars, while not sacrificing or undermining the investment we have made in the ISS.

To accomplish this, the legislation designates the U.S. segment of the

International Space Station as national laboratory facility. It further directs the NASA Administrator to develop a plan, within one year after enactment of the bill, to establish a ground-based national laboratory structure that will be responsible for maintaining and operating the research capabilities in the on-orbit laboratory facilities. The ISS national laboratory will be empowered to establish scientific—and funding—relationships with other governmental and non-governmental entities and to include international participation as well. The infusion of new participants and non-NASA resources will free NASA of much of the financial burden it would require to sustain broad-based research aboard ISS, and would thus enable it to focus its ISS research, as planned, on those disciplines and experiments which directly support the needs of the Vision for Exploration.

We believe this represents a creative and responsible approach to meeting our international commitments and fulfilling the long-standing research promise of the ISS, while not inhibiting NASA's pursuit of its exploration objectives.

In order to continue the Nation's exploration activities, both in continuing essential activities in low-Earth orbit and moving outward, back to the Moon, Mars, and beyond, we must have a new generation of launch and flight vehicles. The Vision for Exploration calls for the development of a new crew exploration vehicle and associated launch systems, to meet that objective.

As I have stated, this legislation supports the goals and objectives of Vision for Exploration. As the saying goes, however, sometimes ''the devil is in the details.'' As those details have been revealed in the planning to implement the vision, I have expressed concerns about some of the early transitional steps to redirect NASA's emphasis from low-Earth orbit to exploration of the Moon and Mars. I have already addressed the question of ensuring the maximum use of the International Space Station. My other primary concern has to do with the transition from the Space Shuttle to the new crew exploration vehicle. The initial announcement of the Vision for Exploration called for the termination of Shuttle flights in 2010, and the first flight of the crew exploration vehicle in 2014. The resulting 4-year hiatus in this Nation's ability to launch humans into space was simply unacceptable to me. It would represent a serious degradation of our national and economic security, as the community of spacefaring nations expands with the advent of Chinese human spaceflight capability and the potential of even more nations developing such capability, potentially challenging U.S. leadership in this important strategic area and major engine of technological advancement.

S. 1281, as introduced, stated that uninterrupted U.S. spaceflight capability is essential to our Nation, and required, in Section 202 of the bill, that the Space Shuttle Orbiter not be retired until a replacement crew-capable space vehicle be made operational. NASA's new Administrator, Dr. Michael Griffin, stated, in his confirmation hearing before the Commerce Committee, and again in a subsequent subcommittee hearing on the space shuttle, that he shared our concern about a lengthy hiatus period in U.S. spaceflight capability. Since assuming leadership of NASA, he has undertaken an effort to approach the development of the replacement vehicle in such a way as to close that gap as much as possible. In anticipation of the success of those efforts, Senator NELSON and I agreed to a modification of the language in the bill—included in the manager's amendment to the bill—which provides some flexibility in meeting the goal of uninterrupted U.S. spaceflight capability, but continues to state it as a policy objective. The Exploration Systems Architecture Study was recently completed and I am very pleased to say that the results track very closely to the provisions of S. 1281. The CEV development would be accelerated to 2012, with the possibility of moving its operational date to 2011. The key to CEV acceleration is largely a question of resources, and sufficient funding could enable an even earlier operational date, possibly closing the potential gap in spaceflight capability altogether.

In Dr. Griffin's appearance before the Science and Space Subcommittee during our hearing on the space shuttle program, he pointed out that the plan for space shuttle retirement involves the retirement of the Orbiters, not necessarily the additional components that make up what we call the space shuttle. Those additional components are the solid rocket boosters and the external fuel tank.

I remind my colleagues that the Orbiter is a vehicle that has two major spaceflight functions combined in a single vehicle: the delivery of crew to and from orbit, and the delivery of cargo, or payloads, to and from orbit. The future developments of U.S. human spaceflight capability are intended to separate those functions. That will enable the development of much more simplified—and arguably much safer, more efficient, and less costly—vehicles to serve each separate function. The provisions of S. 1281—coupled with the revised plans for vehicle development recently announced, will fulfill those objectives using major elements of our existing systems and adapting them to meet the requirements of both manned and unmanned launch systems.

Launch vehicles and spaceflight vehicles do not prepare and launch themselves into orbit or maintain themselves entirely independently while in space. They require ground-based support facilities, institutions and skilled personnel. The maintenance of those capabilities are, in fact, the most labor and resource-intensive elements of a spaceflight program, over time. They must be maintained even when the vehicles themselves are not flying, and must be kept in a high state of readiness. For human spaceflight systems, especially, that expertise and readiness are fundamental elements of flight safety.

The non-orbiter elements of the space shuttle program, both in flight hardware and ground support, represent an enormous national asset and, with modifications and reengineering, can potentially be adapted to meet—in separate configurations—the requirements for human spaceflight and for the launch of large, heavy payloads. Those large payloads are beyond the reach of either evolved expendable launch vehicles or privately-developed launch vehicles—or the current or planned launch vehicles of any other nation, for that matter. For these reasons, and others, this legislation directs and encourages NASA to make the maximum possible utilization of the personnel, assets and capabilities of the space shuttle program in developing the next generation of crew and cargo vehicles. Again, the new NASA plans will do just that, as envisioned by this legislation.

Another important and historical NASA research activity is aeronautical research, a fundamental part of NASA's activities since its inception. Indeed, not only is ''aeronautics'' the first ''a'' in NASA, but NASA came into being as an expansion of the National Advisory Committee on Aeronautics, which was established in 1915. That heritage is an important NASA legacy and the continued health of the Nation's aerospace industry in a very competitive global market-place makes it essential that our Nation have solid aeronautical research capabilities. Equally important, in an environment of limited resources, is that decisions about priorities for funding and programs be guided by a clear statement of policy, based on a thorough understanding of both available assets and essential requirements. This legislation directs the development of a national policy to guide the Nation's aeronautical research—including that conducted by NASA. The policy is to be developed within one year after enactment of the legislation, in order to provide time for a thorough and complete assessment of every aspect of aeronautics research, and yet provide the earliest possible guidance for both the administration and the Congress in determining the appropriate funding levels for U.S. aeronautics research. We have chosen not to establish a specific level of funding for that research in the legislation, in order to provide the flexibility for the NASA Administrator to establish those levels using the national policy guidance we have required to be developed.

Finally, let me say something about the broad range of science activities

for which NASA has always been known. The remarkable feat of the Deep Impact asteroid interception mission and the extraordinary success of the Spirit and Opportunity Mars Rovers are, of course, only the most recent and dramatic examples of NASA Space Science expertise. Less spectacular, but equally significant, are the earth observation and earth sciences programs which help us understand—and better care for—the spaceship of which all of as are crew members—spaceship Earth. As with aeronautics research, we have not spelled out specific funding authorization levels for the full 5 years authorized among the various science disciplines, providing flexibility for the NASA Administrator to make the best judgments about resource allocations. However, we express clearly in this bill the need for maintaining a balanced science portfolio throughout all NASA programs. In addition, we require accountability and will maintain careful oversight over the plans and decisions made to implement that balance.

This legislation provides a comprehensive, forward-looking and responsible approach to the transition of our Nation's space exploration programs into a new era of discovery. I believe that, together with our colleagues in the other body, we will be able to craft a congressional consensus that will help ensure this Nation's leadership in space exploration and provide benefits beyond measure and beyond imagination to this Nation and the world.

I want to thank my friend and colleague from Florida, Senator NELSON, for the spirit of cooperation he and his staff have brought to the development and refinement of this legislation. It represents a truly bi-partisan—really a non-partisan—result, as is appropriate for the Nation's space exploration programs. I also want to express my appreciation to the staff of my Subcommittee staff and the full Commerce Committee staff who have worked to bring this measure before the Senate. And, of course, I want to acknowledge the leadership of Senators STEVENS and INOUYE, who have supported our efforts to provide authorization and a strong policy foundation to our Nation's space exploration efforts.

I urge my colleagues to support S. 1281.

Mr. NELSON of Florida. Mr. President, I am pleased to join Senators HUTCHISON, STEVENS, INOUYE, and LOTT today in sponsoring an amended NASA Authorization Act and managers package that provides policy guidance for keeping NASA on track to achieve their objectives; and to ensure that there is a good balance between the different activities that NASA performs.

Just a few days ago, NASA released their Exploration Systems Architecture Study. The study describes how NASA plans to implement the President's Vision for Space Exploration by returning to the Moon and preparing to go beyond.

Through this NASA bill, Congress can provide constructive support to the good work being done by Administrator Michael Griffin, as they begin to implement the President's vision and prepare NASA for the challenges of the future.

This is a 5-year bill, authorizing NASA from 2006 through 2010. It authorizes NASA appropriations in excess of the President's budget request.

For fiscal year 2006, the President requested $16.456 billion, which is a 2.4 percent increase over the fiscal year 2005 NASA operating budget. Recently the Commerce, Justice, and Science Appropriations Subcommittee approved $16.4 billion for NASA. This bill authorizes $16.556 billion for fiscal year 2006, which is a 3 percent increase over the fiscal year 2005 NASA operating budget. This bill authorizes increases at a level of about 3 percent each year, consistently providing more funding than the President's budget projection.

Like many of our colleagues, Senator HUTCHISON and I believe that recent NASA budget requests have been below the levels required for NASA to perform its various missions effectively. Once this bill is enacted, we intend to work with the Appropriations Committee to ensure that adequate funds are provided for NASA to succeed.

This legislation authorizes NASA to return humans to the Moon, to explore it, and to maintain a human presence on the Moon. Consistent with the President's vision, it also requires using what we learn and develop on the Moon as a stepping stone to future exploration of Mars.

To carry out these missions, our bill requires NASA to develop an implementation plan for the transition from shuttle to crew exploration vehicle, CEV. The plan will help NASA to make a smooth transition from retirement of the space shuttle orbiters to the replacement spacecraft systems. The implementation plan will help make sure that we can keep the skills and the focus that are needed to assure that each space shuttle flight is safe through retirement of the orbiters, and to retain those personnel needed for the CEV and heavy-lift cargo spacecraft.

It is essential to our national security that we prevent any hiatus or gap in which the United States cannot send astronauts to space without relying on a foreign country. The Russians have been good partners in construction of the International Space Station, and the Soyuz spacecraft has been a reliable vehicle for our astronauts. But with all of the uncertainties in our relationship with Russia, we simply cannot allow ourselves the vulnerability of being totally dependent on the Soyuz. We need to maintain assured access to space by U.S. astronauts on a continuous basis. We therefore require in this legislation, that there not be a hiatus between the retirement of the space shuttle orbiters and the availability of the next generation U.S. human-rated spacecraft.

We have worked with NASA to address their concerns regarding the hiatus, and have crafted language that expresses our desire not to have a gap, and that NASA feels is suitable. We are aware of Dr. Griffin's efforts to reduce the potential for a gap and we appreciate the work that he is doing to accelerate the crew exploration vehicle.

Our bill directs NASA to plan for and consider a Hubble servicing mission after the two Space Shuttle Return to Flight missions have been completed.

Americans are inspired by the images that Hubble produces. The new instruments to be added during the SM–4 Hubble servicing mission will produce higher quality images; enable us to see further into space; and give scientists a better understanding of our universe's past, and perhaps of our future. The replacement gyroscopes and batteries that are planned for the mission will extend Hubble's life by 5 or more years.

This NASA authorization bill calls for utilization of the International Space Station for basic science as well as exploration science. It is important that we reap the benefits of our multi-billion dollar investment in the Space Station. The promise of some basic science research requires a micro-gravity or a space environment for us to better understand the problem that we are trying to solve. This bill ensures that NASA will maintain a focus on the importance of basic science.

In order to assure that we can meet our obligations with respect to the Space Station, the administration has requested that Congress modify the Iran Nonproliferation Act to ensure that we can continue to cooperate with the Russian Federation in this area. There may be periods when our only access to the Space Station will be on the Russian Soyuz spacecraft. But Russia's failure to cease all proliferation activities with respect to Iran has resulted in sanctions against Russia that would preclude such cooperation.

This bill directs NASA to improve its safety culture. According to the Columbia Accident Investigation Board, CAIB, report, the safety culture at NASA was as much a cause of the *Columbia* tragedy as the physical cause. Low- and mid-level personnel felt that you could not elevate safety concerns without reprisals, or being ignored. NASA has already taken significant steps to address these problems, but we need to assure that the safety culture improves as quickly as possible and that it continues to improve.

This legislation proposes that the Aerospace Safety Advisory Panel monitor and measure NASA's improvements to their safety culture, including employees' fear of reprisals for voicing concerns about safety.

It also contains policy regarding NASA's need to consider and implement lessons learned, in order to avoid another preventable tragedy like the *Challenger* and *Columbia* disasters.

This authorization bill addresses NASA aeronautics and America's preeminence in aviation. The Europeans

have stated their intent to dominate the airplane market by 2020. It is not in our national interest to let that occur.

We are calling on NASA to develop and demonstrate aviation technologies for reducing commercial aircraft noise levels at airports, making aircraft more fuel efficient, improving aircraft safety and security, and continuing the pursuit of revolutionary concepts such as hypersonic flight. Aeronautics is a very important function of NASA and needs to be continued and further developed. This bill calls on NASA to assure that at least 5 percent of the aeronautics budget is allocated for fundamental aeronautical research.

NASA has a new direction, and they have outstanding leadership in Dr. Michael Griffin.

We have an opportunity to authorize NASA for: implementing the Vision for Space Exploration; renewing our commitment to U.S. aviation and NASA aeronautics research; retaining or resurrecting very important science activities at NASA; and assuring that America has continuous human access to space.

By passing this legislation, we will continue to advance our national security, strengthen our economy, inspire the next generation of explorers, and fulfill our destiny as explorers.

Mr. STEVENS. Mr. President, passage of S. 1281, the NASA Authorization Act of 2005, is a milestone in our country's continued efforts to open and develop new frontiers.

One year after the Columbia space shuttle tragedy, President Bush gave us a bold, new vision for the future of space exploration. This legislation provides the framework we need to implement the President's vision.

The Moon is the strategic gateway to the rest of the solar system. It will ultimately be a critical point for many human endeavors. It will support economic growth, cutting-edge research and technology, and innovative partnerships.

This legislation also provides NASA with important guidance for its other missions. It outlines a national aeronautics policy, which will be developed by the administration. This policy will enable us to take into account emerging challenges in aeronautics research as we plan our investments going forward.

S. 1281 also calls for the implementation of a balanced space science program and highlights the need for better access to data which can meet local and national challenges.

This is a bipartisan bill which provides a solid foundation for our current and future space activities. I am pleased we are sustaining our longstanding commitment to space exploration.

Mr. GRAHAM. I ask unanimous consent that the Hutchison amendment at the desk be agreed to; the committee-reported amendments, as amended, if amended, be agreed to; the bill, as amended, be read a third time and passed; the motions 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 amendment (No. 1875) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendments were agreed to.

The bill (S. 1281), as amended, was read the third time and passed, as follows:

S. 1281

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 ''National Aeronautics and Space Administration Authorization Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—AUTHORIZATIONS

Sec. 101. Fiscal year 2006.
Sec. 102. Fiscal year 2007.
Sec. 103. Fiscal year 2008.
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Sec. 106. Evaluation criteria for budget request.

SUBTITLE B—GENERAL PROVISIONS

Sec. 131. Implementation of a science program that extends human knowledge and understanding of the Earth, sun, solar system, and the universe.
Sec. 132. Biennial reports to Congress on science programs.
Sec. 133. Status report on Hubble Space Telescope servicing mission.
Sec. 134. Develop expanded permanent human presence beyond low-Earth orbit.
Sec. 135. Ground-based analog capabilities.
Sec. 136. Space launch and transportation transition, capabilities, and development.
Sec. 137. National policy for aeronautics research and development.
Sec. 138. Identification of unique NASA core aeronautics research.
Sec. 139. Lessons learned and best practices.
Sec. 140. Safety management.
Sec. 141. Creation of a budget structure that aids effective oversight and management.
Sec. 142. Earth observing system.
Sec. 143. NASA healthcare program.
Sec. 144. Assessment of extension of data collection from Ulysses and Voyager spacecraft.
Sec. 145. Program to expand distance learning in rural underserved areas.
Sec. 146. Institutions in NASA'S minority institutions program.
Sec. 147. Aviation safety program.
Sec. 148. Atmospheric, geophysical, and rocket research authorization.
Sec. 149. Orbital debris.
Sec. 150. Continuation of certain educational programs.
Sec. 151. Establishment of the Charles ''Pete'' Conrad Astronomy Awards Program.
Sec. 152. GAO assessment of feasibility of Moon and Mars exploration missions.

SUBTITLE C—LIMITATIONS AND SPECIAL AUTHORITY

Sec. 161. Official representational fund.
Sec. 161. Facilities management.

TITLE II—INTERNATIONAL SPACE STATION

Sec. 201. International Space Station completion.
Sec. 202. Research and support capabilities on international Space Station.
Sec. 20d. National laboratory status for International Space Station.
Sec. 204. Commercial support of International Space Station operations and utilization.
Sec. 205. Use of the International Space Station and annual report.

TITLE III—NATIONAL SPACE TRANSPORTATION POLICY

Sec. 301. United States human-rated launch capacity assessment.
Sec. 302. Space Shuttle transition.
Sec. 303. Commercial launch vehicles.
Sec. 304. Secondary payload capability.

TITLE IV—ENABLING COMMERCIAL ACTIVITY

Sec. 401. Commercialization plan.
Sec. 402. Authority for competitive prize program to encourage development of advanced space and aeronautical technologies.
Sec. 403. Commercial goods and services.

TITLE V—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS

Sec. 501. Extension of indemnification authority.
Sec. 502. Intellectual property provisions.
Sec. 503. Retrocession of jurisdiction.
Sec. 504. Recovery and disposition authority.
Sec. 505. Requirement for independent cost analysis.
Sec. 506. Electronic access to business opportunities.
Sec. 507. Reports elimination.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) It is the policy of the United States to advance United States scientific, security, and economic interests through a healthy and active space exploration program.

(2) Basic and applied research in space science, Earth science, and aeronautics remain a significant part of the Nation's goals for the use and development of space. Basic research and development is an important component of NASA's program of exploration and discovery.

(3) Maintaining the capability to safely send humans into space is essential to United States national and economic security, United States preeminence in space, and inspiring the next generation of explorers. Thus, a gap in United States human space flight capability is harmful to the national interest.

(4) The exploration, development, and permanent habitation of the Moon will—

(A) inspire the Nation;

(B) spur commerce, imagination, and excitement around the world; and

(C) open the possibility of further exploration of Mars.

(5) The establishment of the capability for consistent access to and stewardship of the region between the Moon and Earth is in the national security and commercial interests of the United States.

(6) Commercial development of space, including exploration and other lawful uses, is in the interest of the United States and the international community at large.

(7) Research and access to capabilities to support a national laboratory facility within the United States segment of the ISS in low-

Earth orbit are in the national policy interests of the United States, including maintenance and development of an active and healthy stream of research from ground to space in areas that can uniquely benefit from access to this facility.

(8) NASA should develop vehicles to replace the Shuttle orbiter's capabilities for transporting crew and heavy cargo while utilizing the current program's resources, including human capital, capabilities, and infrastructure. Using these resources can ease the transition to a new space transportation system, maintain an essential industrial base, and minimize technology and safety risks.

[(9) The United States should remain the world leader in aeronautics and aviation. NASA should align its aerospace research to ensure United States leadership. A national effort is needed to assess NASA's aeronautics programs and infrastructure to allow a consolidated national approach that ensures efficiency and national preeminence in aeronautics and aviation.]

(9) The United States must remain the leader in aeronautics and aviation. Any erosion of this preeminence is not in the Nation's economic or security interest. NASA should align its aerospace leadership to ensure United States leadership. A national effort is needed to ensure that NASA's aeronautics programs are leading contributors to the Nation's civil and military aviation needs, as well as to its exploration capabilities.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(2) ISS.—The term ''ISS'' means the International Space Station.

(3) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(4) SHUTTLE-DERIVED VEHICLE.—The term ''shuttle-derived vehicle'' means any new space transportation vehicle, piloted or unpiloted, that—

(A) is capable of supporting crew or cargo missions; and

(B) uses a major component of NASA's Space Transportation System, such as the solid rocket booster, external tank, engine, and orbiter.

(5) IN-SITU RESOURCE UTILIZATION.—The term ''in-situ resource utilization'' means the technology or systems that can convert indigenous or locally-situated substances into useful materials and products.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

SEC. 101. FISCAL YEAR 2006.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2006, $16,556,400,000, as follows:

(1) For science, aeronautics and exploration, $9,661,000,000 for the following programs (including amounts for construction of facilities).

(2) For exploration capabilities, $6,863,000,000, (including amounts for construction of facilities), which shall be used for space operations, and out of which $100,000,000 shall be used for the purposes of section 202 of this Act.

(3) For the Office of Inspector General, $32,400,000.

SEC. 102. FISCAL YEAR 2007.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2007, $17,052,900,000, as follows:

(1) $10,549,800,000 for science, aeronautics and exploration (including amounts for construction of facilities).

(2) For exploration capabilities, $6,469,600,000, for the following programs (including amounts for construction of facilities), of which $6,469,600,000 shall be for space operations.

(3) For the Office of Inspector General, $33,500,000.

SEC. 103. FISCAL YEAR 2008.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2008, $17,470,900,000.

SEC. 104. FISCAL YEAR 2009.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2009, $17,995,000,000.

SEC. 105. FISCAL YEAR 2010.

There are authorized to be appropriated to the National Aeronautics and Space Administration, for fiscal year 2010, $18,534,900,000.

SEC. 106. EVALUATION CRITERIA FOR BUDGET REQUEST.

It is the sense of the Congress that each budget of the United States submitted to the Congress after the date of enactment of this Act should be evaluated for compliance with the findings and priorities established by this Act and the amendments made by this Act.

Subtitle B—General Provisions

SEC. 131. IMPLEMENTATION OF A SCIENCE PROGRAM THAT EXTENDS HUMAN KNOWLEDGE AND UNDERSTANDING OF THE EARTH, SUN, SOLAR SYSTEM, AND THE UNIVERSE.

The Administrator shall—

(1) conduct a rich and vigorous set of science activities aimed at better comprehension of the universe, solar system, and Earth, and ensure that the various areas within NASA's science portfolio are developed and maintained in a balanced and healthy [manner;] *manner, and, as part of this balanced science research program, provide, to the maximum extent feasible, continued support and funding for the Magnetospheric Multiscale Mission, SIM-Planet Quest, and Future Explorers programs, including determining whether these delayed missions and planned missions can be expedited to meet previous schedules;*

(2) plan projected Mars exploration activities in the context of planned lunar robotic precursor missions, ensuring the ability to conduct a broad set of scientific investigations and research around and on the Moon's surface;

(3) upon successful completion of the planned return-to-flight schedule of the Space Shuttle, determine the schedule for a Shuttle servicing mission to the Hubble Space Telescope, unless such a mission would compromise astronaut or safety or the integrity of NASA's other missions;

(4) ensure that, in implementing the provisions of this section, appropriate inter-agency and commercial collaboration opportunities are sought and utilized to the maximum feasible extent;

(5) seek opportunities to diversify the flight opportunities for scientific Earth science instruments and seek innovation in the development of instruments that would enable greater flight opportunities;

(6) develop a long term sustainable relationship with the United States commercial remote sensing industry, and, consistent with applicable policies and law, to the maximum practical extent, rely on their services;

(7) in conjunction with United States industry and universities, develop Earth science applications to enhance Federal, State, [local, regional, and tribal agencies] *local, and tribal governments* that use government and commercial remote sensing capabilities and other sources of geospatial information to address their needs; [and]

(8) plan, develop, and implement a near-Earth object survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth asteroids and comets in order to assess the threat of such near-Earth objects in impacting the [Earth.] *Earth; and*

(9) ensure that, of the amount expended for aeronautics, a significant portion is directed toward the Vehicle System Program, as much of the basic, long-term, high-risk, and innovative research in aeronautical disciplines is performed within that program.

SEC. 132. BIENNIAL REPORTS TO CONGRESS ON SCIENCE PROGRAMS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act and every 2 years thereafter, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science setting forth in detail—

(1) the findings and actions taken on NASA's assessment of the balance within its science portfolio and any efforts to adjust that balance among the major program areas, including the areas referred to in section 131;

(2) any activities undertaken by the Administration to conform with the Sun-Earth science and applications direction provided in section 131; and

(3) efforts to enhance near-Earth object detection and observation.

(b) EXTERNAL REVIEW FINDINGS.—The Administrator shall include in each report submitted under this section a summary of findings and recommendations from any external reviews of the Administration's science mission priorities and programs.

SEC. 133. STATUS REPORT ON HUBBLE SPACE TELESCOPE SERVICING MISSION.

Within 60 days after the landing of the second Space Shuttle mission for return-to-flight certification, the Administrator shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science a one-time status report on a Hubble Space Telescope servicing mission.

SEC. 134. DEVELOP EXPANDED PERMANENT HUMAN PRESENCE BEYOND LOW-EARTH ORBIT.

(a) IN GENERAL.—As part of the programs authorized under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.), the Administrator shall establish a program to develop a permanently sustained human presence on the Moon, in tandem with an extensive precursor program, to support security, commerce, and scientific pursuits, and as a stepping-stone to future exploration of Mars. The Administrator is further authorized to develop and conduct international collaborations in pursuit of these goals, as appropriate.

(b) REQUIREMENTS.—In carrying out this section, the Administrator shall—

(1) implement an effective exploration technology program that is focused around the key needs to support lunar human and robotic operations;

(2) as part of NASA's annual budget submission, submit to the Congress the detailed mission, schedule, and budget for key lunar mission-enabling technology areas, including areas for possible innovative governmental and commercial activities and partnerships;

(3) as part of NASA's annual budget submission, submit to the Congress a plan for NASA's lunar robotic precursor and technology programs, including current and planned technology investments and scientific research that support the lunar program; and

(4) conduct an intensive in-situ resource utilization technology program in order to develop the capability to use space resources to increase independence from Earth, and sustain exploration beyond low-Earth orbit.

SEC. 135. GROUND-BASED ANALOG CAPABILITIES.

(a) IN GENERAL.—The Administrator shall establish a ground-based analog capability in remote United States locations in order to assist in the development of lunar operations, life support, and in-situ resource utilization experience and capabilities.

(b) LOCATIONS.—The Administrator shall select locations for subsection (a) in places that—

(1) are regularly accessible;

(2) have significant temperature extremes and range; and

(3) have access to energy and natural resources (including geothermal, permafrost, volcanic, and other potential resources).

(c) INVOLVEMENT OF LOCAL POPULATIONS; PRIVATE SECTOR PARTNERS.—In carrying out this section, the Administrator shall involve local populations, academia, and industrial partners as much as possible to ensure that ground-based benefits and applications are encouraged and developed.

SEC. 136. SPACE LAUNCH AND TRANSPORTATION TRANSITION, CAPABILITIES, AND DEVELOPMENT.

(a) POST-ORBITER TRANSITION.—The Administrator shall develop an implementation plan for the transition to a new crew exploration vehicle and heavy-lift launch vehicle that uses the personnel, capabilities, assets, and infrastructure of the Space Shuttle to the fullest extent possible and addresses how NASA will accommodate the docking of the crew exploration vehicle to the ISS.

(b) AUTOMATED RENDEZVOUS AND DOCKING.—The Administrator is directed to pursue aggressively automated rendezvous and docking capabilities that can support ISS and other mission requirements and include these activities, progress reports, and plans in the implementation plan.

(c) CONGRESSIONAL SUBMISSION.—Within 120 days after the date of enactment of this Act the Administrator shall submit a copy of the implementation plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC. 137. NATIONAL POLICY FOR AERONAUTICS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The President, through the Director of the Office of Science and Technology Policy, shall develop, in consultation with NASA and other relevant Federal agencies, a national aeronautics policy to guide the aeronautics programs of the United States through the year 2020. *The development of this policy shall utilize external studies that have been conducted on the state of United States aeronautics and aviation research and have suggested policies to ensure continued competitiveness.*

(b) CONTENT.—At a minimum the national aeronautics policy shall describe—

(1) national goals for aeronautics research;

(2) the priority areas of research for aeronautics through fiscal year 2011;

(3) the basis of which and the process by which priorities for ensuing fiscal years will be selected; and

(4) respective roles and responsibilities of various Federal agencies in aeronautics research.

[(c) NATIONAL ASSESSMENT OF AERONAUTICS INFRASTRUCTURE AND CAPABILITIES.—In developing the national aeronautics policy, the President, through the Director of the Office of Science and Technology Policy, shall conduct a national study of government-owned aeronautics research infrastructure to assess—

[(1) uniqueness, mission dependency, and industry need; and

[(2) the development or initiation of a consolidated national aviation research, development, and support organization.

[(d)] *(c)* SCHEDULE.—No later than 1 year after the date of enactment of this Act, the President's Science Advisor and the Administrator shall submit the national aeronautics policy to the Appropriations Committees of the House of Representatives and the Senate, the House Committee on Science, and the Senate Committee on Commerce, Science, and Transportation.

SEC. 138. IDENTIFICATION OF UNIQUE NASA CORE AERONAUTICS RESEARCH.

Within 180 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science that assesses the aeronautics research program for its current and potential application to new aeronautic and space vehicles and the unique aeronautical research and associated capabilities that must be retained and supported by NASA to further space exploration and support United States economic competitiveness.

SEC 139. LESSONS LEARNED AND BEST PRACTICES

(a) IN GENERAL.—The Administrator shall provide an implementation plan describing NASA's approach for obtaining, implementing, and sharing lessons learned and best practices for its major programs and projects within 180 days after the date of enactment of this Act. The implementation plan shall be updated and maintained to assure that it is current and consistent with the burgeoning culture of learning and safety that is emerging at NASA.

(b) REQUIRED CONTENT.—The implementation plan shall contain as a minimum the lessons learned and best practices requirements for NASA, the organizations or positions responsible for enforcement of the requirements, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

(c) INCENTIVES.—The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and programs; as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

SEC. 140. SAFETY MANAGEMENT.

Section 6 of the National Aeronautics and Space Administration Authorization Act, 1968 (42 U.S.C. 2477) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''There'';

(2) by striking ''to it'' and inserting ''to it, including evaluating NASA's compliance with the return-to-flight and continue-to-fly recommendations of the Columbia Accident Investigation Board,'';

(3) by inserting ''and the Congress'' after ''advise the Administrator'';

(4) by striking ''and with respect to the adequacy of proposed or existing safety standards and shall'' and inserting ''with respect to the adequacy of proposed or existing safety standards, and with respect to management and culture. The Panel shall also''; and

(5) by adding at the end the following:

''(b) ANNUAL REPORT.—The Panel shall submit an annual report to the Administrator and to the Congress. In the first annual report submitted after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005, the Panel shall include an evaluation of NASA's safety management culture.

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

''(1) ensure that NASA employees can raise safety concerns without fear of reprisal;

''(2) continue to follow the recommendations of the Columbia Accident Investigation Board for safely returning and continuing to fly; and

''(3) continue to inform the Congress from time to time of NASA's progress in meeting those recommendations.''.

SEC. 141. CREATION OF A BUDGET STRUCTURE THAT AIDS EFFECTIVE OVERSIGHT AND MANAGEMENT.

In developing NASA's budget request for inclusion in the Budget of the United States for fiscal year 2007 and thereafter, the Administrator shall—

(1) include line items for—

(A) science, aeronautics, and exploration;

(B) exploration capabilities; and

(C) the Office of the Inspector General;

(2) enumerate separately, within the science, aeronautics, and exploration account, the requests for—

(A) space science;

(B) Earth science; and

(C) aeronautics;

(3) include, within the exploration capabilities account, the requests for—

(A) the Space Shuttle; and

(B) the ISS; and

(4) enumerate separately the specific request for the independent technical authority within the appropriate account.

SEC. 142. EARTH OBSERVING SYSTEM.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Director of the United States Geological Survey, shall submit a plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science to ensure the long-term vitality of the earth observing system at NASA.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) address such issues as—

(A) out-year budgetary projections;

(B) technical requirements for the system; and

(C) integration into the Global Earth Observing System of Systems; and

(2) evaluate—

(A) the need to proceed with any NASA missions that have been delayed or canceled;

(B) plans for transferring needed capabilities from some canceled or de-scoped missions to the National Polar-orbiting Environmental Satellite System;

(C) the technical base for exploratory earth observing [systems;] *systems, including new satellite architectures and instruments that enable global coverage, all-weather, day and night imaging of the Earth's surface features;*

(D) the need to strengthen research and analysis programs; and

(E) the need to strengthen the approach to obtaining important climate observations and data records.

(c) EARTH OBSERVING SYSTEM DEFINED.—In this section, the term ''earth observing system'' means the series of satellites, a science component, and a data system for long-term global observations of the land surface, biosphere, solid Earth, atmosphere, and oceans.

SEC. 143. NASA HEALTHCARE PROGRAM.

The Administrator shall develop policies, procedures, and plans necessary for—

(1) the establishment of a lifetime healthcare program for NASA astronauts and their families; and

(2) the study and analysis of the healthcare data obtained in order to understand the longitudinal health effects of space flight on humans better.

SEC. 144. ASSESSMENT OF EXTENSION OF DATA COLLECTION FROM ULYSSES AND VOYAGER SPACECRAFT.

(a) ASSESSMENT.—Not later than 60 days after the date of the enactment of this Act, the Administrator shall carry out an assessment of the costs and benefits of extending, to such date as the Administrator considers appropriate for purposes of the assessment, the date of the termination of data collection from the Ulysses spacecraft and the Voyager spacecraft.

(b) REPORT.—Not later than 30 days after completing the assessment required by subsection (a), the Administrator shall submit a report on the assessment to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC. 145. PROGRAM TO EXPAND DISTANCE LEARNING IN RURAL UNDERSERVED AREAS.

(a) IN GENERAL.—The Administrator shall develop or expand programs to extend science and space educational outreach to rural communities and schools through video conferencing, interpretive exhibits, teacher education, classroom presentations, and student field trips.

(b) PRIORITIES.—In carrying out subsection (a), the Administrator shall give priority to existing programs, includng Challenger Learning Centers—

(1) that utilize community-based partnerships in the field;

(2) that build and maintain video conference and exhibit capacity;

(3) that travel directly to rural communities and serve low-income populations; and

(4) with a special emphasis on increasing the number of women and minorities in the science and engineering professions.

SEC. 146. INSTITUTIONS IN NASA'S MINORITY INSTITUTIONS PROGRAM.

The matter appearing under the heading ''SMALL AND DISADVANTAGED BUSINESS'' in title III of the Departments of Veterans Affairs and House and Urban Development, and Independent Agencies Appropriations Act, 1990 (42 U.S.C. 2473b; 103 Stat. 863) is amended by striking ''Historically Black Colleges and Universities and'' and inserting ''Historically Black Colleges and Universities that are part B institutions (as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), Hispanic-serving institutions (as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5)), Tribal Colleges or Universities (as defined in section 316(b)(3) of that Act (20 U.S.C. 1059c(b)(3)), Alaskan Native-serving institutions (as defined in section 317(b)(2) of that Act (20 U.S.C. 1059d)(b)(2)), Native Hawaiian-serving institutions (as defined in section 317(b)(4) of that Act (20 U.S.C. 1059d(b)(4)), and''.

SEC. 147. AVIATION SAFETY PROGRAM.

The Administrator shall make available upon request satellite imagery of remote terrain to the Administrator of the Federal Aviation Administration, or the Director of the Five Star Medallion Program, for aviation safety and aerial photography programs to assist and train pilots in navigating challenging topographical features of such terrain.

SEC. 148. ATMOSPHERIC, GEOPHYSICAL, AND ROCKET RESEARCH AUTHORIZATION.

There are authorized to be appropriated to the Administrator for atmospheric, geophysical, or rocket research at the Poker Flat Research Range and the Kodiak Launch Complex, not more than $1,000,000 for each of fiscal years 2006 through 2010.

SEC. 149. ORBITAL DEBRIS.

The Administrator, in conjunction with the heads of other Federal agencies, shall take steps to develop or acquire technologies that will enable NASA to decrease the risks associated with orbital debris.

SEC. 150. CONTINUATION OF CERTAIN EDUCATIONAL PROGRAMS.

From amounts appropriated to NASA for educational programs, the Administrator shall ensure continuation of the Space Grant Program, the Experimental Program to Stimulate Competitive Research, and the NASA Explorer School to motivate and develop the next generation of explorers.

SEC. 151. ESTABLISHMENT OF THE CHARLES "PETE" CONRAD ASTRONOMY AWARDS PROGRAM.

(a) IN GENERAL.—The Administrator shall establish a program to be known as the Charles ''Pete'' Conrad Astronomy Awards Program.

(b) AWARDS.—The Administrator shall make an annual award under the program of—

(1) $3,000 to the amateur astronomer or group of amateur astronomers who in the preceding calendar year discovered the intrinsically brightest near-Earth asteroid among the near-Earth asteroids that were discovered during that year by amateur astronomers or groups of amateur astronomers; and

(2) $3,000 to the amateur astronomer or group of amateur astronomers who made the greatest contribution to the Minor Planet Center's mission of cataloging near-Earth asteroids during the preceding year.

(c) QUALIFICATION FOR AWARD.—

(1) RECOMMENDATION.—These awards shall be made based on the recommendation of the Minor Planet Center of the Smithsonian Astrophysical Observatory.

(2) LIMITATION.—No individual who is not a citizen or permanent resident of the United States at the time of that individual's discovery or contribution may receive an award under this program.

SEC. 152. GAO ASSESSMENT OF FEASIBILITY OF MOON AND MARS EXPLORATION MISSIONS.

Within 9 months after the date of enactment of this Act, the Comptroller General shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science an assessment of the feasibility of NASA's planning for exploration of the Moon and Mars, giving special consideration to the long-term cost implications of program architecture and schedules.

Subtitle C—Limitations and Special Authority

SEC. 161. OFFICIAL REPRESENTATIONAL FUND.

Amounts appropriated pursuant to paragraphs (1) and (2) of section 101 may be used, but not to exceed $70,000, for official reception and representation expenses.

SEC. 162. FACILITIES MANAGEMENT.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may convey, by sale, lease, exchange, or otherwise, including through leaseback arrangements, real and related personal property under the custody and control of the Administration, or interests therein, and retain the net proceeds of such dispositions in an account within NASA's working capital fund to be used for NASA's real property capital needs. All net proceeds realized under this section shall be obligated or expended only as authorized by appropriations Acts. To aid in the use of this authority, NASA shall develop a facilities investment plan that takes into account uniqueness, mission dependency, and other studies required by this Act.

(b) APPLICATION OF OTHER LAW.—Sales transactions under this section are subject to section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).

(c) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the House of Representatives Committee on Science and the Senate Committee on Commerce, Science, and Transportation.

(d) DEFINITIONS.—In this section:

(1) NET PROCEEDS.—The term ''net proceeds'' means the rental and other sums received less the costs of the disposition.

(2) REAL PROPERTY CAPITAL NEEDS.—The term ''real property capital needs'' means any expenses necessary and incident to the agency's real property capital acquisitions, improvements, and dispositions.

TITLE II—INTERNATIONAL SPACE STATION

SEC. 201. INTERNATIONAL SPACE STATION COMPLETION.

(a) ELEMENTS, CAPABILITIES, AND CONFIGURATION CRITERIA.—The Administrator shall ensure that the ISS will be able to—

(1) fulfill international partner agreements and provide a diverse range of research capacity, including a high rate of human biomedical research protocols, countermeasures, applied bio-technologies, technology and exploration research, and other priority areas;

(2) have an ability to support crew size of at least 6 persons;

(3) support crew exploration vehicle docking and automated docking of cargo vehicles or modules launched by either heavy-lift or commercially-developed launch vehicles; and

(4) be operated at an appropriate risk level.

(b) CONTINGENCY PLAN.—The transportation plan to support ISS shall include contingency options to ensure sufficient logistics and on-orbit capabilities to support any potential hiatus between Space Shuttle availability and follow-on crew and cargo systems, and provide sufficient pre-positioning of spares and other supplies needed to accommodate any such hiatus.

(c) CERTIFICATION.—Within [180] *60* days after the date of enactment of this Act, and before making any change in the ISS assembly sequence in effect on the date of enactment of this Act, the Administrator shall certify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science NASA's plan to meet the requirements of subsections (a) and (b).

(d) COST LIMITATION FOR THE ISS.—Within 6 months after the date of enactment of this Act, the Administrator shall submit to the Congress information pertaining to the impact of the Columbia accident and the implementation of full cost accounting on the development costs of the International Space Station. The Administrator shall also identify any statutory changes needed to section 202 of the NASA Authorization Act of 2000 to address those impacts.

SEC. 202. RESEARCH AND SUPPORT CAPABILITIES ON INTERNATIONAL SPACE STATION.

(a) IN GENERAL.—The Administrator shall—

(1) within 60 days after the date of enactment of this Act, provide an assessment of biomedical and life science research planned for implementation aboard the ISS that includes the identification of research which can be performed in ground-based facilities and then, if appropriate, validated in space to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science;

(2) ensure the capacity to support ground-based research leading to spaceflight of scientific research in a variety of disciplines with potential direct national benefits and applications that can advance significantly from the uniqueness of micro-gravity;

(3) restore and protect such potential ISS research activities as molecular crystal growth, animal research, basic fluid physics,

combustion research, cellular biotechnology, low temperature physics, and cellular research at a level which will sustain the existing scientific expertise and research capabilities until such time as additional funding or resources from sources other than NASA can be identified to support these activities within the framework of the National Laboratory provided for in section 203 of this Act; and

(4) within 1 year after the date of enactment of this Act, develop a research plan that will demonstrate the process by which NASA will evolve the ISS research portfolio in a manner consistent with the planned growth and evolution of ISS on-orbit and transportation capabilities.

(b) MAINTENANCE OF ON-ORBIT ANALYTICAL CAPABILITIES.—The Administrator shall ensure that on-orbit analytical capabilities to support diagnostic human research, as well as on-orbit characterization of molecular crystal growth, cellular research, and other research products and results are developed and maintained, as an alternative to Earth-based analysis requiring the capability of returning research products to Earth.

(c) ASSESSMENT OF POTENTIAL SCIENTIFIC USES.—The Administrator shall assess further potential possible scientific uses of the ISS for other applications, such as technology development, development of manufacturing processes, Earth observation and characterization, and astronomical observations.

(d) TRANSITION TO PUBLIC-PRIVATE RESEARCH OPERATIONS.—By no later than the date on which the assembly of the ISS is complete (as determined by the Administrator), the Administrator shall initiate steps to transition research operations on the ISS to a greater private–public operating relationship pursuant to section 203 of this Act.

SEC. 203. NATIONAL LABORATORY STATUS FOR INTERNATIONAL SPACE STATION.

(a) IN GENERAL.—In order to accomplish the objectives listed in section 202, the United States segment of the ISS is hereby designated a national laboratory facility. The Administrator, after consultation with the Director of the Office of Science and Technology Policy, shall develop the national laboratory facility to oversee scientific utilization of an ISS national laboratory within the organizational structure of NASA.

(b) NATIONAL LABORATORY FUNCTIONS.—The Administrator shall seek to use the national laboratory to increase the utilization of the ISS by other national and commercial users and to maximize available NASA funding for research through partnerships, cost-sharing agreements, and arrangements with non-NASA entities.

(c) IMPLEMENTATION PLAN.—Within 1 year after the date of enactment of this Act, the Administrator shall provide an implementation plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science for establishment of the ISS national laboratory facility which, at a minimum, shall include—

(1) proposed on-orbit laboratory functions;

(2) proposed ground-based laboratory facilities;

(3) detailed laboratory management structure, concept of operations, and operational feasibility;

(4) detailed plans for integration and conduct of ground and space-based research operations;

(5) description of funding and workforce resource requirements necessary to establish and operate the laboratory;

(6) plans for accommodation of existing international partner research obligations and commitments; and

(7) detailed outline of actions and timeline necessary to implement and initiate operations of the laboratory.

(d) U.S. SEGMENT DEFINED.—In this section the term ''United States Segment of the ISS'' means those elements of the ISS manufactured—

(1) by the United States; or

(2) for the United States by other nations in exchange for funds or launch services.

SEC. 204. COMMERCIAL SUPPORT OF INTERNATIONAL SPACE STATION OPERATIONS AND UTILIZATION.

The Administrator shall purchase commercial services for support of the ISS for cargo and other [needs] *needs, and for enhancement of the capabilities of the ISS,* to the maximum extent possible, in accordance with Federal procurement law.

SEC. 205. USE OF THE INTERNATIONAL SPACE STATION AND ANNUAL REPORT.

(a) POLICY.—It is the policy of the United States—

(1) to ensure diverse and growing utilization of benefits from the ISS; and

(2) to increase commercial operations in low-Earth orbit and beyond that are supported by national and commercial space transportation capabilities.

(b) USE OF INTERNATIONAL SPACE STATION.—The Administrator shall conduct broadly focused scientific and exploration research and development activities using the ISS in a manner consistent with the provisions of this title, and advance the Nation's exploration of the Moon and beyond, using the ISS as a test-bed and outpost for operations, engineering, and scientific research.

(c) REPORTS.—No later than March 31 of each year the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the use of the ISS for these purposes, with implementation milestones and associated results.

TITLE III—NATIONAL SPACE TRANSPORTATION POLICY

SEC. 301. UNITED STATES HUMAN-RATED LAUNCH CAPACITY ASSESSMENT.

Notwithstanding any other provision of law, the Administrator shall, within 60 days after the date of enactment of this Act, provide to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science, a full description of the transportation requirements needed to support the space launch and transportation transition implementation plan required by section 136 of this Act, as well as for the ISS, including—

(1) the manner in which the capabilities of any proposed human-rated crew and launch vehicles meet the requirements of the implementation plan under section 136 of this Act;

(2) a retention plan of skilled personnel from the legacy Shuttle program which will sustain the level of safety for that program through the final flight and transition plan that will ensure that any NASA programs can utilize the human capital resources of the Shuttle program, to the maximum extent practicable;

(3) the implications for and impact on the Nation's aerospace industrial base;

(4) the manner in which the proposed vehicles contribute to a national mixed fleet launch and flight capacity;

(5) the nature and timing of the transition from the Space Shuttle to the workforce, the proposed vehicles, and any related infrastructure;

(6) support for ISS crew transportation, ISS utilization, and lunar exploration architecture;

(7) for any human rated vehicle, a crew escape system, as well as substantial protection against orbital debris strikes that offers a high level of safety;

(8) development risk areas;

(9) the schedule and cost;

(10) the relationship between crew and cargo capabilities; and

(11) the ability to reduce risk through the use of currently qualified hardware.

SEC. 302. SPACE SHUTTLE TRANSITION.

(a) IN GENERAL.—In order to ensure continuous human access to space, the Administrator may not retire the Space Shuttle orbiter until a replacement human-rated spacecraft system has demonstrated that it can take humans into Earth orbit and return them safely, except as may be provided by law enacted after the date of enactment of this Act. The Administrator shall conduct the transition from the Space Shuttle orbiter to a replacement capability in a manner that uses the personnel, capabilities, assets, and infrastructure of the current Space Shuttle program to the maximum extent feasible.

(b) REPORT.—After providing the information required by section 301 to the Committees, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science containing a detailed and comprehensive Space Shuttle transition plan that includes any necessary recertification, including requirements, assumptions, and milestones, in order to utilize the Space Shuttle orbiter beyond calendar year 2010.

(c) CONTRACT TERMINATIONS; VENDOR REPLACEMENTS.—The Administrator may not terminate any contracts nor replace any vendors associated with the Space Shuttle until the Administrator transmits the report required by subsection (b) to the Committees.

SEC. 303. COMMERCIAL LAUNCH VEHICLES.

It is the sense of Congress that the Administrator should use current and emerging commercial launch vehicles to fulfill appropriate mission needs, including the support of low-Earth orbit and lunar exploration operations.

SEC. 304. SECONDARY PAYLOAD CAPABILITY.

In order to help develop a cadre of experienced engineers and to provide more routine and affordable access to space, the Administrator shall provide the capabilities to support secondary payloads on United States launch vehicles, including free flyers, for satellites or scientific payloads weighing less than 500 kilograms.

TITLE IV—ENABLING COMMERCIAL ACTIVITY

SEC. 401. COMMERCIALIZATION PLAN.

(a) IN GENERAL.—The Administrator, in consultation with the Associate Administrator for Space Transportation of the Federal Aviation Administration, the Director of the Office of Space Commercialization of the Department of Commerce, and any other relevant agencies, shall develop a commercialization plan to support the human missions to the Moon and Mars, to support Low-Earth Orbit activities and Earth science mission and applications, and to transfer science research and technology to society. The plan shall identify opportunities for the private sector to participate in the future missions and activities, including opportunities for partnership between NASA and the private sector in the development of technologies and [services.] *services, shall emphasize the utilization by NASA of advancements made by the private sector in space launch and orbital hardware, and shall include opportunities for innovative collaborations between NASA and the private sector under existing authorities of NASA for reimbursable and non-reimbursable*

agreements under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.).

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Administrator shall submit a copy of the plan to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science.

SEC. 402. AUTHORITY FOR COMPETITIVE PRIZE PROGRAM TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

Title III of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end the following:

''SEC. 316. PROGRAM ON COMPETITIVE AWARD OF PRIZES TO ENCOURAGE DEVELOPMENT OF ADVANCED SPACE AND AERONAUTICAL TECHNOLOGIES.

''(a) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Administrator may carry out a program to award prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the space and aeronautical activities of the Administration.

''(2) USE OF PRIZE AUTHORITY.—In carrying out the program, the Administrator shall seek to develop and support technologies and areas identified in section 134 of this Act or other areas that the Administrator determines to be providing impetus to NASA's overall exploration and science architecture and plans, such as private efforts to detect near Earth objects and, where practicable, utilize the prize winner's technologies in fulfilling NASA's missions. The Administrator shall widely advertise any competitions conducted under the program and must include advertising to research universities.

''(3) COORDINATION.—The program shall be implemented in compliance with section 138 of the National Aeronautics and Space Administration Authorization Act of 2005.

''(b) PROGRAM REQUIREMENTS.—

''(1) COMPETITIVE PROCESS.—Recipients of prizes under the program under this section shall be selected through one or more competitions conducted by the Administrator.

''(2) ADVERTISING.—The Administrator shall widely advertise any competitions conducted under the program.

''(c) REGISTRATION; ASSUMPTION OF RISK.—

''(1) REGISTRATION.—Each potential recipient of a prize in a competition under the program under this section shall register for the competition.

''(2) ASSUMPTION OF RISK.—In registering for a competition under paragraph (1), a potential recipient of a prize shall assume any and all risks, and waive claims against the United States Government and its related entities, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in the competition, whether such injury, death, damage, or loss arises through negligence or otherwise, except in the case of willful misconduct.

''(3) RELATED ENTITY DEFINED.—In this subsection, the term 'related entity' includes a contractor or subcontractor at any tier, a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

''(d) LIMITATIONS.—

''(1) TOTAL AMOUNT.—The total amount of cash prizes available for award in competitions under the program under this section in any fiscal year may not exceed $50,000,000.

''(2) APPROVAL REQUIRED FOR LARGE PRIZES.—No competition under the program may result in the award of more than $1,000,000 in cash prizes without the approval of the Administrator or a designee of the Administrator.

''(e) RELATIONSHIP TO OTHER AUTHORITY.—The Administrator may utilize the authority in this section in conjunction with or in addition to the utilization of any other authority of the Administrator to acquire, support, or stimulate basic and applied research, technology development, or prototype demonstration projects.

''(f) AVAILABILITY OF FUNDS.—Funds appropriated for the program authorized by this section shall remain available until expended.''.

SEC. 403. COMMERCIAL GOODS AND SERVICES.

It is the sense of the Congress that NASA should purchase commercially available space goods and services to the fullest extent feasible in support of the human missions beyond Earth and should encourage commercial use and development of space to the greatest extent practicable.

TITLE V—MISCELLANEOUS ADMINISTRATIVE IMPROVEMENTS

SEC. 501. EXTENSION OF INDEMNIFICATION AUTHORITY.

Section 309 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458c) is amended by striking ''December 31, 2002'' and inserting ''December 31, 2007'', and by striking ''September 30, 2005'' and inserting ''December 31, 2009''.

SEC. 502. INTELLECTUAL PROPERTY PROVISIONS.

Section 305 of the National Aeronautics and Space Act of [1958, as amended (42 U.S.C. 2457 et seq.),] *1958 (42 U.S.C. 2457)* is amended by inserting after subsection (f) the following:

''(g) ASSIGNMENT OF PATENT RIGHTS, ETC.—

''(1) IN GENERAL.—Under agreements entered into pursuant to paragraph (5) or (6) of section 203(c) of this Act (42 U.S.C. 2473(c)(5) or (6)), the Administrator may—

''(A) grant or agree to grant in advance to a participating party, patent licenses or assignments, or options thereto, in any invention made in whole or in part by an Administration employee under the agreement; or

''(B) subject to section 209 of title 35, grant a license to an invention which is Federally owned, for which a patent application was filed before the signing of the agreement, and directly within the scope of the work under the agreement, for reasonable compensation when appropriate.

''(2) EXCLUSIVITY.—The Administrator shall ensure, through such agreement, that the participating party has the option to choose an exclusive license for a pre-negotiated field of use for any such invention under the agreement or, if there is more than 1 participating party, that the participating parties are offered the option to hold licensing rights that collectively encompass the rights that would be held under such an exclusive license by one party.

''(3) CONDITIONS.—In consideration for the Government's contribution under the agreement, grants under this subsection shall be subject to the following explicit conditions:

''(A) A nonexclusive, nontransferable, irrevocable, paid-up license from the participating party to the Administration to practice the invention or have the invention practiced throughout the world by or on behalf of the Government. In the exercise of such license, the Government shall not publicly disclose trade secrets or commercial or financial information that is privileged or confidential within the meaning of section 552 (b)(4) of title 5, United States Code, or which would be considered as such if it had been obtained from a non-Federal party.

''(B) If the Administration assigns title or grants an exclusive license to such an invention, the Government shall retain the right—

''(i) to require the participating party to grant to a responsible applicant a nonexclusive, partially exclusive, or exclusive license to use the invention in the applicant's licensed field of use, on terms that are reasonable under the circumstances; or

''(ii) if the participating party fails to grant such a license, to grant the license itself.

''(C) The Government may exercise its right retained under subparagraph (B) only in exceptional circumstances and only if the Government determines that—

''(i) the action is necessary to meet health or safety needs that are not reasonably satisfied by the participating party;

''(ii) the action is necessary to meet requirements for public use specified by Federal regulations, and such requirements are not reasonably satisfied by the participating party; or

''(iii) the action is necessary to comply with an agreement containing provisions described in section 12(c)(4)(B) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(4)(B)).

''(4) APPEAL AND REVIEW OF DETERMINATION.—A determination under paragraph (3)(C) is subject to administrative appeal and judicial review under section 203(b) of title 35, United States Code.''.

SEC. 503. RETROCESSION OF JURISDICTION.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 502 of this Act, is further amended by adding at the end the following:

''SEC. 317. RETROCESSION OF JURISDICTION.

''Notwithstanding any other provision of law, the Administrator may, whenever the Administrator considers it desirable, relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under the Administrator's control in that State. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide.''.

SEC. 504. RECOVERY AND DISPOSITION AUTHORITY.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 603 of this Act, is further amended by adding at the end the following:

''SEC. 318. RECOVERY AND DISPOSITION AUTHORITY.

''(a) IN GENERAL.—

''(1) CONTROL OF REMAINS.—Subject to paragraph (2), when there is an accident or mishap resulting in the death of a crewmember of a NASA human space flight vehicle, the Administrator may take control over the remains of the crewmember and order autopsies and other scientific or medical tests.

''(2) TREATMENT.—Each crewmember shall provide the Administrator with his or her preferences regarding the treatment accorded to his or her remains and the Administrator shall, to the extent possible, respect those stated preferences.

''(b) DEFINITIONS.—In this section:

''(1) CREWMEMBER.—The term 'crewmember' means an astronaut or other person assigned to a NASA human space flight vehicle.

''(2) NASA HUMAN SPACE FLIGHT VEHICLE.—The term 'NASA human space flight vehicle' means a space vehicle, as defined in section 308(f)(1), that—

''(A) is intended to transport 1 or more persons;

''(B) designed to operate in outer space; and

''(C) is either owned by NASA, or owned by a NASA contractor or cooperating party and operated as part of a NASA mission or a joint mission with NASA.''.

SEC. 505. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

Section 301 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2459g) amended—

(1) by striking ''Phase B'' in subsection (a) and inserting ''implementation'';

[(2) by striking ''$150,000,000'' in subsection (a) and inserting ''$250,.000,000'';]

[(3)] *(2)* by striking ''Chief Financial Officer'' each place it appears in subsection (a) and inserting ''Administrator'';

[(4)] *(3)* by inserting ''and consider'' in subsection (a) after ''shall conduct''; and

[(5)] *(4)* by striking subsection (b) and inserting the following:

''(b) IMPLEMENTATION DEFINED.—In this section, the term 'implementation' means all activity in the life cycle of a program or project after preliminary design, independent assessment of the preliminary design, and approval to proceed into implementation, including critical design, development, certification, launch, operations, disposal of assets, and, for technology programs, development, testing, analysis and communication of the results to the customers.''.

SEC. 506. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 604 of this Act, is further amended by adding at the end the following:

''SEC. 319. ELECTRONIC ACCESS TO BUSINESS OPPORTUNITIES.

''(a) IN GENERAL.—The Administrator may implement a pilot program providing for reduction in the waiting period between publication of notice of a proposed contract action and release of the solicitation for procurements conducted by the National Aeronautics and Space Administration.

''(b) APPLICABILITY.—The program implemented under subsection (a) shall apply to non-commercial acquisitions—

''(1) with a total value in excess of $100,000 but not more than $5,000,000, including options;

''(2) that do not involve bundling of contract requirements as defined in section 3(o) of the Small Business Act (15 U.S.C. 632(o)); and

''(3) for which a notice is required by section 8(e) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)).

''(c) NOTICE.—

''(1) Notice of acquisitions subject to the program authorized by this section shall be made accessible through the single Government-wide point of entry designated in the Federal Acquisition Regulation, consistent with section 30(c)(4) of the Office of Federal Procurement Policy Act (41 U.S.C. 426(c)(4)).

''(2) Providing access to notice in accordance with paragraph (1) satisfies the publication requirements of section 8(e) of the Small Business Act (15 U.S.C. 637(e)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)).

''(d) SOLICITATION.—Solicitations subject to the program authorized by this section shall be made accessible through the Government-wide point of entry, consistent with requirements set forth in the Federal Acquisition Regulation, except for adjustments to the wait periods as provided in subsection (e).

''(e) WAIT PERIOD.—

''(1) Whenever a notice required by section 8(e)(1)(A) of the Small Business Act (15 U.S.C. 637(e)(1)(A)) and section 18(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)) is made accessible in accordance with subsection (c) of this section, the wait period set forth in section 8(e)(3)(A) of the Small Business Act (15 U.S.C. 637(e)(3)(A)) and section 18(a)(3)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(A)), shall be reduced by 5 days. If the solicitation applying to that notice is accessible electronically in accordance with subsection (d) simultaneously with issuance of the notice, the wait period set forth in section 8(e)(3)(A) of the Small Business Act (15 U.S.C. 637(e)(3)(A)) and section 18(a)(3)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(A)) shall not apply and the period specified in section 8(e)(3)(B) of the Small Business Act and section 18(a)(3)(B) of the Office of Federal Procurement Policy Act for submission of bids or proposals shall begin to run from the date the solicitation is electronically accessible.

''(2) When a notice and solicitation are made accessible simultaneously and the wait period is waived pursuant to paragraph (1), the deadline for the submission of bids or proposals shall be not less than 5 days greater than the minimum deadline set forth in section 8(e)(3)(B) of the Small Business Act (15 U.S.C. 637(e)(3)(B)) and section 18(a)(3)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(3)(B)).

''(f) IMPLEMENTATION.—

''(1) Nothing in this section shall be construed as modifying regulatory requirements set forth in the Federal Acquisition Regulation, except with respect to—

''(A) the applicable wait period between publication of notice of a proposed contract action and release of the solicitation; and

''(B) the deadline for submission of bids or proposals for procurements conducted in accordance with the terms of this pilot program.

''(2) This section shall not apply to the extent the President determines it is inconsistent with any international agreement to which the United States is a party.

''(g) STUDY.—Within 18 months after the effective date of the program, NASA, in coordination with the Small Business Administration, the General Services Administration, and the Office of Management and Budget, shall evaluate the impact of the pilot program and submit to Congress a report that—

''(1) sets forth in detail the results of the test, including the impact on competition and small business participation; and

''(2) addresses whether the pilot program should be made permanent, continued as a test program, or allowed to expire.

''(h) REGULATIONS.—The Administrator shall publish proposed revisions to the NASA Federal Acquisition Regulation Supplement necessary to implement this section in the Federal Register not later than 120 days after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005. The Administrator shall—

''(1) make the proposed regulations available for public comment for a period of not less than 60 days; and

''(2) publish final regulations in the Federal Register not later than 240 days after the date of enactment of that Act.

''(i) EFFECTIVE DATE.—

''(1) IN GENERAL.—The pilot program authorized by this section shall take effect on the date specified in the final regulations promulgated pursuant to subsection (h)(2).

''(2) LIMITATION.—The date so specified shall be no less than 30 days after the date on which the final regulation is published.

''(j) EXPIRATION OF AUTHORITY.—The authority to conduct the pilot program under subsection (a) and to award contracts under such program shall expire 2 years after the effective date established in the final regulations published in the Federal Register under subsection (h)(2).''.

SEC. 507. REPORTS ELIMINATION.

(a) REPEALS.—The following provisions of law are repealed:

(1) Section 201 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2451 note).

(2) Section 304(d) of the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (49 U.S.C. 47508 note).

(3) Section 323 of the National Aeronautics and Space Administration Authorization Act of 2000.

(b) AMENDMENTS.—

(1) Section 315 of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j) is amended by striking subsection (a) and redesignating subsections (b) through (f) as subsections (a) through (e).

(2) Section 315(a) of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (42 U.S.C. 2487a(c)) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

VETERANS' BENEFITS IMPROVEMENT ACT OF 2005

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 218, S. 1235.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1235) to amend chapters 19 and 37 of title 38, United States Code, to extend the availability of $400,000 in coverage under the servicemembers' life insurance and veterans' group life insurance programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1235

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 ''Veterans' Benefits Improvement Act of 2005''.

[SEC. 2. GROUP LIFE INSURANCE.

[(a) SERVICEMEMBERS' GROUP LIFE INSURANCE.—Section 1967 of title 38, United States Code, as in effect on October 1, 2005, is amended—

[(1) in subsection (a)—

[(A) in paragraph (2), by adding at the end the following:

[''(C) With respect to a policy of insurance covering an insured member, the Secretary of Defense shall make a good-faith effort to notify the spouse of a member if the member elects, at any time, to—

[''(i) reduce amounts of insurance coverage of an insured member; or

[''(ii) name a beneficiary other than the insured member's spouse.

[''(D) The failure of the Secretary of Defense to provide timely notification under subparagraph (C) shall not affect the validity of an election by the member.

[''(E) If a servicemember marries or remarries after making an election under subparagraph (C), the Secretary of Defense is not required to notify the spouse of such election. Elections made after marriage or remarriage are subject to the notice requirement under subparagraph (C).''; and

[(B) in paragraph (3)—

[(i) in subparagraph (A), by striking clause (i) and inserting the following:

[''(i) In the case of a member, $400,000.''; and

[(ii) in subparagraph (B), by striking ''member or spouse'' and inserting ''member, be evenly divisible by $50,000 and, in the case of a member's spouse''; and

[(2) in subsection (d), by striking ''$250,000'' and inserting ''$400,000''.

[(b) DURATION OF COVERAGE.—Section 1968(a) of title 38, United States Code, is amended—

[(1) in paragraph (1)(A), by striking ''one year'' and inserting ''2 years''; and

[(2) in paragraph (4), by striking ''one year'' and inserting ''2 years''.

[(c) VETERANS' GROUP LIFE INSURANCE.—Section 1977(a) of title 38, United States Code, as in effect on October 1, 2005, is amended by striking ''$250,000'' each place it appears and inserting ''$400,000''.

[SEC. 3. ADJUSTABLE RATE MORTGAGES.

[Section 3707(c)(4) of title 38, United States Code, is amended by striking ''1 percentage point'' and inserting ''such percentage as the Secretary may prescribe''.

[SEC. 4. EFFECTIVE DATE.

[The amendments made by this Act shall take effect on October 1, 2005, immediately after the execution of section 1012(i) of Public Law 109–13.]

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Benefits Improvement Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INSURANCE MATTERS

Sec. 101. Group Life Insurance.
Sec. 102. Treatment of stillborn children as insurable dependents under Servicemembers' Group Life Insurance program.

TITLE II—HOUSING MATTERS

Sec. 201. Adjustable rate mortgages.
Sec. 202. Technical corrections to Veterans Benefits Improvement Act of 2004.
Sec. 203. Permanent authority for housing loans for Native American veterans.

TITLE III—OTHER MATTERS

Sec. 301. Annual plan on outreach activities.
Sec. 302. Extension of reporting requirements on equitable relief cases.
Sec. 303. Inclusion of additional diseases and conditions in diseases and disabilities presumed to be associated with prisoner of war status.
Sec. 304. Post traumatic stress disorder claims.

TITLE I—INSURANCE MATTERS

SEC. 101. GROUP LIFE INSURANCE.

(a) SERVICEMEMBERS' GROUP LIFE INSURANCE.—Section 1967 of title 38, United States Code, as in effect on October 1, 2005, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by adding at the end the following:

''(C) With respect to a policy of insurance covering an insured member, the Secretary concerned shall make a good-faith effort to notify the spouse of the member, at the last address of the spouse in the records of the Secretary concerned, if the member elects, prior to discharge from the military, naval, or air service, to—

''(i) reduce amounts of insurance coverage of the member; or

''(ii) name a beneficiary other than the member's spouse or child.

''(D) The failure of the Secretary concerned to provide timely notification under subparagraph (C) shall not affect the validity of an election by a member.

''(E) If an unmarried member marries after having made one or more elections to reduce or decline insurance coverage or to name beneficiaries, the Secretary concerned is not required to notify the spouse of such marriage of such elections. Elections made after such marriage are subject to the notice requirements under subparagraph (C).''; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking clause (i) and inserting the following:

''(i) In the case of a member, $400,000.''; and

(ii) in subparagraph (B), by striking ''member or spouse'' and inserting ''member, be evenly divisible by $50,000 and, in the case of a member's spouse''; and

(2) in subsection (d), by striking ''$250,000'' and inserting ''$400,000''.

(b) DURATION OF COVERAGE.—Section 1968(a) of title 38, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''one year'' and inserting ''2 years''; and

(2) in paragraph (4), by striking ''one year'' and inserting ''2 years''.

(c) VETERANS' GROUP LIFE INSURANCE.—Section 1977(a) of title 38, United States Code, is amended by striking ''$250,000'' each place it appears and inserting ''$400,000''.

(d) CONSTRUCTION OF CERTAIN OTHER AMENDMENTS.—Notwithstanding subsection (h) of section 1012 of Public Law 109–13, the amendments made by subsections (a)(1), (c), (d), (e)(2), (f), and (g) of such section shall not go into effect on September 1, 2005, as otherwise provided by such subsection (h), and shall not be treated for any purposes as having gone into effect on that date.

(e) EFFECTIVE DATE.—(1) The amendments made by subsection (a) of this section shall take effect on September 1, 2005.

(2) The amendments made by subsections (b) and (c) of this section shall take effect on October 1, 2005, immediately after the execution of section 1012(i) of Public Law 109–13.

(3) If the date of the enactment of this Act occurs after September 1, 2005, and before October 1, 2005, the provisions of paragraph (2) of section 1967(a) of title 38, United States Code, shall, for purposes of the execution of the amendments made by subsection (a) of this section, be such provisions as in effect on May 10, 2005, the day before the date of the enactment of Public Law 109–13.

SEC. 102. TREATMENT OF STILLBORN CHILDREN AS INSURABLE DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE PROGRAM.

(a) TREATMENT.—Section 1965(10) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(C) The member's stillborn child.''.

(b) CONFORMING AMENDMENT.—Section 101(4)(A) of such title is amended by striking ''section 1965(10)(B)'' in the matter preceding clause (i) and inserting ''subparagraph (B) or (C) of section 1965(10)''.

TITLE II—HOUSING MATTERS

SEC. 201. ADJUSTABLE RATE MORTGAGES.

Section 3707A(c)(4) of title 38, United States Code, is amended by striking ''1 percentage point'' and inserting ''such percentage as the Secretary may prescribe''.

SEC. 202. TECHNICAL CORRECTIONS TO VETERANS BENEFITS IMPROVEMENT ACT OF 2004.

(a) IN GENERAL.—Section 2101 of title 38, United States Code, as amended by section 401 of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454), is further amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) a new subsection (c) consisting of the text of subsection (c) of such section 2101 as in effect immediately before the enactment of such Act, modified—

(A) by inserting after ''(c)'' the following: ''ASSISTANCE TO MEMBERS OF THE ARMED FORCES.—'';

(B) in paragraph (1)—

(i) in the first sentence, by striking ''paragraph (1), (2), or (3)'' and inserting ''subparagraph (A), (B), (C), or (D) of paragraph (2)''; and

(ii) in the second sentence, by striking ''the second sentence'' and inserting ''paragraph (3)''; and

(C) in paragraph (2)—

(i) in the first sentence, by striking ''paragraph (1)'' and inserting ''paragraph (2)''; and

(ii) in the second sentence, by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(3) in subsection (a)(3), by striking ''subsection (c)'' in the matter preceding subparagraph (A) and inserting ''subsection (d)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect immediately after the enactment of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454).

SEC. 203. PERMANENT AUTHORITY FOR HOUSING LOANS FOR NATIVE AMERICAN VETERANS.

(a) PERMANENT AUTHORITY.—Section 3761 of title 38, United States Code, is amended to read as follows:

''§ 3761. Authority for housing loans for Native American veterans

''(a) The Secretary shall make direct housing loans to Native American veterans in accordance with the provisions of this subchapter.

''(b) The purpose of loans under this subchapter is to permit Native American veterans to purchase, construct, or improve dwellings on trust land.''.

(b) CONFORMING AMENDMENTS.—Section 3762 of such title is amended—

(1) in subsection (a), by inserting ''under this subchapter'' after ''Native American veteran'' in the matter preceding paragraph (1);

(2) in subsection (b)(1)(E), by striking ''in order to ensure'' and all that follows and inserting a period;

(3) in subsection (c)(1)(B), by striking ''shall be the amount'' and all that follows in the second sentence and inserting ''shall be such amount as the Secretary considers appropriate for the purpose of this subchapter.'';

(4) in subsection (d)(1), by striking the second sentence;

(5) in subsection (i)—

(A) in paragraph (1), by striking ''of the pilot program'' and all that follows and inserting ''of the availability of direct housing loans for Native American veterans under this subchapter.''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''under the pilot program'' and all that follows and inserting ''under this subchapter''; and

(ii) in subparagraph (E), by striking ''in participating in the pilot program'' and inserting ''in participating in the making of direct loans under this subchapter''; and

(6) by striking subsection (j).

(c) CLERICAL AMENDMENTS.—(1) The heading of subchapter V of chapter 37 of such title is amended to read as follows:

''Subchapter V—Housing Loans for Native American Veterans''.

(2) The table of contents for such chapter is amended—

(A) by striking the matter relating to the subchapter heading of subchapter V and inserting the following new item:

''SUBCHAPTER V—HOUSING LOANS FOR NATIVE AMERICAN VETERANS'';

and

(B) by striking the item relating to section 3761 and inserting the following new item:

''3761. Authority for housing loans for Native American veterans.''.

TITLE III—OTHER MATTERS

SEC. 301. ANNUAL PLAN ON OUTREACH ACTIVITIES.

(a) ANNUAL PLAN REQUIRED.—Subchapter II of chapter 5 of title 38, United States Code, is

amended by inserting after section 523 the following new section:

''§ 523A. Annual plan on outreach activities

''(a) ANNUAL PLAN REQUIRED.—The Secretary shall prepare each year a plan for the outreach activities of the Department for the following year.

''(b) ELEMENTS.—Each annual plan under subsection (a) shall include the following:

''(1) Plans for efforts to identify veterans who are not enrolled or registered with the Department for benefits or services under the programs administered by the Secretary.

''(2) Plans for informing veterans and their dependents of modifications of the benefits and services under the programs administered by the Secretary, including eligibility for medical and nursing care and services.

''(c) COORDINATION IN DEVELOPMENT.—In developing an annual plan under subsection (a), the Secretary shall consult with the following:

''(1) Directors or other appropriate officials of organizations approved by the Secretary under section 5902 of this title.

''(2) Directors or other appropriate officials of State and local education and training programs.

''(3) Representatives of non-governmental organizations that carry out veterans outreach programs.

''(4) Representatives of State and local veterans employment organizations.

''(5) Businesses and professional organizations.

''(6) Other individuals and organizations that assist veterans in adjusting to civilian life.

''(d) INCORPORATION OF ASSESSMENT OF PREVIOUS ANNUAL PLANS.—In developing an annual plan under subsection (a), the Secretary shall take into account the lessons learned from the implementation of previous annual plans under such subsection.

''(e) INCORPORATION OF RECOMMENDATIONS TO IMPROVE OUTREACH AND AWARENESS.—In developing an annual plan under subsection (a), the Secretary shall incorporate the recommendations for the improvement of veterans outreach and awareness activities included in the report submitted to Congress by the Secretary pursuant to section 805 of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 523 the following new item:

''523A. Annual plan on outreach activities.''.

SEC. 302. EXTENSION OF REPORTING REQUIREMENTS ON EQUITABLE RELIEF CASES.

Section 503(c) of title 38, United States Code, is amended by striking ''December 31, 2004'' and inserting ''December 31, 2009''.

SEC. 303. INCLUSION OF ADDITIONAL DISEASES AND CONDITIONS IN DISEASES AND DISABILITIES PRESUMED TO BE ASSOCIATED WITH PRISONER OF WAR STATUS.

Section 1112(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraphs:

''(L) Atherosclerotic heart disease or hypertensive vascular disease (including hypertensive heart disease) and their complications (including myocardial infarction, congestive heart failure and arrhythmia).

''(M) Stroke and its complications.''.

SEC. 304. POST TRAUMATIC STRESS DISORDER CLAIMS.

The Secretary shall develop and implement policy and training initiatives to standardize the assessment of post traumatic stress disorder disability compensation claims.

Amend the title so as to read: ''To amend title 38, United States Code, to extend the availability of $400,000 in life insurance coverage to servicemembers and veterans, to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program, to make technical corrections to the Veterans Benefits Improvement Act of 2004, to make permanent a pilot program for direct housing loans for Native American veterans, and to require an annual plan on outreach activities of the Department of Veterans Affairs.''.

Mr. GRASSLEY. I ask unanimous consent that the committee-reported substitute be agreed to, the bill, as amended, be read a third time and passed, the amendment to the title be agreed to, 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 committee amendment in the nature of a substitute was agreed to.

The bill (S. 1235), as amended, was read the third time and passed.

The title amendment was agreed to.

ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES AFFECTED BY HURRICANES KATRINA AND RITA ACT OF 2005

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3864 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3864) to assist individuals with disabilities affected by Hurricanes Katrina or Rita through vocational rehabilitation services.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. 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 bill (H.R. 3864) was read the third time and passed.

HONORING THE LIFE OF SANDRA FELDMAN

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 256, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 256) honoring the life of Sandra Feldman.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KERRY. Mr. President, I extend my deepest sympathies to the family and friends of Sandy Feldman at her untimely passing. We have lost a dedicated educator, a proud labor leader, a committed reformer, and someone my wife Teresa, and I were so proud to have as a friend in our lives.

From her early days as a civil rights advocate, Sandy had an unshakeable sense of justice and fairness. Sandy did not just talk about helping teachers and their students—she actually did it. While her career spanned more than four decades, Sandy's commitment grew out of her early work in the civil rights movement. An advocate for civil rights and social justice, she was an activist in the Freedom Rides and the 1963 March on Washington for Jobs and Freedom. It was her firsthand knowledge of the power of an excellent teacher that led Sandy to a lifetime of activism. Sandy understood the importance of quality public education and the wealth of opportunities it can unleash for every student, regardless of who they are or where they're from.

''Created my future,'' that is what Sandy always said about growing up in Brooklyn and the public schools and libraries she spent her childhood in. Sandy's commitment to education was fueled by her childhood experiences and her dedication to bettering the lives of students and teachers. Beginning as a second grade teacher, Sandy quickly became a union activist when she led the teachers at her elementary school to organize. In 1986, Sandy became president of AFT's largest affiliate, New York City's United Federation of Teachers, UFT. During her years as UFT president and then since 1997 when she became president of the AFT, Sandy earned the respect of Presidents, of her colleagues, and of many of us in Congress.

Calling early childhood education ''getting it right from the start,'' Sandy consistently called for greater investment in public education and a greater emphasis on high standards and increased accountability. Sandy's focus on early childhood education led her to introduce a program that would provide extended learning opportunities for disadvantaged students before and after the normal kindergarten school year. Within a few years, Sandy's program, Kindergarten-Plus, had been introduced as Federal legislation, passed or considered in several State legislatures, and passed into law in at least one State.

My hope is that her tragic passing after a courageous battle with cancer will inspire all of us to do just what Sandy fought her entire life for—to make sure we are getting it right from the start and to stand by our children and our teachers. Sandy was an amazing American. I will miss her wisdom and her counsel very much. Our hearts go out to her husband Arthur and their family in this difficult time.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 256) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 256

Whereas Sandra Feldman was born Sandra Abramowitz in October, 1939, to blue-collar parents living in a tenement in Coney Island, New York;

Whereas Sandra Feldman, while at James Madison High School, Brooklyn College, and New York University, began a life-long dedication to education, both in the United States and abroad;

Whereas Sandra Feldman began her career by teaching fourth grade at Public School 34 on the Lower East Side of New York City;

Whereas during her service as union leader at Public School 34, Sandra Feldman became employed by the United Federation of Teachers in New York City, and was elected president in 1986, after 20 years of service;

Whereas Sandra Feldman's tenure as president of the United Federation of Teachers was distinguished by her devotion to better working conditions for the teachers she represented;

Whereas in 1997, the American Federation of Teachers elected Sandra Feldman to serve as their president, until she retired 7 years later;

Whereas Sandra Feldman effectively represented the educators, healthcare professionals, public employees, and retirees who made up the membership of the American Federation of Teachers;

Whereas Sandra Feldman was a tireless advocate for public education, working with President George W. Bush on the No Child Left Behind Act of 2001 to improve accountability standards and provide increased resources to schools to help increasing professional development to better equip teachers to instruct students, and using research-driven methods to redesign school programs;

Whereas Sandra Feldman was equally devoted to promoting the rights of public servants, fighting against discrimination, raising the nursing shortage into national public awareness, advocating for smaller class sizes and patient-to-nurse ratios promoting increased benefits and compensation for workers, and spreading her message beyond her own membership by advocating for workers overseas as well;

Whereas Sandra Feldman lent her expertise to both the national and international labor movements in her capacities as a member of the AFL–CIO executive council and a vice president of Education International; and

Whereas Sandra Feldman succumbed on September 18, 2005, to a difficult struggle against breast cancer at the age of 65: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Sandra Feldman, a vibrant and dedicated public servant;

(2) recognizes the contributions of Sandra Feldman to public education;

(3) expresses its deepest condolences to those who knew and loved Sandra Feldman; and

(4) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Sandra Feldman.

RECOGNIZING THE SPIRIT OF JACOB MOCK DOUB

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 257, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 257) recognizing the spirit of Jacob Mock Doub and many young people who have contributed to encouraging youth to be physically active and fit, and expressing support for ''National Take a Kid Mountain Biking Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 257) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 257

Whereas according to the Centers for Disease Control and Prevention, obesity rates have nearly tripled in adolescents in the United States since 1980;

Whereas overweight adolescents have a 70 percent chance of becoming overweight or obese adults;

Whereas research conducted by the National Institutes of Health indicates that, while genetics do play a role in childhood obesity, the large increase in childhood obesity rates over the past few decades can be traced to overeating and lack of sufficient exercise;

Whereas the Surgeon General and the President's Council on Physical Fitness and Sports recommend regular physical activity, including bicycling, for the prevention of overweight and obesity;

Whereas Jacob Mock ''Jack'' Doub, born July 11, 1985, was actively involved in encouraging others, especially children, to ride bicycles and was an active youth who was introduced to mountain biking at the age of 11 near Grandfather Mountain, North Carolina, and quickly became a talented cyclist;

Whereas Jack Doub died unexpectedly from complications related to a bicycling injury on October 21, 2002;

Whereas Jack Doub's family and friends have joined, in association with the International Mountain Bicycling Association, to honor Jack Doub's spirit and love of bicycling by establishing the Jack Doub Memorial Fund to promote and encourage children of all ages to learn to ride and lead a physically active lifestyle;

Whereas the International Mountain Bicycling Association's worldwide network, which is based in Boulder, Colorado, includes 32,000 individual members, more than 450 bicycle clubs, 140 corporate partners, and 240 bicycle retailer members, who coordinate more than 1,000,000 volunteer trail work hours each year and have built more than 5,000 miles of new trails;

Whereas the International Mountain Bicycling Association has encouraged low-impact riding and volunteer trail work participation since 1988; and

Whereas ''National Take a Kid Mountain Biking Day'' was established in honor of Jack Doub in 2004 by the International Mountain Bicycling Association, and is celebrated on the first Saturday in October of each year: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes—

(A) the health risks associated with childhood obesity;

(B) the spirit of Jacob Mock ''Jack'' Doub and so many others who have been actively promoting physical activity to combat childhood obesity; and

(C) Jack Doub's contribution to encouraging youth of all ages to be physically active and fit, especially through bicycling;

(2) supports the goals and ideals of ''National Take a Kid Mountain Biking Day'', which was established in honor of Jack Doub in 2004 by the International Mountain Bicycling Association, and is celebrated on the first Saturday in October of each year; and

(3) encourages parents, schools, civic organizations, and students to support the International Mountain Bicycling Association's ''National Take a Kid Mountain Biking Day'' to promote increased physical activity among youth in the United States.

COMMENDING TIMOTHY SCOTT WINEMAN

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 258, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 258) to commend Timothy Scott Wineman.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 258) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 258

Whereas Timothy S. Wineman became an employee of the United States Senate on October 19, 1970, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the United States Senate for a period that included 19 Congresses;

Whereas Timothy S. Wineman has served in the senior management of the Disbursing Office for more than 25 years, first as the Assistant Financial Clerk of the United States Senate from August 1, 1980 to April 30, 1998, and finally as Financial Clerk of the United States Senate from May 1, 1998 to October 14, 2005;

Whereas Timothy S. Wineman has faithfully discharged the difficult duties and responsibilities of his position as Financial Clerk of the United States Senate with great pride, energy, efficiency, dedication, integrity, and professionalism;

Whereas Timothy S. Wineman has earned the respect, affection, and esteem of the United States Senate; and

Whereas Timothy S. Wineman will retire from the United States Senate on October 14, 2005, with 35 years of service with the United States Senate all with the Disbursing Office: Now, therefore, be it

Resolved, That the United States Senate commends Timothy S. Wineman for his exemplary service to the United States Senate and the Nation, and wishes to express its deep appreciation and gratitude for his long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Timothy S. Wineman.

REMOVAL OF INJUNCTION OF SECRECY, PROTOCOL AMENDING THE TAX CONVENTION WITH FRANCE—TREATY DOCUMENT NO. 109–4

Mr. GRASSLEY. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on September 28, 2005, by the President of the United States: Protocol Amending the Tax Convention with France (Treaty Document No. 109–4). I further ask unanimous consent that the treaty be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a Protocol Amending the Convention Between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994 (the ''Convention''), signed at Washington on December 8, 2004 (the ''Protocol''). Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol was negotiated to address certain technical issues that have arisen since the Convention entered into force. The Protocol was concluded in recognition of the importance of U.S. economic relations with France.

The Protocol clarifies the treatment of investments made in France by U.S. investors through partnerships located in the United States, France, or third countries. It also modifies the provisions of the treaty dealing with pensions and pension contributions in order to achieve parity given the two countries' fundamentally different pension systems. The Protocol makes other changes to the Convention to reflect more closely current U.S. tax treaty policy.

I recommend that the Senate give early and favorable consideration to this Protocol and that the Senate give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 28, 2005.*

REFERRAL OF S. 1219

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill S. 1219 be discharged from the Committee on Energy and Natural Resources and that it be referred to the Committee on Indian Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY AIRPORT IMPROVEMENT PROJECT GRANTS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1786, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1786) to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1786) was read the third time and passed, as follows:

S. 1786

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

SECTION 1. EMERGENCY USE OF GRANTS-IN-AID FOR AIRPORT IMPROVEMENTS FOR FISCAL YEARS 2005 AND 2006.

(a) IN GENERAL.—The Secretary of Transportation may make project grants under part B, subtitle VII, of title 49, United States Code, from amounts that remain unobligated after the date of enactment of this Act for fiscal years 2005 and 2006—

(1) from apportioned funds under section 47114 of that title apportioned to an airport described in subsection (b)(1) or to a State in which such airport is located; or

(2) from funds available for discretionary grants to such an airport under section 47115 of such title.

(b) ELIGIBLE AIRPORTS AND USES.—The Secretary may make grants under subsection (a) for—

(1) emergency capital costs incurred by a public use airport in Louisiana, Mississippi, Alabama, or Texas that is listed in the Federal Aviation Administration's National Plan of Integrated Airport Systems of repairing or replacing public use facilities that have been damaged as a result of Hurricane Katrina or Hurricane Rita; and

(2) emergency operating costs incurred by an airport described in paragraph (1) as a result of Hurricane Katrina or Hurricane Rita.

(c) PRIORITIES.—In making grants authorized by subsection (a), the Secretary shall give priority to—

(1) airport development within the meaning of section 47102 of title 49, United States Code;

(2) terminal development within the meaning of section 47110 of that title;

(3) repair or replacement of other public use airport facilities; and

(4) emergency operating costs incurred at public use airports in Louisiana, Mississippi, Alabama, and Texas.

(d) MODIFICATION OF CERTAIN OTHERWISE APPLICABLE REQUIREMENTS.—For purposes of any grant authorized by subsection (a)—

(1) the Secretary may waive any otherwise applicable limitation on, or requirement for, grants under section 47102, 47107(a)(17), 47110, or 47119 of title 49, United States Code, if the Secretary determines that the waiver is necessary to respond, in as timely and efficient a manner as possible, to the urgent needs of the region damaged by Hurricane Katrina or Hurricane Rita;

(2) the United States Government's share of allowable project costs shall be 100 percent, notwithstanding the provisions of section 47109 of that title;

(3) any project funded by such a grant shall be deemed to be an airport development project (within the meaning of section 47102 of that title), except for the purpose of establishing priorities under subsection (b) of this section among projects to be funded by such grants; and

(4) no project funded by such a grant may be considered, for the purpose of any other provision of law, to be a major Federal action significantly affecting the quality of the human environment.

MEASURE PLACED ON THE CALENDAR—S. 1783

Mr. GRASSLEY. Mr. President, I ask unanimous consent that S. 1783 be placed directly on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, SEPTEMBER 29, 2005

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, September 29. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time of the two leaders be reserved, and the Senate proceed to executive session and continue consideration of Calendar No. 317, John Roberts to be Chief Justice of the United States; provided further that the time until 10:30 be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Mr. President, we will resume the Roberts nomination tomorrow for a short period of debate. The debate from 10:30 to 11:30 has previously been allocated to the two managers and the two leaders. At 11:30 tomorrow, the Senate will vote on the nomination of Judge Roberts to be Chief Justice of the Supreme Court. I remind all Senators that the majority leader has asked all Senators to be in the Chamber by 11:20 and seated at their desks for this historic vote.

Following that vote, the Senate is expected to begin consideration of the Defense appropriations bill. Additional votes will occur on Thursday and Friday this week.

ORDER FOR ADJOURNMENT

Mr. GRASSLEY. 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, following the time controlled by the minority.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

EMERGENCY HEALTHCARE RELIEF FOR THE SURVIVORS OF HURRICANE KATRINA

Ms. LANDRIEU. Mr. President, before the chairman leaves the floor—he has put in a long day today and has some more things probably to do this evening—I wish to thank him for his extraordinary leadership at this time and also the Senator from Montana who was here earlier. They have been working on this bill now for weeks because they are aware of the great need, the extraordinary need of the people from the State I represent, Louisiana, but also our neighbors now in Texas and in Mississippi and in Alabama.

As the Senator from Iowa knows, and the Senator from Montana, this is the largest natural disaster in the history of the United States. We had one hurricane and major levee failings in a region with over 2 million people. Then on the heels of it, we have had another hurricane, not quite as large but equally as damaging to some rural areas, Mr. President, that you are very familiar with, not big cities but small cities that are gone. They are just gone. There is no more city. There is no more community.

All along the gulf coast—you can ask the Senators from Mississippi—Waveland and Biloxi and Cameron Parish, 10,000 people lived there 5 days ago. No one lives there today.

I flew over the other day. There is one building, the courthouse building, that stood in the Audrey hurricane, it stood in the Rita hurricane. When we rebuilt the Cameron Parish, I told them: Go find the architect who built that courthouse because we are going need to have everything built that way if we are going to live here.

This was not a coast of people sunbathing at resorts or second homes. These were people running our pipelines, our gas lines, our fishing industry. These were people running the refineries, the infrastructure that is on that coast. They didn't just go there in the last decade to retire. Their families have been there for generations, all along this gulf coast. When they went there, there was more land and more protection. But because they are not super rich and because they did not have a lot of extra money and because over a lot of decades the Federal Government did not do what it should—maybe we all missed a little bit here or there—the land is washed away. They find themselves more vulnerable.

But they are not sunbathing down there. They are working on the ports, on the oil and gas industry, and they desperately need our help. These people need immediate medical attention and care. As a doctor, you can understand the anxiety of people who do not know where to go for health care. They are in strange places. They need to be qualified.

This has been well researched by the staffs. We have had input, of course, Senator VITTER and myself, but this comes straight from the Finance Committee, to extend what is already in the law for people to help them get coverage for 5 months, just 5 months until people can catch their breath, get up on their feet, try to find their families, make decisions. They lost their homes. They lost their business.

It also helps private employers. I have had private employers, little ones, medium ones, and big ones pouring into my office. And this is what they say: Senator, we are not leaving. We want to stay. We are going to exhaust the money in our bank accounts to keep our employees whole. But could you please ask the Federal Government to give us a little help here? We want to keep their coverage. We want to keep our employees. We want them to come back. We don't want our companies to leave. But a lot of them had to leave. They had no choice. They are going to Oklahoma, they are going to Houston but at a lot of cost.

I talked to a gas pipeline company. They are having their employees come back this weekend right in Cameron Parish. But they need our help.

One of the things this bill does is it helps them—if they were giving insurance to their people—continue to give private insurance. If some companies had to leave temporarily, their employees can still get private coverage through a program that already exists.

The chairman and the ranking member put their heads together and said, Let us do this for 5 months.

I know there is an objection, because some have expressed a few objections, that said let us not extend it to all States, let us keep it targeted to Louisiana, Mississippi, Alabama, and Texas.

We thought about that. But the reason there is one provision that allows the other States to keep their Medicaid, 100-percent reimbursement, is because they have taken a lot of our people. Arkansas didn't have a hurricane, but they took our people. They had 75,000 people.

So if we cut the State of Arkansas' health care benefits which may go into effect soon, that is what we were anticipating. It puts so much strain on Arkansas for the 75,000 people.

We think it is reasonable to ask for a 5-month waiver for all of the States just to help us through this difficult period.

We are not trying to expand a Government program. We are trying to use what is available now in the law and extend it to millions of people who need help immediately.

It is not everything we need in health care. We still have problems with losses because companies are out of business. Doctors who want to stay have no place to work. Even if they showed up to the hospital to work, the city of New Orleans is still virtually empty. It is a large city. One-half our population has been impacted. Almost half, 4.5 million people, live in the southern part of our State.

Everyone has been impacted by these two disasters. A large population in Texas, a large population in Mississippi, and a medium-sized population in Alabama have been affected, but not to the level that, of course, Louisiana has taken. It has taken a hit to its major metropolitan area, as well as then being followed up by another major hit to the rural area to the western side of our State.

I say ''rural''—there are good-sized cities, such as Lake Charles and other cities that are in that area.

We have large cities, medium-sized cities, and small villages and communities—such as Cameron—that have been very hard hit.

It is very important that we try to work through whatever the difficulties might be. We don't have that much time.

If we can move on this package in the next day or two, and work out whatever objections there are, I think it would be a great signal to send from this Congress.

I know we have to get it past the House. I know we have to get it signed by the President. But the President has been to our State many times. I have been with him on almost every trip. He has assured me that he understands that people are in desperate need, and he wants to see the Federal Government use the resources that we have to meet that need. I know we can't do everything. But this is minimal. This is basic coverage for people who have nothing right now.

While churches are helping and while the private employers are doing a good job, private employers cannot take on more risk than is their fiduciary responsibility. They have a responsibility to their stakeholders, to their shareholders, and to their board of directors. They cannot run charities.

That is why we have the role of Government. That is why we have to step up and meet them halfway.

I am proud of our employers, but they need our help. The business community needs us to be a partner, and part of this bill would do that.

I see the Senator from Illinois.

Mr. DURBIN. Mr. President, will the Senator yield for a question through the Chair?

I came on the floor late. I heard Senator BAUCUS and Senator GRASSLEY talk about this bill. I want to try to bring it down to the most basic information, so if someone misses the debate, they will understand what we are talking about.

This is generally what we are trying to do. We are taking people who are displaced out of their homes, out of their jobs, out of their communities because of the hurricanes—people who, frankly, are going through a lot of personal and family hardship at this moment—and saying that one thing we

are going to help you with immediately is to make sure that you have health care. If you qualify, you would have Medicaid—that is for people in the lower income categories—or if you had private health insurance where you used to work in a business that has gone away, we are going to step in here for 5 months and say, We are going to give you this peace of mind. You will know that you have health insurance.

Is that what this bill does?

Ms. LANDRIEU. That is what this bill does.

Mr. DURBIN. I understand that this is a bipartisan bill that Senator GRASSLEY, Republican of Iowa, Senator BAUCUS, a Democrat of Montana, have written to make sure that the millions of people who have been displaced will have basic health care.

Is that is what this bill does?

Ms. LANDRIEU. The Senator is correct. That is what this bill does. Senator VITTER from Louisiana and Senator LANDRIEU—and I am almost certain that every Senator of the affected States—have signed off on this, asked for it and said ''yes.'' We desperately need it.

Mr. DURBIN. I would like to ask the Senator how many times she has brought this bill to the floor. How many times have we tried to provide this basic health care, basic protection to these victims of Hurricane Katrina and Hurricane Rita so far?

Ms. LANDRIEU. I believe the Senator from Iowa and the Senator from Montana have been working on this for 2 weeks. We are into our fourth week of Katrina and the first week of Rita.

But again, it is the largest natural disaster that has hit the Continental United States. We are getting ready to rebuild, after we work out our differences, a major American city for the first time since the Civil War and the region that surrounds it. We are learning as we go. There is not a textbook to follow. So we have to use our common sense. We have to trust each other on some of these things.

The Senator from Iowa and the Senator from Montana have run this committee, and their members have put a great bill together that is modest but so needed.

I am hoping the Senator from Illinois can help us figure out how to move this legislation quickly.

Mr. DURBIN. If the Senator would further yield for a question through the Chair, I thought our biggest complaint about the Federal Government's response to Katrina was that, even when we were warned, we weren't ready. Many of us are calling for a nonpartisan, independent commission to answer some basic questions. Why weren't we ready? But when it comes to this issue about health care for the victims of Hurricane Katrina and Hurricane Rita, we know what the need is. And apparently, because of objections heard on the floor of the Senate, we are delaying, postponing, this basic health care for these victims of this hurricane.

Ms. LANDRIEU. That is what it seems to be. It is unfortunate.

I am hoping, through the Chair to the Senator from Illinois—and I see that our minority leader from Nevada is here with us—that we could do our best in the next 24 hours, either through action on this floor or meetings, to answer questions that a few Senators may have. I have heard objections, such as too much corruption. We have problems with Mississippi spending money and corruption, but we shouldn't blame these people. All they want is health care benefits. We can fix that issue. We can work on that issue.

But let us not hold up health care to people until we get the system perfect. If that is the case, we should stop working tonight. The system is never going to be perfect. It can be better.

Let us not take it out on these people. They have already been victimized outside of any of their control.

The Senator should know that one of the objections was that we shouldn't expand a Government program.

But again, I just want to reiterate to the Senator that this is not an expansion. It is in the law. It is 5 months of special help to people who need it and to people who have private insurance that have lost it and can't have it, if we don't meet their employers halfway.

The only expansion for the country is to say in the next 5 months the Federal Government will not cut any State's Medicaid Program because so many of our States are helping our people. Again, in Arkansas, 75,000. It would not be fair to Arkansas, even though they didn't get hit by the hurricane, to cut their State program when they are absorbing some many extra people from Louisiana, Texas, and Mississippi.

I think that makes common sense.

I see the Senator from Nevada. Maybe he can shed some light on this.

I will yield the floor. I have spent the time and more than I was asked for.

I thank the Senators who are here who are trying to get this important bill passed by the end of the week.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Nevada.

Mr. REID. Mr. President, I want the RECORD to be spread with my appreciation for the statements made today by Senator BAUCUS, Senator LANDRIEU, and Senator DURBIN regarding this most important issue. We saw with Katrina that we have in America a safety net that has some holes in it. We saw in graphic description some of the people fell through that safety net.

That is what this is all about—helping medically. The poorest of the poor in our country are helped by Medicaid. That is what this is all about.

For those people who are watching this, who are listening, this is an instance where there is a bipartisan measure that is now before the Senate that should pass. The Finance Committee, under the direction of Senators GRASSLEY and BAUCUS—Republican and Democrat—came up with this most important piece of legislation. They did it. They worked it out. No one can challenge the conservative credentials of either of these Senators. They are both fiscally sound. They do good work for their Finance Committee.

There are a few people on the Republican side of the aisle who are holding this up. It is not right. No one wants to waste money for Katrina. No one wants to waste money with the billions of dollars that will be spent with Katrina.

I would be happy if Congress selected someone to be a czar to make sure the money was spent properly.

But here we have people who are waiting. This is going for 5 months. They will be waiting for the most simple medical measures that would help them—and help the States that are taking care of them.

The State of Arkansas alone has 60,000 evacuees, most of whom, in some way or another, their family member, would qualify for some part of this.

It is the right thing to do to help States such as Arkansas.

PANDEMIC INFLUENZA

Mr. REID. Mr. President, in 1918, the Spanish flu pandemic swept the world for a number of reasons—not the least of which we had soldiers coming from all over the world going places and coming home. As a result, this pandemic that swept our world claimed the lives of about 50 million people, and 500,000 people in the United States alone before it completed its deadly run.

Today, many public health experts are warning us that another flu pandemic is not a matter of if, but when. They tell us that this next pandemic has the potential to be every bit as devastating as what the world witnessed nearly 100 years ago.

A flu pandemic occurs when a new strain of flu emerges in the human population and causes serious illness and death and can easily spread between humans.

The avian flu, referred to as H5–N1 flu strain by scientists, already meets the first step: Roughly half of the 115 people who have been diagnosed with this virus to date have died. At present, all that stands between avian flu and pandemic status is the fact that scientists do not believe the avian flu can easily be transmitted between humans.

Scientists fear it is only a matter of time before the avian flu virus mutates into a form that can spread easily from human to human.

According to the Centers for Disease Control Director Julie Gerberding:

> . . . many influenza experts, including those at CDC, consider the threat of a serious influenza epidemic to the United States to be high. Although the timing and impact of an influenza pandemic is unpredictable, the occurrence is inevitable and potentially devastating.

That was her word, ''inevitable.''

You do not have to be an expert to understand the dramatic toll a flu pandemic could have on our Nation and on

the world. Given our capacity for rapid travel around the globe compared to 1918 and the interdependence of our economic markets compared to 1918, both of which have increased dramatically since the last flu pandemic, the potential human and economic costs of the next pandemic are unimaginable.

A respected U.S. health expert has concluded that almost 2 million Americans would die in the first year alone of an outbreak. Pandemic flu outbreak in the United States could cost our economy hundreds of billions of dollars due to death, lost productivity and disruption in commerce, and to our society generally.

Maybe the only thing more troubling than contemplating the possible consequences of the avian flu pandemic is recognizing that neither this Nation nor the world are prepared to deal with it. Administration documents say it will take months to develop an effective vaccine against the avian flu—some say as much as 9 months—once we have been able to identify the particular flu strain in circulation. Administration officials say one of the best opportunities to limit the scope and consequence of any outbreak is to rapidly detect the emergence of a new strain that is capable of sustained human-to-human contact. Yet we are not devoting enough resources to effective surveillance abroad.

The administration has acknowledged we need a detailed pandemic plan outlining our national strategy to address this pandemic. Among other matters, such a plan needs to address those who will spearhead our response to pandemic.

How will our response be coordinated across all levels of Government? And how will we rapidly distribute limited medical resources? Yet our national preparedness plan is still in draft form.

We all know State and local health departments will be on the front lines of a pandemic. They will need to conduct surveillance, coordinate local responses, and help distribute the vaccines and antivirals. Yet we are posed to approve a $130 million cut for State and local preparedness funding at the Centers for Disease Control. At this time, that is unconscionable.

We also know that once a flu strain has been identified, we will need to develop an effective vaccine, as I have talked about, and produce enough to eventually inoculate the entire 300 million people in America. Yet our existing stockpile of vaccines, assuming they are effective against the yet unidentified strain, may protect less than 1 percent of all Americans, and we have only one domestic flu vaccine manufacturer located in the United States. It is estimated if our capacity to produce vaccines is not improved, it could take 15 months to vaccinate first responders, medical personnel, and other high-risk groups.

Given it will take months to develop, produce, and distribute a vaccine once we have one that is effective, we know that antiviral medication will be a crucial stopgap defense against a pandemic. The World Health Organization recommended that countries stockpile enough antiviral medication to cover 25 percent of their populations. Other nations, including Great Britain, France, Norway, Portugal, Switzerland, Finland, and New Zealand, have ordered enough Tamiflu, an antiviral pill to cover between 20 and 40 percent of their populations.

We should have learned. It was only last year that we did not have enough vaccine to take care of the people in America. We did not have enough vaccine to take care of the flu strain last time, and everyone knew what that was.

As important as this Tamiflu is, we now have only 2.3 million courses of this pill. Given country, national, and international production capacity, even if we were to increase our order of Tamiflu today, we have been told the United States would have to wait until the end of 2007 before we could secure enough Tamiflu to cover 25 percent of our population. The consequences of pandemic could be far reaching, impacting virtually every sector of our society and our economy.

We also know our medical community needs to be trained to distinguish between the annual flu and avian flu so that an outbreak could be recorded immediately. Doctors, hospitals, and other medical providers must develop surge capacity plans so they can respond to a pandemic. Businesses, also, need to be prepared. They should be encouraged to develop their own plans, establish or expand telecommunicating and network access plans, update medical needs policies, and provide suggestions on how to promote employee health to lessen the likelihood of exposure. The American public also needs to be educated about the importance of annual flu vaccines and steps they can take to prepare for and respond to an avian flu outbreak.

Yet this administration has failed to take appropriate action to prepare the medical community, business community, and the American public. We can do better. We need to do better. Most importantly, we cannot afford to wait to do better. America can do better.

The Federal Government's poor response to Katrina has only served to exacerbate concerns about the toll such an outbreak would have on our Nation and the world. Given the very real possibility of an outbreak, its potentially severe consequences, and our relative lack of preparedness, we need to take action on several fronts to prepare our Nation and the American people for a potential outbreak and reduce its impact, should it occur.

What are some of the steps necessary? We need to improve surveillance and international partnerships so we may detect new flu strains and do it early. We need to prepare for a pandemic by finalizing, implementing, and funding pandemic preparedness response plans. Remember, the director of the Centers for Disease Control has told us this is going to happen. It is inevitable. We need to protect Americans with the development, production, and distribution of an effective vaccine. We need to plan ahead for pandemic by stockpiling antiviral medications, medical, and other supplies. We need to strengthen our public health infrastructure. We need to educate Americans by increasing awareness of and education about this flu. Finally, we need to commit to protecting Americans by devoting adequate resources to pandemic preparedness.

Experts have warned that an avian flu pandemic is inevitable. But the devastating consequences that can ensue from an outbreak are not—provided this Nation and the world heed the science community warnings and take action immediately.

I propose to start by committing the resources necessary to protect Americans. We need to start today. We know today that funding certain programs can make dramatic reductions for the consequences of a future avian flu outbreak. We also know many of these programs are either unfunded or massively underfunded.

Tomorrow, when we take up the Defense appropriations bill after we finish the Roberts vote, Senators HARKIN, KENNEDY, OBAMA, and many others, including myself and Senator DURBIN, the two Democrat leaders here who have been elected by our colleagues, will join in this.

This is important. We are going to offer an amendment that will ensure that we begin making the investments necessary to make sure this Nation and the world do everything possible to ensure that history does not repeat itself and we do not have to relive the terror of 1918.

The PRESIDING OFFICER. Under the previous order, the Senate is scheduled to adjourn at this time.

Mr. REID. I ask unanimous consent that the Senator from Illinois have an opportunity to speak. I am happy to relieve the Chair if that is necessary. We have two Senators on the floor to finish their statements. I ask consent that the two Senators from Illinois be recognized to speak.

The PRESIDING OFFICER. Could I ask if there is a time limit?

Mr. REID. How long does the senior Senator from Illinois wish to speak?

Mr. DURBIN. No more than 10 minutes.

Mr. REID. The junior Senator from Illinois?

Mr. OBAMA. I was not aware my senior colleague from Illinois was going to speak so I don't want to unnecessarily hold up the entire Chamber.

Mr. REID. The Senator should know I did use your name.

Mr. OBAMA. I am aware of that.

Mr. REID. You have the only comprehensive bill filed regarding the avian flu and I commend you in that regard.

Mr. DURBIN. I will be glad to take 5 minutes and yield to my colleague 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I appreciate that. I know I have presided over a few of the late nights.

Mr. DURBIN. Mr. President, I preface my remarks by saying that the first person who brought the avian flu epidemic to my attention was my colleague Senator OBAMA, who identified this issue before most other Senators. I commend the Senator for his leadership on this issue. I am glad he is here this evening to speak to it.

I have had two public health briefings in my time as a Congressman and Senator which stopped me cold. The first one was about 20 years ago. It was on the global AIDS epidemic. I knew it was a problem, but I didn't know what kind of a problem. I left that briefing in the House Committee on the Budget and went home to speak in very sincere terms to my family about what I considered to be a real threat to all of us. It was in the earliest stages.

Today, I had the second public health briefing which stopped me cold again. We were briefed by Secretary Leavitt from the Department of Health and Human Services, Dr. Gerberding from the Centers for Disease Control, and Dr. Fauci, well-known doctor at the National Institutes Of Health. They talked about the possibility of this avian flu epidemic. Senator REID has gone into detail.

Mr. President, the images from Katrina are still with us—children, senior citizens, people with disabilities and chronic medical problems, waiting for days for care and medicine. These are not images we hope to see again anytime soon, and yet, we are told that these scenes will be repeated, in larger numbers, in more cities, and for far longer when the avian flu breaks out in this country.

Scientists and government officials alike, worldwide, agree that the outbreak of avian flu is virtually inevitable and that, like we were for Katrina, this country is woefully underprepared.

A few weeks ago at the U.N., the World Health Organization warned the Assembly of a pending global pandemic. President Bush acknowledged, ''If left unchallenged, this virus could become the first pandemic of the 21st century.'' Department of Health and Human Services Secretary Leavitt and Senator FRIST are as worried as I am. There is a general sense that we are not prepared.

The only antiviral drug that appears to be effective in minimizing the flu's effect is in short supply. The U.S. has enough doses in its stockpile to treat just 2.3 million people. The only vaccine we have in the pipeline is experimental. It may or may not be effective against the mutation that breaks out in humans in this country. And supplies of that vaccine are limited.

Right now, the avian flu primarily infects birds, but we are aware of 115 cases in which people have been infected by the flu. Fifty-nine of them have died. If that pattern were to hold, 55 percent of the people infected with this flu could die.

In many ways, we are better off than we were in 1918 when a flu pandemic struck this country and took 675,000 lives. We know how germs are spread and how to minimize that spread. In other ways we are far more susceptible to this threat. The Wilderness Society believes the avian flu could spread from China to Japan to New York to San Francisco within the first week.

The Council on Foreign Relations dedicated its last volume of Foreign Affairs to the impact of a global pandemic—the prospect of battling an epidemic of flu in several countries at the same time. ABC News reports that officials in London are quietly looking for additional morgue space.

The Bush administration is preparing a plan for responding to an outbreak of avian flu. I think there is more that we can do and that we must do—now. If you listen to the leaders in infectious disease and public health around the world, we may not have the luxury of time on this one.

We need to step up surveillance of infectious disease here in the U.S. and internationally, so that we can track this thing and begin to contain it immediately. We need to invest in research and development to pursue all possibilities for effective vaccines and antiviral drugs. If the avian flu hits with a 55 percent mortality rate within days of infection, as it appears to be doing, we could lose hundreds of thousands of Americans in the first few months. We need to aggressively pursue vaccines now—not after the outbreak has begun.

We need to help states develop their own preparedness plans so that our response is coordinated and organized and will save lives. Where is the medicine stored? How do we make decisions about who gets treatment when there is too little to go around? How will the distribution systems work? This is work we must help states and localities complete now—not during a time of crisis.

Last flu season, we lost about half of our expected supply of flu vaccine at the same time the Centers for Disease Control and Prevention began encouraging everyone to go and get one. It was a mess. We had senior citizens waiting for hours for a vaccine, often to learn that they were too late. We saw people waiting for a flu vaccine standing in lines that snaked through K-Mart parking lots.

I hope we don't have to learn these lessons again the hard way. It is our responsibility to ensure that states and localities are prepared. We need to aggressively pursue effective treatments now—not when flu victims are overwhelming our hospitals before our eyes. And we have to invest now—not later—in the capability to track this flu so we can stop its spread as quickly and effectively as possible.

If we don't—if we simply wring our hands and hope for the best—when the avian flu hits this country, it will make the scenes of Katrina pale in comparison

Before I turn it over to my colleague, I will not repeat the remarks of Senator REID, but I will say if you believe you can survive this flu epidemic because you are not an infant or sickly or elderly, that is not the situation. It turns out we have no resistance to this flu strain, and as a consequence we are all in the same situation in terms of vulnerability. That is why this is so serious.

We had a briefing today, and I am sure Senator OBAMA will go into detail on it, but it raises questions as Senator REID raised.

I will yield the rest of my time to my colleague and thank him for his leadership.

I close by saying, we left the Defense appropriations bill, brought it out of committee today. It contains $50 billion for our continuing efforts in Iraq. I will provide and vote for every penny our service men and women need, but I also believe we have an obligation to Americans here. A stronger America starts at home. That means being prepared for the next challenge we face, and this avian flu pandemic could easily be that challenge.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Illinois.

Mr. OBAMA. Thank you very much, Mr. President. I will be brief. I know we have gone way over the time here today.

Mr. President, in the midst of so much difficulty that our Nation is facing—Katrina and Rita, the ongoing challenges in Iraq and Afghanistan—I recognize it is hard to get the public, the leadership in Congress, and senior administration officials to focus on yet one more challenge.

But as has already been stated by the Democratic leader, HARRY REID, and my senior colleague, the minority whip, Senator DICK DURBIN, this is a crisis to which the entire country simply must awaken itself.

When I started talking about this 7 months ago, not too many folks paid attention. Perhaps because the shorthand for this looming crisis is the ''bird flu,'' people assume it is just going to get birds and animals sick.

In reality, however, what is at stake here is the potential of a pandemic that we have not seen in the United States since 1918, 1919. As has already been stated here tonight, our top scientists and medical personnel, including the heads of the NIH, CDC, and the Department of Health and Human Services, all agree that it is almost inevitable that an avian flu pandemic will strike.

The key question is the extent of the damage, especially in terms of lives lost. The answer to this question will,

in large measure, depend on our level of preparedness and the amount of resources we are willing to immediately commit to deal with this looming crisis.

Over the last few months, we have seen alarming reports from countries all over Asia—Indonesia, China, Vietnam, Thailand, and Russia, just to name a few—about deaths that have resulted from the avian flu.

The situation has turned so ominous that Dr. Julie Gerberding, the Director of the CDC, said that an avian flu outbreak is ''the most important threat that we are facing [today].''

International health experts say that two of the three conditions for an avian flu pandemic in Southeast Asia already exist.

First, a new strain of the virus, called H5N1, has emerged, and humans have little or no immunity to it. Second, this strain has demonstrated the ability to jump between species.

The only thing preventing a full blown pandemic is a lack of efficient transmission of this strain from human to human. Once that happens, as a consequence of international travel and commerce, there is not going to be any way to effectively contain this pandemic.

Moreover, the news on this last point is not good. In recent months, the virus has been detected in mammals that have never previously been infected, including tigers, leopards and domestic cats. This suggests that the virus is mutating and could eventually emerge in a form that is readily transmittable among humans.

Mr. President, Senator REID and Senator DURBIN both outlined some of the measures that have to be put in place here domestically to protect our population. We have to drastically ramp up our stockpiles of Tamiflu, which, if taken properly, could act as a treatment from the avian flu once a person is infected. Right now, we only have a couple of million doses. We need 80 million to 100 million doses in order to be adequately prepared. That is going to cost us significant amounts of money, as the cost of Tamiflu is approximately $20 per dose.

In addition, we are going to have to develop flu vaccines of a sort we have not seen in the past. In order to create sufficient quantities, we are going to have to go push the boundaries of existing technologies and science—going beyond the agricultural mechanisms of developing vaccines that we have used in the past.

Third, we are going to make sure that local and State governments understand how urgent this is. We have to ensure there are clear plans, coordination mechanisms, and lines of authority—that will stand up in a time of crisis. Right now, we do not have sufficient plans in place to make sure local and State agencies are able to generate the kinds of rapid responses that are going to be necessary in the case of a flu outbreak.

After Katrina, I hope that local and State governments understand they have to work with the Federal agencies more effectively to deal with these kinds of emergencies.

Another issue I would mention is that we are going to have to establish international protocols to ensure we can alert ourselves rapidly if we have confirmed cases of human-to-human transmission of the avian flu anywhere in the world. Why do I mention this? If we detect efficient human-to-human transmission, it is likely that we are going to have only weeks before we are going to see those first cases in the United States.

This means placing effective trigger mechanisms in all these countries to make sure everyone is cooperating and providing rapid information, which could mean the difference in terms of tens or hundreds of thousands of lives.

Now I don't want to suggest that nothing is being done. For example, months ago, Congress, on a bipartisan basis including myself, Senator LUGAR, Senator MCCONNELL, and Senator LEAHY—included $25 million as part of the Iraq supplemental to make contribute to an urgent WHO appeal on this issue. Today, this money is making a difference in the field trying to set up some of the international measures I just described.

I, along with Senators LUGAR, DURBIN and others, introduced legislation, S. 969, to enhance our ability to deal with this potential crisis. But that was months ago, and we need to broaden the number of people involved in this effort.

Moreover, these is are modest first steps. Going forward, we are going to need significantly more resources. I am eager to work with leaders on health issues, including Senator HARKIN and Senator REID, as well as others across the aisle.

I hope we can work not only to make sure we have an effective international regime to deal with this problem overseas but that we also invest the time, the energy, and the resources needed to put in place effective measures well before we have a full blown crisis on our hands.

An outbreak of the avian flu could occur in a year, 5 years, 10 years, or if we were incredibly lucky not happen at all. But the one good thing about investing in measures to deal with this looming crisis is—and I will end on this point—if we spend the money now, it will pay dividends, even if this particular strain of the avian flu outbreak does not occur.

Why is this the case? The risk of some sort of pandemic, and the mutations of flus for which we have no immunity, is almost inevitable. The H5N1 strain may not be the strain that leads to a full blown pandemic. But, another strain could easily come along a cause serious damage in the future.

Presently, we simply do not have the public health infrastructure to deal adequately with this contingency.

My point is this: undertaking these measures is going to be a wise investment that will help protect the lives of millions of people here in the United States and across the globe.

Mr. President, I appreciate your patience very much and look forward to working with you on this issue.

The PRESIDING OFFICER. I thank the Senator.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:37 p.m., adjourned until Thursday, September 29, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 28, 2005:

AFRICAN DEVELOPMENT FOUNDATION

JENDAYI ELIZABETH FRAZER, ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 27, 2009, VICE CONSTANCE BERRY NEWMAN.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

HORACE A. THOMPSON, OF MISSISSIPPI, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2011, VICE JAMES M. STEPHENS, TERM EXPIRED.

DEPARTMENT OF EDUCATION

KENT D. TALBERT, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION, VICE BRIAN JONES, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

CAROL E. DINKINS, OF TEXAS, TO BE CHAIRMAN OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD. (NEW POSITION)

ALAN CHARLES RAUL, OF THE DISTRICT OF COLUMBIA, TO BE VICE CHAIRMAN OF THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD. (NEW POSITION)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be lieutenant junior grade

MELISSA M. FORD

To be ensign

MADELEINE M. ADLER
CAROL N. ARSENAULT
JAMES L. BRINKLEY
JOHN E. CHRISTENSEN
SEAN M. FINNEY
LAUREL K. JENNINGS
GUINEVERE R. LEWIS
ALLISON R. MARTIN
JASON R. SAXE
PAUL M. SMIDANSKY
DAVID A. STRAUSZ
REBECCA J. WADDINGTON
JAMIE S. WASSER

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATE FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be assistant surgeon

LEAH HILL

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be medical director

GREGORY A. ABBOTT

To be senior surgeon

WANDA DENISE BARFIELD
RUTHANN M. GIUSTI
SONJA S. HUTCHINS

SUSAN A. MALONEY
PATRICIA M. SIMONE
PAMELA STRATTON

To be surgeon

MARTA-LOUISE ACKERS
PAUL MATTHEW ARGUIN
ULANA R. BODNAR
WILLIAM ALFRED BOWER
JOSEPH S. BRESEE
DAVID BOSWELL CALLAHAN
JOHN R. MACARTHUR
JEFFREY W. MCFARLAND
KATHERINE G. MULLIGAN
ROBERT DAVID NEWMAN
KEVIN ANDREW PROHASKA
WILLIAM RESTO-RIVERA
THERESA LOUISE SMITH
JEREMY SOBEL
KAY M. TOMASHEK
MICHELLE S. WEINBERG

To be senior assistant surgeon

MEI LIN CASTOR
EILEEN F. DUNNE
SCOTT ALLEN HARPER
MATTHEW ROBERT MOORE
THOMAS M. WEISER
SARA JEANNE WHITEHEAD
HUI-HSING WONG

To be senior dental surgeon

STEVEN D. FLORER
JOHN W. KING
STEPHEN P. TORNA

To be dental surgeon

WILLIAM DENZELL CAVANAUGH
RENEE JOSKOW
HSIAO P. PENG
DARLA DIANNE WHITFIELD

To be senior assistant dental surgeon

MAYRA ARROYO-ORTIZ
RAYMOND A. DAILEY
KIM NANCY HORT
MARY BETH JOHNSON
ROBERT C. LLOYD, JR.
WILLIAM B. PARRISH
TANYA M. ROBINSON
CURTIS D. SPANN
VANESSA F. THOMAS
EARLENA R. WILSON

To be senior nurse officer

KATHERINE A. COINER
SHEILA F. MAHONEY

To be nurse officer

HELGA C. BACA
NANCY F. BARTOLINI
KATHERINE MARIE BERKHOUSEN
SUSAN KATHRYN BROWN
JUANITA M. FOX
MARGARET K. GRISMER
LISA M. HOGAN
EDECIA ALEXANDRIA RICHARDS
KONSTANTINE K. WELD
ADOLFO ZORRILLA

To be senior assistant nurse officer

AMY FRANCES ANDERSON
LISA A. BARNHART
ELIZABETH ANNE BOOT
ALICIA ANNE BRADFORD
REGINA D. BRADLEY
NICHOLE J. CHAMBERLAIN
ALAN RICHARD CONDON
DAVID ALLEN CROSS
JOHN W. DAVID, JR.
SUSIE PAPAZIAN DILL
KIMBERLY JILL ELENBERG
BRADLEY JOHN ESPESETH
JOHN S. GARY, JR.
CHERYL LYNN GARZA
PATRICIA NOTTINGHAM GARZONE
GEORGE ROBERT GENTILE
WAYNE KEITH GRANT
NANCY M. HALONEN
LORI A. HUNTER
CYNTHIA RENEE JAMES
NATALIE A. KEATING
NICOLE ANTOINETTE KNIGHT
AKUA O. KWATEMAA
YVONNE TERESA LACOUR
YVETTE MARIA LACOUR-DAVIS
CAROL S. LINCOLN
SHERRY LEE LULF
JOHN THOMAS MALLOS
ROSALIE A. MASHTALIER
CHRISTINE M. MATTSON
MAUREEN JANE MCARTHUR
TAMI LEE MCBRIDE
ALBERTA M. MCCABE
BRIAN M. MCDONOUGH
QUENTIN E. MOORE
VICTORIA LYNN OBOCZKY
DEAN B. PEDERSEN
ALBERT PERRINE, JR.
ALOIS P. PROVOST
JOSIE C. RICCI
KELLY DUANE RICHARDS
ABELARDO F. ROMAN
TIARA ROSE RUFF
ARTHUR S. TAICH
VINCENT M. THRUTCHLEY
HYOSIM S. TRAPP
AMY BETH WEBB
KELLIE LYNN WESTERBUHR
ANGEL L. WILSON
MARC E. WINOKUR

To be assistant nurse officer

DAVID ANDREW CAMPBELL
DARRELL LYONS
CHRISTINE MARIE MERENDA
GLORIA M. RODRIGUES

To be engineer officer

DAVID WILLIAM AUSDEMORE
DEREK W. CHAMBERS
SUSAN KAYE NEURATH
KENNETH TOM SUN

To be senior assistant engineer officer

MARK T. BADER
LORETTA B. BARRANGER
STEVEN J. DYKSTRA
DENNIS I. HAAG
KATHERINE ELIZABETH JACOBITZ
STEPHEN B. MARTIN, JR.
JOHN PAUL NICHOLS
JOHN B. PULSIPHER
MICHAEL B. REA
NICHOLAS R. VIZZONE
SHARI L. WINDT

To be senior scientist

JOSEPH L. DESPINS

To be scientist

JON RUSSELL DAUGHERTY
JOHN MOSELY HAYES
MELANIE FAITH MYERS
BENNIE D. WHEAT

To be senior assistant scientist

RACHEL NONKIN AVCHEN
ARTENSIE RENEE FLOWERS
PETER DAMIAN MCELROY
DIANA LOUISE SCHNEIDER
MARK JOSEPH SEATON

To be environmental health officer

JEAN ANN GAUNCE
DANIEL J. HEWETT
JOSELITO SANCHEZ IGNACIO
TIMOTHY M. RADTKE

To be senior assistant environmental health

DONALD STEWART ACKERMAN
CHARLES M. BLUE
MICHAEL GEORGE BOX
WILLIAM C. CRUMP
RONALD MATTHEW HALL
JAMES R. HOWELL
BOBBY T. VILLINES

To be senior veterinary officer

WALTER R. DALEY

To be veterinary officer

TRACEE A. TREADWELL

To be senior assistant veterinary officer

MARIANNE PHELAN ROSS
REGINA LORAINE TAN
VENITA B. THORNTON
ALLISON M. WILLIAMS

To be senior pharmacist

M. CARLENE MCINTYRE

To be pharmacist

THOMAS RAYMOND BERRY
BARBARA J. FINNEGAN
BETH FABIAN FRITSCH
STEVEN DAVID MAZZELLA
ANGELA MADDREY PAYNE
ROBERT CHARLES STEYERT
JULIENNE M. VAILLANCOURT
PRESTON L. VANCUREN

To be senior assistant pharmacist

CHRISTOPHER KEITH ALLEN
DEMITRIA J. ARGIROPOULOS
WILLIAM H. BENDER
MARY A. BICKEL
KEVIN D. BROOKS
TAMMY L. BUNTJER
MARY CATHERINE BYRNE
BRIAN NEIL CAMPBELL
JASON FOSTER CHANCEY
JAMES MICHAEL CHAPPLE
KAI L. CHIU
CHAE UN CHONG
WILBERT DARWIN, JR.
CORNELIUS DIAL
DAVID TERWASE DIWA
RICHARD E. ERICKSON II
KRISTA SUE EVANS
JAMES B. GIBBON
STEVEN JOE GRAY
ANDREW STEPHEN HAFFER
JACQUELINE W. LEA
KAREN ELIZABETH MCNABB-NOON
GLENNA LOUISE MEADE
ANDREW KEVIN MEAGHER
JEFFREY GLENN NEWMAN
CUTHBERT T. PALAT III
KRISTA MARIE SCARDINA
RANDY LEE SEYS
MARTIN H. SHIMER II
STEVEN C. SMALLEY
JACQUELINE KAREN THOMAS
KELLY ERIN VALENTE
SAMUEL YU-SHU WU
CHI-ANN YU WU
SHERRI A. YODER
CHARLA M. YOUNG
BRIAN KEITH JOHNSTON
RYAN LYNN STEVENS
ALICE SZE-MAN TSAO

To be dietitian

JEAN R. MAKIE
VANGIE R. TATE

To be senior assistant dietitian

SUZAN ELIZABETH DUNAWAY

To be senior therapist

SUSAN F. MILLER

To be therapist

MERCEDES J. BENITEZ-MCCRARY
LIZA M. FIGUEROA
KATHLEEN M. MANRIQUE

To be senior assistant therapist

DENISE M. BRASSEAUX
ALEXEI A. DESATOFF
JEFFREY JOSEPH LAWRENCE
HENRY PAUL MCMILLAN
LORRIE LEA MURDOCH
SUE N. NEWMAN
ROBERT E. ROE, JR.
STEPHEN SHUMWAY SPAULDING
JULIE MARGARET VAN LEUVEN

To be health services director

DAVID C. KVAMME

To be senior health services officer

RICHARD A. MARCH

To be health services officer

CHRISTOPHER JOHN BERSANI
LINDA KAY BRANDT
KELLIE J. CLELLAND
GREGORY DALE CLIFT
PHILIP SIMMONS MCRAE
JUDY B. PYANT
RAFAEL ANGEL SALAS
JEANEAN DENISE WILLIS
ELISE SIU YOUNG

To be senior assistant health services officer

NOREEN K. ADAY
CLAYTON M. BELGARDE
DAVID J. BELLWARE
JEFFREY S. BUCKSER
GEORGE L. CARTER
KEITH WILLIAM CESPON
DIMITRUS CULBREATH
MICHAEL WILLIAM DAVIS
STEPHEN M. DEARWENT, JR.
LYNETTE R. DZIUK
NIMA N. FELDMAN
PATRICK M. FITZWATER
CELIA SYDONNE GABREL
STACEY R. GOODING
ROBERT T. HARRIS
DANIEL H. HESSELGESSER
ROBIN ANN JACKSON
TOBEY CANDICE MANNS
JACK F. MARTINEZ
JOHN D. MAYNARD
FRANCES PAULA PLACIDE
PRISCILLA RODRIGUEZ
CLAUDINE MICHELE SAMANIC
ANGEL GUSTAVO SEINOS
FELICIA BINION WILLIAMS
JAMES F. ZINK

To be assistant health services officer

SHAWN DAVID BLACKSHEAR
SEAN RANDALL BYRD
WILLIAM LEVI COOPER
TORREY BETH DARKENWALD
DEBORAH ANN DOODY
CARL A. HUFFMAN III

THE JUDICIARY

TIMOTHY C. BATTEN, SR., OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE WILLIS B. HUNT, JR., RETIRED.

KRISTI DUBOSE, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ALABAMA, VICE CHARLES R. BUTLER, RETIRED.

THOMAS E. JOHNSTON, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA, VICE CHARLES H. HADEN, II, DECEASED.

VIRGINIA MARY KENDALL, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE SUSANNE B. CONLON, RETIRED.

W. KEITH WATKINS, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF ALABAMA, VICE WILLIAM HAROLD ALBRITTON, III, RETIRED.

EXTENSIONS OF REMARKS

RECOGNIZING PRESIDENTIAL SCHOLARS OF PINE CREST SCHOOL

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. SHAW. I rise today to recognize and honor the dedication and ambition of three recent graduates of Pine Crest School in Fort Lauderdale, Florida.

Kyle Mahowald, Andrew Malcolm, and Caitlin McAuliffe have each been recognized as National Presidential Scholars. The Presidential Scholars program was introduced by Executive Order in 1964 as a means of applauding the efforts of the Nation's top high school graduates. This year, only 141 winners were chosen from a candidate pool of over 2,700. With three, Pine Crest has the most honorees of any school in the Nation. I am confident that this achievement foreshadows what their bright futures may hold.

The efforts of these students extend far beyond the classroom. Kyle, Andrew, and Caitlin have reached out to their fellow peers, taking leadership roles in various student organizations and serving as mentors for younger students. Additionally, they have reached out to their communities, giving countless hours from their busy schedules to raise money for various worthy causes. Kyle Mahowald even became the youngest person to compose the Sunday crossword puzzle for the New York Times.

The educators and parents of Pine Crest School play a critical role in the success of all of their students. I commend Raymond Sessman, Anthony Jaswinski, and Gordon Ivanoski for their dedication and guidance to these three students. Only with the support of truly caring teachers can future generations of American students hope to reach their dreams.

On behalf of Florida's 22nd District, I wish to recognize Kyle Mahowald, Andrew Malcolm, and Caitlin McAuliffe for their admirable efforts and wish them the best of luck in their studies at Harvard, Princeton, and Yale, respectively. Their accomplishments are a shining example to all of South Florida's students and students across the Nation.

TRIBUTE TO JOHN AND BETTY ANN DONEGAN FOR THEIR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join Harbor Health Services and the many family, friends, and community members who have gathered to pay tribute to two outstanding members of the Branford community and my good friends, John and Betty Ann Donegan. John and Betty Ann have dedicated a lifetime to public and community service—making all the difference throughout the Branford community.

As Harbor Health Services celebrates its 25th Anniversary, it is only fitting that they should honor Betty Ann who, as a charter board member, helped give life to this outstanding organization. Since its inception, Harbor Health Services has provided invaluable programs and services to those with behavioral health needs and has become a leader in quality care and service. Through her efforts and guidance on the Board, Betty Ann's involvement with the organization has helped to make it the success it is today. However, it is not just for her good work with this agency that she is being honored.

Both John and Betty Ann have devoted countless hours to the Branford community. Every community should be so fortunate as to have a couple who so willingly give of themselves to make a difference in the lives of others. Betty Ann's reputation as an active and dynamic volunteer is only further enhanced when you consider the innumerable contributions she has made. Whether chairing benefits for the Branford Volunteer Service Center, the celebration of the reopening of the James Blackstone Memorial Library, or the Branford Festival, it seems that Betty Ann is always available to lend a helping hand to ensure that these community events are a success.

John has also demonstrated a unique commitment to public and community service. He has represented Branford residents as a member of the Representative Town Meeting, served on the Branford Board of Education, and has for many years served as the town's Judge of Probate. In addition to his public service, John has also devoted much of his time to community organizations. For 25 years he served as Secretary of the Branford Community Foundation, he is the immediate past president of the Pine Orchard Yacht and Country Club and has served as volunteer counsel for the Branford Volunteer Service Center. Through all of these efforts, John has quietly enriched the community, improving the quality of life for all of its residents.

On a more personal note, I must also thank John and Betty Ann for their many years of special friendship. When I first ran for Congress in 1989, the Donegans were some of the very first to support my efforts. Even during a horrible blizzard, they opened up their home to introduce me to the Branford community. They are true friends and I am certainly fortunate to have their support and encouragement.

Their dedication and commitment to public and community service is unparalleled. John and Betty Ann reflect all that community leaders should be. I am certainly proud to call them my friends. I am pleased to stand today and join all of those gathered in extending my deepest thanks and appreciation to John and Betty Ann Donegan as they are so fittingly honored by Harbor Health Services with their Community Service Award. There are few who have demonstrated such generosity and compassion. They have left an indelible mark on the Branford community—a legacy that has touched the lives of thousands.

UNIVERSITY OF MASSACHUSETTS DARTMOUTH STUDENTS HAVE ENTERED THIS YEAR'S DEPARTMENT OF ENERGY SOLAR DECATHLON

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. FRANK of Massachusetts. Mr. Speaker, I rise today to recognize the accomplishments of a gifted group of students from the University of Massachusetts Dartmouth who have designed and built an entry at this year's Department of Energy Solar Decathlon.

The Solar Decathlon brings 18 college and university teams to participate in this innovative solar competition to design, build, and operate the most attractive and energy-efficient solar-powered home. Student teams built their solar houses on their respective campuses and will transport them to the National Mall in Washington, DC, where they will form a solar village on the National Mall.

The solar village is open to the public October 7–16, 2005. The teams' solar houses are open for touring every day except October 12, when they are closed for competition purposes. An overall winner will be announced on October 14.

I especially wanted to note that after the competition the University of Massachusetts Dartmouth Solar Decathlon Team will be donating their solar home to Habitat For Humanity where it will be permanently installed in Northeast DC as a Habitat-provided home. I'm proud to have the University of Massachusetts Dartmouth in my district and to represent these bright young people who have worked so hard to draw attention to the benefits of alternative energy.

CONGRATULATING PASQUALE CASTAGNA AS RHODE ISLAND'S 2005 OUTSTANDING OLDER WORKER

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. LANGEVIN. Mr. Speaker, today I rise to congratulate Pasquale Castagna, recently honored as Rhode Island's 2005 Outstanding Older Worker. Mr. Castagna, at the age of 84, continues to manage the Grandview Bed and Breakfast in Westerly, RI, and still finds the time to give back to his community through service and dedication.

● 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.

A World War II veteran and committed public servant, Pat Castagna began working for the bed and breakfast 18 years ago, after spending 34 years as a community postman for the U.S. Postal Service. He was honored in that position in 1973 for ''recognition of efforts beyond the call of duty in bringing credit to the postal service.''

Now property manager of the Grandview Bed and Breakfast, Pat has kept the house, grounds, and office running smoothly. His work has contributed to making Grandview one of the best in the area, winner of the 1998 Bed and Breakfast Excellence Award from the South County Tourism Council.

After 84 years, Pat still finds time not only to continue performing his job, but to contribute to the community as well. He was cited for most consecutive years of community service for his work on the Westerly Town Council, helping plan the Columbus Day Celebration for 25 years and serving as a member of a committee to memorialize those who died serving our country.

The Outstanding Older Worker award reflects the characteristics of ''leadership, learning, mentoring, and community service,'' and was created by Experience Works to honor America's senior workforce. The importance of this segment of the workforce should never be underestimated, and Rhode Island is proud to have people like Mr. Castagna still hard at work in our community. On behalf of my home State, I would like to thank Mr. Castagna and all older workers for their dedication to their jobs, and I would like to wish them all great success in the future.

RECOGNIZING PRESIDENTIAL FREEDOM SCHOLARSHIP RECIPIENTS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. SHAW. Mr. Speaker, I rise today to recognize and honor the outstanding dedication to community service displayed by ten high school students who were recently awarded the Presidential Freedom Scholarship.

This year's recipients are Maruan Almada of Fort Lauderdale, Jenna Ali of Deerfield Beach, Charity Lamerson of Boynton Beach, Monique Shepherd and Edwin Morales of Boca Raton, Shaina McGehe of West Palm Beach, Aaron Grossman of Royal Palm Beach, Jarrod Matthei of Pompano Beach, Joshua Miller of Parkland, and Stacey Blase of Palm Beach Gardens.

These ten fine young individuals have taken a leadership role in local community service projects and devoted significant time and energy to improving our district. They have each contributed more than 100 hours of service in the last 12 months alone.

Mr. Speaker, today we recognize these ten Freedom Scholarship recipients for their tireless efforts and leadership in working to improve the lives of others in our community. I wish these fine young men and women the best of luck in their future endeavors, with full confidence that their dedication to service will continue to both improve lives and inspire others.

TRIBUTE TO CHIEF ROBERT F. NOLAN ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Ms. DELAURO. Mr. Speaker, I am very proud to rise today to join family, friends, and community members in extending my sincere thanks and appreciation to my good friend, Chief Robert F. Nolan, who is celebrating his retirement after thirty-four years of dedicated service. His retirement marks the end of a distinguished career in law enforcement with the Hamden Police Department.

Recent times have brought a renewed public respect for our Nation's law enforcement officials and the very real dangers they face. From the tragic events of Columbine to the devastating attacks of September 11th to the catastrophic destruction of Hurricane Katrina, the skill, dedication and commitment of our law enforcement officials has been tested. From these tragedies lessons have been learned and higher expectations have been made for those who dedicate their lives to protecting our communities. In these times, we have looked to our police officers for guidance and reassurance.

Chief Nolan began his career as a patrol officer with the Hamden Police Department in 1971. In his over three decades of service with the Department, he served in many positions with the utmost of distinction and integrity. Throughout his career, Chief Nolan has always dedicated himself to ensuring the protection and safety of the Harnden community. Attending countless training exercises, workshops, forums, with both local and federal agencies, the Chief always availed himself of the most advanced law enforcement training available. His unparalleled leadership and dedication to law enforcement earned him the appointment of Chief, a rank which he has held for the last seven years.

I have perhaps never been so proud of our law enforcement officials than in the days immediately following September 11th. Chief Nolan along with twenty-two of his officers went to New York City to assist authorities at the police command center. It has been through outstanding efforts like these that the Chief has earned the respect and esteem of his Department, the citizens of Hamden, and all that have had the opportunity to work with him. Every community should be so fortunate.

With all of his work at the Department and in the community, Chief Nolan still made time to be of great assistance to myself and my staff. He has been an invaluable resource to us all and I want to extend my deepest thanks and sincere appreciation for all of his many years of support and friendship.

Chief Robert F. Nolan has demonstrated an unparalleled commitment and has left an indelible mark on the Town of Hamden—he will be missed. As he celebrates his retirement, it is with great pleasure that I rise today to join his wife, Shirley; daughters, Dawn and Robyn; his three grandchildren, family, friends, and colleagues in wishing him the very best for many more years of health and happiness.

AVTEX BOILER HOUSE IMPLOSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. WOLF. Mr. Speaker, September 19, 2005, was an historic day for Warren County in Virginia's 10th District. On that Monday, the largest and last major building in the American Viscose (Avtex) plant complex on Kendrick Lane in Front Royal, next to the South Fork of the Shenandoah River, was imploded. The site is now being prepared for redevelopment as a 165-acre technology-oriented business park, 240-acre nature conservancy park, and 35-acre community soccer complex.

The event marked the end of an era for the Front Royal and Warren County area which began over six decades ago. From 1940 to 1989, the Avtex plant was a hub for this community, employing more than 2,500 people manufacturing rayon, polyester and polypropylene fibers for the defense, space and commercial industries. But its closure in 1989, not only eliminated a great number of jobs, it left the site unsuitable for reuse.

Following its closure, the facility was identified by the Environmental Protection Agency as a Superfund site. However, before the EPA could begin its work on cleaning up the site, asbestos and lead-contaminated buildings had to be removed. Since 2000, the Army Corp of Engineers has been partnering with the Environmental Protection Agency, Virginia Department of Environmental Quality, the Economic Development Authority of Front Royal and Warren County and the FMC Corporation, a former owner of the site, in the Avtex cleanup efforts. These partners have done an amazing job of cleaning up this site and preparing for a new use.

Clean-up can be very costly. That's why securing federal assistance for the effort has been a priority for Senator JOHN WARNER of Virginia and myself for many years. However, the initial funding of $12 million ended up being insufficient to cover the full cost of demolishing the buildings and removing the asbestos. In 2003, Senator WARNER and I were able to help provide an additional $11 million in federal funds to finish the effort. It would have been unacceptable to leave the project half-done.

Monday was a very emotional day for many who had dedicated years of service to our nation at the Avtex site. While the occasion was tinged with sadness for many former Avtex employees who were on hand for Monday's ceremony, they are hopeful that their former work site can once again be an economic center for the region.

Former Avtex employees were recognized for their contributions over the years with yellow ribbons. Louise Bowers, an 83-year-old town resident, worked at the rayon plant for 46 years, over half of her life. Her father, the late Noah Martin, had a part in the history of this site having hauled sand used in the construction of the plant.

Mrs. Bowers went to work there in 1940, one of 19 young women hired that day. During World War II, she wound motors for the spinning room. She ended up in the ''double-deck'' or the lower part of the plant, where the syrup-like viscose liquid was poured through platinum ''jets'' or thimbles, forming tiny filaments

of rayon yam. She said the men worked upstairs and the women worked downstairs.

It was through her job at Avtex that Louise met her husband, John C. Bowers. He worked at Avtex for 39 years. Much of his work was in the ''staple'' department, where sheets of fluffy rayon were baled. Like his wife, it was a bittersweet moment to see the boiler house imploded.

For Lloyd W. Ebaugh Sr., 92, of Woodstock, his work at Avtex over 32 years provided a good living for him and his wife, Catherine, to raise their twin daughters. Avtex was the lifeblood for other communities from Winchester to Woodstock to Edinburg to Luray, across the mountain, all around. It was the major industry in the area. His wife was saddened by Monday's implosion noting that ''it represented the end of a lot of things, wonderful and good things.''

Also on hand for Monday's implosion was William K. Sine, 76, of Front Royal, who earned his living at Avtex for more than 29 years. His was the next to the last shift worked before the plant closed for good on November 9, 1989. ''It was a good experience,'' Mr. Sine said. ''I know a lot of the guys I worked with up there, most of them are dead now.''

The implosion of the last significant remaining building was a milestone for everyone involved—the town, the county, the Economic Development Authority, and all the federal partners. As the U.S. representative for this area, I was pleased be able to participate in this historic occasion—the end of the Avtex plant but the birth of a new economic generator for the people of Front Royal, Warren County and the surrounding areas. The people of Warren County are to be commended for their resolve to see this project through to its completion.

RECOGNIZING THE 75TH ANNIVERSARY OF PUBLIX

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. SHAW. Mr. Speaker, I rise today to recognize and honor the 75th Anniversary of Publix supermarkets.

Publix was founded by George W. Jenkins in 1930 in Winter Haven, Florida. Since then, Publix has more than 125,000 associates in Florida, Georgia, South Carolina, Alabama and Tennessee. With more than 800 stores, it is one of the fastest growing employee-owned Fortune 500 companies.

In 1940, George Jenkins mortgaged an orange grove he had acquired during the Depression for a down payment on his dream store—Florida's first supermarket. He built his ''food palace'' of marble, glass and stucco, and equipped it with innovations never seen before in a grocery store. Such innovations included air conditioning, fluorescent lighting, electriceye doors and frozen food cases. People from all over traveled hundreds of miles to partake in the Publix experience.

In 1951, to help build and supply the stores, a 125,000–square-foot warehouse and headquarters complex was completed in Lakeland. Five years later, Publix recorded its first million-dollar profit year.

George Jenkins' reputation grew along with the business and he was elected president of the Super Market Institute in 1961. In 1970, Publix achieved another high mark, recording nearly $500 million in sales, a figure that would double in four short years. In 1979, Publix had a record-breaking year with 15 new store openings.

Publix turned 50 in 1980, and celebrated by kicking off a decade of technological innovation. In keeping with the company's affinity for using technology to make shopping more pleasurable, Publix introduced checkout scanning statewide.

Publix marked another milestone in 1991 when the company crossed the state line to open a store in Savannah, Georgia. It was named in the top ten Best Companies to Work for in America in 1993, and is consistently recognized in the grocery business for superior quality and customer service by an American Customer Index survey.

The company has received numerous awards during its 75 year history including Diversistar Award for excelling in promoting workplace diversity practices; named by Child magazine as one ofthe Top 10 Family-Friendly Supermarkets; ''Outstanding Business'' award for recycling efforts from Recycle Today, Inc.; and the Governor's Business Diversification Award for Business Expansion.

Mr. Speaker, on behalf of Florida's 22nd District, I wish to commend the efforts of the Publix CEO, Charlie Jenkins, Jr. and everyone at Publix for their mission to provide quality food and their continued efforts to offer excellent customer service.

IN HONOR AND RECOGNITION OF FREDERICK DOUGLAS ''FRITZ'' POLLARD

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Ms. CARSON. Mr. Speaker, I rise to pay tribute to Frederick Douglas ''Fritz'' Pollard. This past August, Fritz, a native Hoosier, was inducted into the National Football League Hall of Fame alongside gridiron legends Dan Marino, Steve Young, and Benny Friedman. Fritz Pollard was a pioneer for African-American athletes in the NFL during the pre-civil rights era of the 20th century.

Fritz Pollard was born in Chicago in 1894; the son of a former soldier in the Union army. Upon his high school graduation, Pollard attended Northwestern, Dartmouth, and Harvard universities prior to his enrollment at Brown University in 1915.

As a young freshman halfback, Pollard led the Brown football team to victory over Harvard and Yale with Pollard producing 531 yards of total offense and six touchdowns in just two games. As a tribute to his success on the field, Pollard was named the first African-American All American running back in 1916. Pollard also became the first African-American to play in the Rose Bowl that same season. Pollard was later recognized for his stellar college career in 1954 when he was inducted into the College Football Hall of Fame.

Pollard's professional football career began in 1921 on the early Akron Pros roster. He later went on to play for the Milwaukee Badgers, the Hammond Pros, and the Providence Steam Roller.

In the NFL, Pollard electrified the game while enduring the hatred of crowds because of his race and the indignities of dressing and eating in isolation from his teammates due to Jim Crow laws and customs. He often suited up for football games in seclusion at a nearby cigar store or in automobiles. While on the field, Pollard always had to remain alert for flying rocks and at times even needed to be escorted from the field for his safety. This was in addition to the acts of discrimination he faced at hotels and restaurants.

Beginning in 1934, the NFL banned African-American players until 1946. Pollard fought this segregation by forming independent African-American touring football teams: the Chicago Black Hawks and most notably the New York Brown Bomber, to showcase African-American talent to the fans and to the NFL.

Fritz Pollard's talents extended far beyond the football field. He owned a coal company, ran a weekly newspaper, formed his own New York-based public relations firm, founded F. D. Pollard & Co., one of the nation's first Black run securities firms, a talent agency, headed a movie studio in Harlem, and produced the first black motion picture.

Today, Hoosiers still pay tribute to Pollard for the trail that he blazed for equality. The Indiana Black Expo, Inc.'s Circle City Classic football game annually showcases the talents of collegiate football players, coaches, musicians, administrators, faculty, staff and boosters to ensure that the name Fritz Pollard and his legacy are not forgotten. Frederick Douglas ''Fritz'' Pollard didn't live his life to make a living, but rather to make a difference. Pollard forged a trail followed by the 69 percent of today's NFL players who are African-American and the just over 70 percent of the NFL's players from other racial and ethnic minority groups. Pollard charted the course followed by the six African-American Head Coaches currently in the NFL, the 11 coordinators and the upwards of 170 minority Assistant Coaches.

Fredrick Douglas ''Fritz'' Pollard's induction to the NFL Hall of Fame shed a light on the early history of the NFL and Pollard's pioneering roles as the first African-American coach. To this day we in Indiana are proud to have called him our own.

TRIBUTE TO THE WORCESTER WOMEN'S HISTORY PROJECT

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. McGOVERN. Mr. Speaker, I rise today to recognize the Worcester Women's History Project. During their 10 years of exceptional service, the Worcester Women's History Project has raised awareness of the important and vital role of women in the history of Worcester and our Nation.

The Worcester Women's History Project, since its creation in 1994, has raised awareness of the importance of Worcester, site of the first National Woman's Rights Convention in 1850. In conjunction with that goal, the Worcester Women's History Foundation has educated the local community on the rich history of women and their courage in organizing

against oppression and slavery. The WWHP is devoted to ensuring the recognition and incorporation of women's contributions to the historical record. Dedication to the discovery of connections between past and present—for the benefit of the future—is displayed in the scholarships and workshops that the WWHP continuously supports and funds.

The Project is particularly committed to spreading awareness concerning Worcester's central role in the history of the women's rights movement, and remains devoted to the ideal put forth in the 1850 Convention that there should be ''equality under the law, without distinction of sex or color'' or ethnicity.

The Worcester Women's History Project works to reveal the past in order to ensure a brighter future for all. They believe that acknowledging women's contributions is fundamental to the growth and education of the Worcester community and the Nation at large. I am grateful to the WWHP for their contribution to my community and ask my colleagues to join me in honoring this exemplary organization.

TRIBUTE TO THE SOUTHEAST MISSOURIAN

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mrs. EMERSON. Mr. Speaker, today I rise to recognize the Southeast Missourian, a newspaper in Cape Girardeau, MO, for 100 years of service to Southern Missouri. Next week, the year-long celebration marking the centennial of the newspaper will come to a close. I would like to offer my sincere congratulations to the staff of the Southeast Missourian, past and present, for their hard work and dedication as they advance the mission of the paper.

It is only fitting, given the newspaper's long history of political coverage, that this great anniversary be commemorated in the House of Representatives. The Southeast Missourian has never been a small-town newspaper, but it has never lost its small-town sensibilities, either. During the 100-year existence of the paper, its reporters and editors have covered 2 World Wars, catastrophic floods and journeys to the moon. The paper has also covered these events from a local perspective: the native sons who went to war in the uniform of our Nation, the impact of the Mississippi River on local lives and economies, and the members of our community who have achieved great things—like traveling to space. At its heart, the newspaper business is about public service, and the Southeast Missourian has served our community well.

On October 3, 1904, two brothers named George and Fred Naeter completed their journey down the Mississippi River to Cape Girardeau and published the first edition of the Southeast Missourian. They had fallen in love with Cape Girardeau, the City of Roses. Over the years, many more people have fallen in love with the city, and the Southeast Missourian has helped deliver the beauty, the good works, the public services and the patriotic spirit of the people to doorsteps just like mine every morning.

In a world where the news is increasingly dominated by bad news, it is refreshing and important to have a newspaper that looks for the good in our communities and in our Nation—making it a daily point to bring those events before the public eye. Another challenge arises in the information age, in which the Internet and 24-hour news offer constant update and interpretation of the news. Still, the Southeast Missourian does what other media cannot: deliver thorough, thoughtful and reliable news coverage right on schedule, every day.

The hardworking men and women of the Southeast Missourian bring their balanced approach to the newspaper's office each morning. Publisher Jon K. Rust and Rust Communications chairman Gary Rust view the paper as a public trust. The public has good reason to trust in the Southeast Missourian, a longstanding institution of Cape Girardeau. Once again, I congratulate everyone who has advanced the mission of the newspaper in Southeast Missouri and worked so hard to bring the news of the day to our residents.

PROVIDING FOR CONSIDERATION OF H.R. 2123, SCHOOL READINESS ACT OF 2005

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Mr. POMEROY. Mr. Chairman, I rise to say that I will be voting against H.R. 2123. Since its creation in 1965, Head Start has served more than 18.5 million low-income children and has focused and redefined its approach to assisting disadvantaged children in their social, physical and educational growth. While I wholeheartedly support Head Start programs, the legislation under consideration today contains several provisions that would negatively affect these programs.

The bill as amended contains two major flaws. First, the bill contains increased education requirements for Head Start teachers, but does not provide funds to assist teachers with the costs associated with these new requirements. Second, organizations receiving Federal dollars should not be able to discriminate on the basis of religion for employment purposes. The underlying Head Start Act specifically stated that hiring and firing decisions could not be made on the basis of religion, but this provision has been eliminated in this bill.

The bill does include some positive aspects, such as maintaining the Federal to local funding structure, expanding set-asides to migrant and American Indian populations, and increasing outreach to homeless families and foster children. I hope these provisions are retained and the bill is further improved during consideration in the Senate and by a subsequent conference committee before the legislation is enacted.

TRIBUTE TO PETER UCCELLI, JR.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor the life of Peter Uccelli, Jr., who died on Thursday, September 22, 2005, at the age of 84, in California.

Pete Uccelli was born and raised in South San Francisco and served our Nation with the Army Corps of Engineers in the Philippines during World War II. He moved to Redwood City in 1949, and in 1954, purchased property that became Pete's Harbor. In 1973, he and his wife Paula opened the Harbor House Restaurant.

I had the privilege and pleasure of working with Pete Uccelli during my tenure on the San Mateo County Board of Supervisors and I've always been proud to call him my friend. He was a kind and generous man who was deeply devoted to his community and extraordinarily generous to individuals and organizations. The list of community groups that benefited from his largesse is long and broad, a reflection of his big heart.

Pete was the beloved husband of Paula, loving father of Richard, Sharon and Patricia, father-in-law of Debra and Ron, grandfather of Stephanie, Rhonda, Dot, Veronica and Michelle, and great-grandfather of Becky, Ryan and Ariana Rose. He was the dear brother of Alice Marsili and Norma Falletti and also leaves behind many loving nieces and nephews.

Mr. Speaker, I ask my colleagues to join me in extending our sympathy to Paula Uccelli and the entire Uccelli family. Pete Uccelli was a national treasure, someone who loved his community and his country abashedly and gave all of himself to make them better. He will always be missed but never be forgotten.

IN RECOGNITION OF DAVID BRUBECK AND THE DUKE ELLINGTON JAZZ FESTIVAL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Ms. NORTON. Mr. Speaker, I rise today, on the occasion of the First Annual Duke Ellington Jazz Festival, to pay tribute to one of our Nation's great jazz musicians, Dave Brubeck, for his contributions to American jazz music. On September 30, 2004, Congress passed H. Con. Res. 501 paying tribute to the festival's namesake, Duke Ellington, a DC native and a celebrated American musical genius. I am proud that from September 28 through October 3, 2005, the Nation's Capital will honor Ellington with the first annual Duke Ellington Jazz Festival in the District of Columbia. Special recognition for Dave Brubeck will be among the opening activities of the festival.

We inaugurate our jazz festival in the city of Washington as New Orleans, the great city that gave birth to jazz, has been overwhelmed by flood and hurricane. We know that New Orleans will overcome and will rise to reclaim its people, its culture, and its precious jazz heritage and leadership.

Dave Brubeck stands as one of jazz music's living legends, and he is equally distinguished as a composer and pianist. Mr. Brubeck began his musical studies at the College of the Pacific, earning his degree in 1942. Shortly thereafter he entered the United States Army, where he served honorably in General George Patton's 3rd Army during World War II. Near the end of the war Mr. Brubeck played

in an Army band that he himself integrated, one of the first integrated units of any type in the entire military.

After his military service, Dave Brubeck returned to school to study music, enrolling at Mills College in Oakland, CA. There he studied under the distinguished composer Darius Milhaud, and upon graduation, Mr. Brubeck formed the Dave Brubeck Octet. He later gained great notoriety after forming the Dave Brubeck Quartet.

By 1954 Mr. Brubeck's popularity was such that his picture appeared on the cover of Time Magazine, and his recordings were being played throughout the world. His album ''Time Out'' and the hits ''Take Five'' and ''Blue Rondo a la Turk'' ''went gold,'' a rare feat for an instrumental jazz recording.

Subsequent world tours by the Quartet, including several for the U.S. State Department, made Brubeck one of America's foremost goodwill ambassadors. He entertained world leaders at the Reagan-Gorbachev Summit in Moscow in 1988; he has performed before eight U.S. presidents, princes, kings, heads of state and Pope John Paul II. Always expanding jazz horizons, the Dave Brubeck Quartet performed, and in 1959 recorded, with Leonard Bernstein and the New York Philharmonic Orchestra. An early experimenter in combining jazz with symphony orchestras, Brubeck continues to appear as composer-performer in concerts of his choral and symphonic orchestral compositions. He celebrated his 80th birthday with the London Symphony Orchestra, performing an all-Brubeck program.

Mr. Brubeck has received many honors, including a star on the Hollywood Walk of Fame, the Down Beat Hall of Fame, the Jazz Institute Hall of Fame at Rutgers University, the American Eagle Award from the National Music Council, the Gerard Manley Hopkins Award from Fairfield University, the Connecticut Arts Award, Helwig Distinguished Artist Award, and honorary doctorates from six American universities, one from the University of Duisburg in Germany and Nottingham University in England. Early this year he received the Benny Carter Award from the Association of Jazz Societies. The French Government has cited him for his contribution to the arts. In 1999, the National Endowment of the Arts honored Mr. Brubeck as an NEA Jazz Master.

He has recently received the Smithson Medal and awards from the Music Educators National Conference, the National Music Teachers Association and Columbia University Teachers College. The State of California presented him with its first Golden State award. The University of the Pacific has honored him with the establishment of the Brubeck Institute that is dedicated to the promulgation of contemporary music of all styles, with an emphasis on jazz and improvisation.

Duke Ellington himself was a great influence on Dave Brubeck, and Mr. Brubeck even performed onstage with the maestro at one point during his career. Among his many accomplishments, Dave Brubeck is credited with bringing an enthusiasm for jazz music to college campuses and an entire generation of young Americans. As a sign of his talents, Mr. Brubeck has been a performer at the White House two times, in 1964 and 1981. His passion for his music continues to this day, as he is still touring and releasing songs.

For his many accomplishments, I join jazz supporters in the Nation's Capital and the Congress in paying tribute to David Brubeck on the occasion of the First Annual Duke Ellington Jazz Festival in the District of Columbia.

COMMENDATION FOR THE GUAM LITTLE LEAGUE BASEBALL TEAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to commend Guam's Little League Baseball Team for their victories in the Pacific Regional Tournament in Fukuoka, Japan and their subsequent advancement to the Little League World Series in Williamsport, PA.

I would like to recognize all of the coaches and players for their extraordinary effort: Coaches Shon Muna, Eddie Muna, and Tom Duenas; Eric Alcantara, 12, of Mangilao, attending Untalan Middle School, son of Gerard and Joan Alcantara; Calvert Alokoa, 12, of Mangilao, attending Untalan Middle School, son of Arou and Cil Alokoa; Gerald Borja, 12, of Barrigada, attending Untalan Middle School, son of Gerard and Darlene Borja; Valiant Borja, 11, of Barrigada, attending Untalan Middle School, son of the late Harold and Audre Borja; Joseph Duenas, 11, of Dededo, attending Untalan Middle School, son of Tommy and Joann Duenas; Chad Fernandez, 11, of Barrigada, attending Untalan Middle School, son of Wayne and Doreen Fernandez; Sean Manley, 12, of Mangilao, attending Untalan Middle School, son of Albert Manley and Sinfrosa Longa; Ryan McIntosh, 11, of Mangilao, attending San Vicente School, son of Bob McIntosh and Lucille Ryder; Scott Perez, 12, of Sinajana, attending Agueda Johnston Middle School, son of Frank Camacho and Margaret Perez; Byron Quenga, 12, of Yona, attending Inarajan Middle School, son of Bill Quenga and Jacalyn Taisacan; Alomar Rdialul, 12, of Mangilao, attending Untalan Middle School, son of Albert and Madeleine Rdialul; Trae Santos, 12, of Barrigada, attending Untalan Middle School, son of Tim and Carmen Santon; Jeremy Taijeron, 12, of Yona, attending Inarajan Middle School, son of Bill and Marie Quenga. These young men displayed outstanding teamwork, skill, spirit, and sportsmanship and showcased the talent of our island.

Our team is a source of pride year after year, with our entire island rallying around them whenever they compete. In 2001, the Guam Little League team had a spectacular run in which they went undefeated in regional play and continued their streak in the World Series against Mexico, Canada, and Europe; and advancing to the international semifinal. In 2002, they again advanced to the international semifinals after another outstanding performance. They once more reached the World Series in 2003, after going undefeated in the regional tournament.

The 2005 Guam team went undefeated against teams from Indonesia, the Philippines, the CNMI, and New Zealand in regional play. They advanced to the Little League World Series representing the Pacific and faced teams from Russia, Canada, and Mexico. During the Little League World Series Guam swept their pool, defeating Russia 6–2; Canada 5–0; and Mexico 5–3. After winning their pool, Guam went on to play Curacao in the international semi-finals. Although Guam did not advance to the finals, effort inspires us and their record in tournament play is outstanding.

Our entire island community congratulates the Guam Little League Central-East all stars who represented the Pacific. They are an inspiration for us all and we are very proud of their effort and accomplishments.

HONORING NORTH INTERMEDIATE CENTER OF EDUCATION AT WABASH COMMUNITY SCHOOL DISTRICT #348

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today to honor the North Intermediate Center of Education at Wabash Community School District #348 in Mt. Carmel, Illinois for their participation in International Walk to School Day on October 5, 2005.

Through their participation in International Walk to School Day, approximately 100 students from the North Intermediate Center of Education will learn about health, pedestrian safety, and physical activity, and will gain a sense of neighborhood and concern for the environment. These students will be joining students from all 50 States and 36 countries around the world in this exercise.

I am pleased to congratulate the students and teachers at the North Intermediate Center of Education for their participation in International Walk to School Day. I wish them much success in this endeavor.

HONORING JUDGE HORACE WHEATLEY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life and achievements of Alameda County Superior Court Judge Horace Wheatley of Oakland, California. Serving Alameda County on the bench for almost 25 years, Judge Wheatley has been known throughout his career for his unfaltering sense of social justice, and for his unwavering commitment to our young people. Today our community comes together to celebrate his career and achievements on the occasion of his retirement in Oakland, California.

Judge Wheatley was born in Lake Charles, Louisiana, and raised in San Francisco's historic Fillmore district. After graduating from the ''old'' Lowell High School in 1957, he went to College of the Pacific, now known as University of the Pacific, later transferring to Howard University in Washington, DC, where he continued his record as a champion debater. The Civil Rights Act of 1964 had not yet been enacted during his time in college, making some of the challenges he faced in school extend far beyond the realm of academics. When he competed in the National Collegiate Debate Tournament at the University of Oklahoma in

1961, the open and unabated racial discrimination that prevailed in some parts of the country was so severe that the southern colleges who were competing were instructed to walk out of any round in which an African American was competing. Undeterred, Judge Wheatley went on not only to win the tournament, but to be awarded the Pi Kappa Delta gold debate key for his outstanding performance. Following his studies at Howard, Judge Wheatley returned to the University of the Pacific in 1960, where he graduated with a degree in Sociology and Psychology.

Following a successful law school career at Willamette University in Oregon, where he won the school's Moot Court Competition and served as a teaching assistant before earning his Doctor of Jurisprudence degree, Judge Wheatley began serving as Deputy Attorney General for the State of California in 1965. He later went into private practice in Oakland, where he engaged in general litigation practice and was one of the lead attorneys in a precedent-setting class-action lawsuit against the savings and loan industry. In 1972, he became General Counsel for the California Teachers Association, representing the organization's 300,000 members in several noteworthy cases which resulted in precedent-setting rulings in favor of public school teachers' rights and benefits.

Judge Wheatley was appointed as a Judge of the Alameda County Municipal Court on July 1, 1981 by California Governor Edmond G. ''Jerry'' Brown, Jr., and was elevated to the Alameda County Superior Court when all of the courts in Alameda County were unified in 1998. Known for his tendency to give many young defendants the choice to ''Go to school or go to jail,'' Judge Wheatley's career on the bench has been marked by his steadfast commitment to serving the young people in our community who are most in need of guidance.

Judge Wheatley's outstanding dedication and accomplishments have not only impacted countless young lives, but have also been recognized by a number of the professional organizations of which he is a member. He has not only been inducted into the Charles Houston Bar Association's Hall of Fame, but has also received its ''Judicial Excellence Award.'' In addition, he received the Bernard S. Jefferson Award from the California Association of Black Lawyers as its Judge of the Year in 2001, and has also been named the Lend-A-Hand Foundation's ''Man of the Year.'' This past August, he was inducted into the National Bar Association's Hall of Fame in recognition of having practiced law for over 40 years and made significant contributions to the cause of justice. In addition, he was also given the A. Leon Higginbotham Memorial Award by the Young Lawyers Division of the National Bar Association in recognition of his intellectual accomplishments, professional achievements and community contributions.

Today Judge Wheatley's family, friends and colleagues come together to celebrate the impact of his life and work not only on the innumerable lives, particularly young lives, he has touched here in Alameda County, but the lasting effects his rulings and his commitment to true justice have had and will continue to have on our legal system. On behalf of the 9th Congressional District of California, I salute and thank Judge Horace Wheatley for his invaluable contributions to the people of Alameda County, the 9th Congressional District, the State of California and our entire country.

CELEBRATING HISCOCK & BARCLAY'S 150TH ANNIVERSARY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to recognize Hiscock & Barclay, a legal institution in the State of New York.

In 1855 founding partners and brothers L. Harris and Frank Hiscock opened a two-man law office in Tully, NY.

H. Douglas Barclay later became a partner in the firm, now known as Hiscock & Barclay. Mr. Barclay dedicated 40 years to the practice and has also served his fellow citizens as a 20-year member of the New York State Senate, his country as a President George H.W. Bush appointee as director of the Overseas Private Investment Corporation and was named United States Ambassador to the Republic of El Salvador by current President Bush.

Throughout the years Hiscock & Barclay's team has grown to 160 attorneys working in offices in Syracuse, Buffalo, Rochester, Albany and New York City. The firm's attorneys have held various auxiliary roles including: former general counsels of New York State's Department of Environmental Conservation, Department of Social Services and Health Planning Commission; a nationally syndicated media commentator; district attorneys and Court of Appeals judges; New York State and Federal Representatives; a former NFL football player; the former general counsel of a North American trade association; and a World War II prisoner of war.

In the last century and a half, Hiscock & Barclay has evolved from a practice dedicated to railroad, banking and manufacturing law, to one that now covers 26 practice areas ranging from construction and environmental law, to labor, real estate and international business services.

Mr. Speaker, I am pleased to have this opportunity to recognize Hiscock & Barclay, a firm with a long tradition of commitment to defending the law, upon this, their 150th anniversary.

ELEPHANT APPRECIATION DAY SEPTEMBER 22, 2005

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. PUTNAM. Mr. Speaker, I rise today to draw the House of Representative's attention to September 22 as Elephant Appreciation Day, a day designated to pay tribute to one of the most iconic members of the animal kingdom.

Elephants have always generated a special and unique affection from young and old alike. One need only ask the millions of Americans who visit zoos and circuses each year to learn that for most, the elephants are by far the biggest attraction, both figuratively and literally.

While we admire their strength, we also recognize their vulnerability as highly endangered species, challenged by fragmented habitats and scarce resources in their natural range. Asian elephants, in particular, have had a long, rich history living and working with humans, however, today there are fewer than 35,000 remaining in the world. Although ivory poaching is a factor in Asia, the primary threat to Asian elephants is the loss of habitat and the resulting conflicts with an ever-expanding human population. Most experts agree that the future survival of this species relies on several factors: habitat preservation, public conservation education and successful captive breeding.

Today I would like to talk about one of the success stories in the fight to save the Asian elephant—one which takes place right in my backyard in Polk County, FL—home to the largest and most genetically diverse population of Asian elephants in North America.

This year marks the 10th anniversary of the founding of the Ringling Bros. and Barnum & Bailey Center for Elephant Conservation or CEC. The Ringling Bros. CEC is a state of the art facility dedicated to the research, reproduction and retirement of Asian elephants and reflects the commitment and stewardship of Ringling Bros. and the Feld family to the future survival of this magnificent species.

Located on over 200 acres of central Florida wilderness, the Ringling Bros. CEC is home to dozens of Asian elephants, as well as the most successful breeding program outside of Asia. With 18 young elephants born in the past decade, the Ringling Bros. program accounts for over 40 percent of Asian elephant births in North America during this same time period.

In addition, the CEC is a focal point for researchers from around the world who come for the unique opportunity to study elephant reproductive and behavioral science in a hands-on setting. Information gleaned from our Florida herd is applied to wild and managed populations in Asia in an effort to promote better conservation, preservation and husbandry.

Ringling Bros.'s commitment to conservation and the future of this beloved circus icon goes beyond its work at the CEC. Ringling Bros. is also committed to educating its patrons about the challenges facing Asian elephants in the wild and the need to support conservation efforts. In addition, Ringling Bros. is an active member of the International Elephant Foundation, providing financial support and technical, hands on expertise. Ringling Bros.'s elephant managers and veterinarians have participated in workshops and symposia in Thailand, India and Sumatra and have worked side by side with their Asian counterparts in elephant camps and wildlife parks.

According to Jack Hanna, director emeritus of the Columbus Zoo, ''[a] concerted effort to save the Asian elephant is imperative. Zoos are doing their best with the resources they have, but most can't afford to maintain a large breeding group of elephants. The Ringling Bros. and Barnum & Bailey Center for Elephant Conservation is dedicated to saving the Asian elephant and has both the resources and the commitment to succeed.''

Thanks to this commitment, Elephant Appreciation Day of 2005 finds the fate of the world's Asian elephants a little more secure. I urge my colleagues to continue their efforts in support of this trend through continued funding for the Asian and African Elephant Conservation Acts.

I want to congratulate Kenneth Feld and Ringling Bros. on the occasion of the 10 anniversary of the Center for Elephant Conservation and I invite my colleagues to come and visit this unique and inspiring facility.

CELEBRATING 25 YEARS AT FRIENDS OF THE FAMILY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate the Denton County organization Friends of the Family for celebrating its 25th anniversary. This is a great accomplishment, and I am proud to have an establishment such as this in the 26th Congressional District of Texas.

Friends of the Family is an organization that works to provide crisis intervention, safe shelter, counseling, support services, and advocacy for all those impacted by domestic violence or sexual assault. The organization also facilitates community awareness and involvement through education, information, and violence prevention programs.

From a starting budget of $10,000 in 1980 to this year's $1.5 million budget, the organization has grown a great deal in 25 years. With the program employing licensed professional counselors, social workers and psychologists, instead of relying solely on volunteers, they now serve about 7,000 people annually.

Congratulations to Denton County's Friends of the Family on their anniversary. Twenty-five years of service is a milestone to be celebrated.

IN HONOR OF THE CLEVELAND INDIANS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Major League Baseball's Cleveland Indians Organization, in partnership with the Hispanic Community Services Coalition as they unite in celebration of Hispanic Heritage Month and Viva Cleveland!

Viva Cleveland!, a joyous event, will be held at Jacobs Field on September 16th and will showcase the Parade of Flags representing 21 Latino nations, and carried aloft by youth of Hispanic heritage. The Parade of Flags promises to reflect the diverse, rich and colorful fabric that comprises the brilliant mosaic of our Cleveland community.

The players, administrators and fans of the Cleveland Indians organization carry on a century-old legacy of community outreach focused on cultural and charitable causes throughout northeast Ohio. Their individual and collective service continues to provide an array of life-enriching programs for baseball fans of all ages. The vital programs implemented by the Cleveland Indians and in partnership with other community agencies, serves to elevate the quality of life for countless families and individuals throughout our community. The Cleveland Indians' support of the young people of our region is offered through three programs: Educational, Recreational and Humanitarian. These programs provide the necessary support and guidance to assist our youth in attaining their educational and professional goals, and also promotes strength in character by fostering self-confidence.

Mr. Speaker and Colleagues, please join me in honor and celebration of the Cleveland Indians Organization, as they partnership with the Hispanic Community Services Coalition to celebrate Hispanic Heritage Month and Viva Cleveland! Their collective and individual efforts serves to celebrate our diversity and provides humanitarian assistance where needed, thereby enhancing the lives of countless people, and bolstering the spirit of the City of Cleveland, and far beyond.

SUPPORTING THE GOALS AND IDEALS OF ''LIGHTS ON AFTERSCHOOL!''

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2005

Mr. REYES. Mr. Speaker, I rise today in strong support of H.J. Res. 66, a bill supporting the goals and ideal of "Lights On Afterschool!," a national celebration of after-school programs.

While my district of El Paso, Texas is fortunate to be served by several excellent afterschool programs, I am here to say we need more.

As more families have two parents who work every day—and single parents struggle to balance the duties of providing for their kids and caring for them—more children are left without supervision after school. The Afterschool Alliance estimates there are 14.3 million of these children across America.

Without available after-school programs, many of these children will be left to wander the streets between 3:00 p.m. and 6:00 p.m., the time of day when juvenile crime is most likely to occur and children are most likely to experiment with drugs, alcohol, and cigarettes. Or they might just sit in front of the television or video game console all afternoon.

By creating more after-school programs—at schools, community centers, and faith-based organizations—we provide children a fun and productive place to go after school. Also, parents have peace of mind knowing their kids are safe and are thus better able to focus on their jobs.

Mr. Speaker, the American people support after-school programs, and so should we. I urge my colleagues to join me in supporting "Lights on Afterschool" and the movement for more afterschool programs in America.

NORTH TEXANS EMBRACE A VICTIM AND NURTURE A SURVIVOR

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Ms. GRANGER. Mr. Speaker, I want to tell America about a very special girl named Aurica and the very special people who are helping her.

In April, 2005, Congresswoman DEBORAH PRYCE led a Congressional delegation on a fact-finding mission to Albania, Moldova, Italy and Greece. Congresswoman THELMA DRAKE and I accompanied Ms. PRYCE to see the effects of the growing epidemic of sex trafficking in women and children. Our finding? That sex trafficking is a real and growing threat to women and children everywhere. Our solution? To fight for the rights of these precious victims one person at a time.

It was during our trip to Moldova, that I first met Aurica. What an amazing young woman. We were visiting a shelter housing girls—most in their teens—who had been victims of sex trafficking. These women had been brought back to their homeland and were being taken care of with the hopes they could in some way return to normal lives after their horrendous experiences.

We had spoken with these women and were leaving when the director of the program said there was one young woman who was unable to join the group. She was bedridden and very ill, but was willing to meet with us. Thus began our adventure. What we saw was a beautiful 19-year old with haunted eyes—unable to walk, unable to eat, unable to leave her bed.

Aurica had left her country to go to Turkey to work in a shop, hoping to send money home to her family to help support them. While she was there, she was kidnapped and placed in a building with others like herself who had been tricked and kidnapped to become sex slaves. In her desperation to avoid the plight she heard from others, she climbed out of a window in the dead of night. But it was late and she was tired. At the sixth floor, she lost her grip and fell to the ground. When she was found, her back was broken, and her leg, and her pelvis were broken. After being treated at the hospital, she was taken to a prison. The iron walls of confinement did little to improve her condition.

Her doctors and her family secured her release from Turkey. She was brought home and was treated at the International Organization for Migration. And it was here, amid the dark clouds of pain and suffering, that I saw Aurica's sunlight. And so she was so brave, so tough, and yet so in need of so much help. She needed surgery. But the surgery would have been difficult if not impossible in her country. We talked to her. We could see the pain on her face. Yet we could also see the courage in her eyes.

It has been said that every journey begins with a single step. That April day, I decided to do my part to fight sex trafficking by saving at least one person—Aurica. And we embarked on a journey to give her the health care she deserved, desired, and desperately needed. The first step was a phone call. Pedro Nosnik is a specialist in neurology and internal medicine. I explained to Dr. Nosnik what had happened to Aurica and asked a simple question: Can you help? Dr. Nosnik set us up with Dr. Ralph Raushbaum of the Texas Back Institute in Plano, the largest spine specialty clinic in the United States. TBI physicians, led by Dr. Barton Sachs, volunteered to treat Aurica at no expense. This type of care would normally cost more than $200,000.

The next step was getting her to the hospital. Before the treatment, we had to deal with the issue of travel. Her condition ruled out

a flight on a commercial airline. She would need to fly on a plane equipped for patients. Once more, Americans were there to donate their services. Rod Crane, the CEO of MedFlight of Ohio offered to transport Aurica on an air ambulance. Normally, this would cost $80,000. But Rod agreed to pay for the flight and for a doctor to travel with Aurica.

The next step was the actual surgery and recovery. Once Aurica got to Dallas, she got the treatment she needed. But the road wasn't easy. She underwent surgery at TBI. Dr. Barton Sachs led a team of physicians during the initial delicate spinal surgery and aftercare. This team included William Struthers, M.D., Anesthesiologist, Ted Wen, M.D., Radiologist, Nayan Patel, M.D., Physiatrist, John Josephs, M.D., General Surgeon, Stephen Rubin, D.O., Anesthesiologist, Son Do, M.D., Gastroenterologist, Mike Gross, M.D., Urologist, James Montgomery, M.D., Anesthesiologist, Andrew R. Block, Ph.D., Psychologist, Michael Blackmon, M.D., Intensive Care Specialist, and Mark McQuaid, M.D., General Vascular Surgeon. This was followed by a second surgery under the care of Dr. Alan Jones at Parkland Hospital in Dallas. After that, she spent three weeks recovering at the highly-acclaimed Zale Lipshy Center located on the UT Southwestern campus. All donated.

Finally, Aurica's journey took her to four months of recovery in outpatient physical therapy. Since she needed a place to stay, we contacted David Tesmer, Vice President for Government and Community Affairs at Texas Health Resources. He offered the services of Presbyterian Village North in Dallas, one of the best assisted-living facilities in the state. At Presbyterian Village, both the President, Ron Bergstrom, and the lead nurse, Becky Williams, made every effort to give Aurica every comfort. When Aurica arrived, she was given a fully furnished room. And today, thanks to the love of so many, Aurica is on the way to a full recovery.

What a journey this has been. This is the story of a very special woman and the very special people who have helped with her recovery. From time to time we hear critics complain about what is wrong with America. This story shows us what is right with America. We are still a nation that is great because our people are good. And not just the ones I named. There are still others.

Like The Kula Group for donating more than $30,000 in time and expenses; the Texas Back Institute's Physical Therapy division, which donated all of the outpatient physical therapy; Doug Hawthorne, CEO of Texas Health Resources; Jim Boswell and Leslie Baker from Presbyterian Hospital of Plano; the nursing and physical therapy staff at the Zale Lipshy Center; Linda Caram of SBC Communications; The Daniel Dawn Smalley Foundation; AmeriSuites in Plano; Father Dimitru and Gladiola Paun; and everyone else at Presbyterian Hospital of Plano, Parkland Hospital, and Presbyterian Village North.

Thanks for making an effort to make a difference. You have shown the nation and the world that America's generosity knows no boundaries, no barriers, no limits. We will always speak for the voiceless, stand with the helpless, and fight for the powerless.

IN HONOR OF CLIFF LEE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mr. Cliff Lee, dedicated family man, community activist and Major League baseball player with the Cleveland Indians, whose grace and spirit on the ball field equals his grace and energy off the field.

Mr. Lee's deep sense of helping others is framed by sincerity and humbleness, and has not gone unnoticed by others. In honor of his exceptional service to the people of the Cleveland community, Mr. Lee has been selected as the recipient of the prestigious 2005 John Hancock Roberto Clemente Man of the Year Award.

Mr. Lee continues to dedicate his personal time and talents in vital service on behalf of those families and individuals in need of assistance, with a personal focus on the children of our community. From his regular visits to the children at Rainbow Babies and Children's Hospital and the Ronald McDonald House, to his dedication and focus on behalf of Cleveland's Providence House, Mr. Lee is an exceptional role model to the young and old alike, here in Cleveland and across this Nation, and his life personifies all that is good in humanity, reflecting compassion, giving and heart.

Mr. Speaker and Colleagues, please join me in tribute and recognition of Mr. Cliff Lee as he is honored as the recipient of Major League Baseball's 2005 John Hancock Roberto Clemente Man of the Year Award. Mr. Lee's continued concern for others and vibrant spirit of volunteerism, with a special focus on the children of our community, serves to raise their spirits above the struggle and into the light of promise, strength, hope and possibility—thereby uplifting our entire community.

SUPPORTING GOLD STAR MOTHERS DAY

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 21, 2005

Mr. REYES. Mr. Speaker, I rise today in strong support of H.J. Res. 61. In 1936, Congress designated the last Sunday in September as Gold Star Mothers Day. This resolution, of which I am a cosponsor, expresses the support of this House for the goals and ideals of Gold Star Mothers Day.

The American Gold Star Mothers are a group of mothers who have lost sons and daughters who served in the armed services. The group also assists veterans and their dependents in submitting claims to the Veterans Affairs Department.

The Gold Star Mothers are a true representation of the many levels of service and sacrifice that exists in the defense of our country. Like many members across the country, the Gold Star Mothers in my district of El Paso, Texas, remind us of the never-ending bond between families. They remind us of the sacrifice that families of veterans make as they endure the fears and concerns of having loved ones overseas, and the loss of loved ones who never return.

Mr. Speaker, I urge my colleagues and this House to swiftly pass the resolution before us.

RECOGNIZING THE RETIREMENT OF JACOB LEE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to recognize the retirement of Jacob R. Lee, Jr. from the Air Force.

Chief Master Sergeant Jacob R. Lee, Jr. enlisted in the Air Force in Albany, NY, coming on active duty in September of 1978. During his 27-year meteorological career, Chief Lee had 13 assignments, including four overseas.

Chief Lee worked in many different jobs in the weather career field, beginning as an observer at a six person unit. He went on to serve as the noncommissioned officer in charge of six different weather stations around the world.

His career culminated with Chief Lee's selection to the very pinnacle of the weather career field as the chief of enlisted matters at the Pentagon. As Chief, Jacob will finish his long and distinguished service to our Nation.

In recognition of his outstanding performance, Chief Lee has been awarded the Meritorious Service Medal on four occasions and has been the recipient of four Air Force Commendation Medals as well.

Chief Lee is married to his wife Kathy, a math teacher, and has three children; Amanda, Benjamin and Casey.

Mr. Speaker, I know that his colleagues and his family wish Chief Lee well as he begins his retirement.

HONORING JUDGE MABEL M. JASPER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of The Honorable Judge Mabel M. Jasper, for her exceptional accomplishments within our educational and legal system, and for serving as an inspiration and role model in Cleveland, Ohio, and far beyond.

Her unwavering integrity and strong work ethic were childhood gifts instilled by family. At age 10, Judge Jasper's family moved from Alabama to Cleveland, where she excelled academically and graduated from Glenville High School early at the age of sixteen. By age nineteen, Judge Jasper had earned a Bachelor's degree in education from Kent State University. She was hired as a substitute teacher at John Burroughs Elementary School and was soon promoted to full-time teacher. Throughout her twenty-year teaching career, Judge Jasper imbued a sense of wonder, confidence and inspiration within her young students. Ready to embark on a new journey, she enrolled in the Cleveland-Marshall College

of Law in 1973 and graduated three years later with a Juris Doctor degree.

Throughout her noteworthy career as an attorney, Judge Jasper worked in private practice and served as general counsel for a local financial institution. She became the assistant attorney general and trial attorney for the Bureau of Worker's Compensation. Judge Jasper served for four years as a magistrate with the Cuyahoga County Domestic Relations Court before being elected as Judge with the Cleveland Municipal Court in 1987. She was reelected to the bench for two more consecutive terms, in 1993 and 1999. Beyond her dedication to her family and profession, Judge Jasper continues to offer her time and talents as an active leader within her neighborhood, her church and within several civic organizations.

Mr. Speaker and Colleagues, please join me in tribute and recognition of Judge Mabel M. Jasper, as she is being honored on September 16, 2005, by colleagues and friends to celebrate her significant contributions to the Cleveland community, framed by tenacity, integrity and excellence. As a distinguished judge and attorney, Judge Jasper's brilliant legacy will continue to inspire us all, and will serve as a beacon of possibility for people of all races, lighting a clear path along which goals are attained and where others will follow. I wish Judge Mabel M. Jasper continued health, happiness and peace as she journeys onward from this day.

HONORING THE 216TH ANNIVERSARY OF THE UNITED STATES MARSHALS SERVICE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. SESSIONS. Mr. Speaker, I rise today to honor the 216th Anniversary of the United States Marshals Service (USMS), our nation's oldest federal law enforcement agency.

The Judiciary Act of 1789 created the United States Marshals Service. That same year, President George Washington appointed the first thirteen U.S. Marshals. At that time the Service's primary mission was to support the federal courts; however, U.S. Marshals and Deputy U.S. Marshals also performed a myriad of duties such as executing warrants, distributing presidential proclamations, registering enemy aliens in time of war, controlling riots, conducting the national census, collecting commerce statistics, and protecting the President. Many of these responsibilities have changed over the past 216 years, yet the Service's dedication to integrity and justice has remained constant.

Today, the USMS provides for the custody and transportation of federal prisoners, ensures protection for witnesses, and manages the maintenance and disposal of seized and forfeited properties. Also of great importance is the Service's fugitive apprehension mission. The USMS apprehends more federal fugitives than all other federal law enforcement agencies combined. State and local law enforcement agencies nationwide have found the Service to be an invaluable fugitive apprehension resource. U.S. Marshals and Deputy U.S. Marshals carry out complex and life-threatening missions daily, striving to maintain the integrity of the American judicial process.

Over the years, the USMS has earned its reputation as one of the most versatile and effective law enforcement agencies in the world. The 4,500 men and women of the U.S. Marshals Service are justly proud of their history. I too am proud, and wish to commend the United States Marshals Service and thank them for their contributions to the law enforcement community and to our nation.

THE GOLDEN POPPY AWARD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. FARR. Mr. Speaker, I rise today to mark the annual selection of The Golden Poppy Award in California. The Golden Poppy Award is given annually by the California State Parks Foundation to individuals or organizations that have made a significant contribution to protecting, enhancing, and advocating for California's state parks. This year's recipient of the Golden Poppy Award is Toyota Motor Sales, U.S.A.

Support of our state parks means support of our environment. This company has developed its own "Toyota Earth Charter." In it, Toyota outlines its goal of growing as a company in a way that is in harmony with the environment, including achieving zero emissions throughout all areas of business activities. To that end the company pledges to build close and cooperative relationships with a wide spectrum of individuals and organizations involved in environmental preservation, including governments, local municipalities, and related companies and industries.

One such example of the company's interest in a clean environment is its development of a high-mileage, low-emissions gas-electric hybrid vehicle, the Prius. The technology behind the Prius has made Toyota a leader in environment friendly hybrid technology today.

In keeping with the spirit of their Earth Charter, Toyota supports a wide range of projects, and awarded a major grant to the California State Parks Foundation for its "Coast Alive!" program. "Coast Alive!" underwrites workshops to middle school teachers that enable them to lead their classes on field studies at nearby State Parks. Armed with this knowledge, their students study the fragile marine ecology of our coastline, experience its beauty, and come to understand the importance of restoring and preserving it as a valuable resource. With the generous donation from Toyota, the Foundation will be able to create interactive, multi-media materials for this program.

Mr. Speaker, I join with the California State Parks family in congratulating Toyota Motor Sales, U.S.A. on earning the Golden Poppy Award, the symbol of the Golden State.

IN HONOR OF HISPANIC HERITAGE MONTH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Hispanic Heritage Month—a celebration of Americans of Hispanic heritage and their significant, collective and individual contribution to our community and to our nation.

Hosting one of the events this year is the Cleveland Public Library. The Cleveland Public Library and regional branches continue their commitment to promoting our diverse community, richly infused with Hispanic culture and language. As part of the Library's 2005 Strategic Plan, new and permanent resources of Spanish Language collections is now underway, along with the implementation of a Spanish language website.

Hispanic Heritage Month is reflective of the five hundred-year history of Hispanic culture and contribution to America. Hispanic Americans have contributed immeasurably to all areas of our culture—from medicine, law and business, to education, music and the fine arts. Hispanic Americans in our community and in communities across the country are life-saving doctors and nurses, veterans, inspiring professors, dedicated teachers, committed elected officials, fair-minded judges, and hardworking factory employees. Americans of Hispanic heritage continue to bring energy, innovation, and a real sense of social justice to America, while retaining the cultural traditions of their homeland for all citizens to enjoy.

Mr. Speaker and Colleagues, please join me in honor and celebration of Hispanic Heritage Month, and join me in expressing my gratitude for the outstanding contributions made by Hispanic Americans. Their journey to America, fraught with significant obstacles and strife, paved the way for a better life for their children and future generations, and signifies what it means to be an American. Within our diversity we find strength. Within our traditions we find unity. Because of their journey, and the journey of people from all points of the world, we are stronger as a community, more unified as a nation, and better as people.

STERLING HEIGHTS' FIRE FIGHTERS UNION ANNUAL DINNER-DANCE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. LEVIN. Mr. Speaker, on Friday, September 30, 2005 the Sterling Heights' Fire Fighters Union will host their Annual Dinner-Dance, honoring their 2005 retirees. This yearly event honors Sterling Heights firefighters for their dedication to their community and recognizes their commendable contributions to the city. I am pleased to be associated with this fine organization and to call many of them my friends.

I rise today to pay tribute to the careers of three retiring firefighters. Tom Kropf was appointed as a Sterling Heights firefighter on May 21, 1979. He was licensed as an Emergency Medical Technician in December 1980. Upon his completion of the maiden medic program in December 1991, he was promoted to firefighter ALS (Advanced Life Support) on June 19, 1992. He has been promoted three times: Lieutenant on March 30, 1995, Fire Inspector on January 3, 1996, and Fire Marshal on May 21, 2003. Throughout his tenure, he has received many awards and recognitions.

Mr. Kropf was Employee of the Month in February 1987 and Firefighter of the Year in 1999. He received a citation for performing lifesaving efforts on June 2, 1998 and the Fire Chief's Award in March 2002.

Bill Kreston earned his Bachelor's degree in math from Eastern Michigan University in 1972. First employed by the Hamtramck Fire Department, Mr. Kreston was hired by the Sterling Heights Fire Department in 1986. He received a Meritorious Unit Citation for freeing a pinned victim from a serious auto accident in 1990. He has also received numerous safe driver awards. On July 27, 1992, Mr. Kreston was promoted to Fire Equipment Operator; on July 2, 1997, he was promoted to the rank of Lieutenant; and to the rank of Fire Inspector on January 9, 2003.

Fred Campau was appointed as a Sterling Heights Firefighter on January 21, 1980. He was a member of the maiden medic course and pioneered the way for future Advanced Life Support students. He has received many distinctions, including 5–year Safe Driver Awards, Perfect Attendance Award and the Fire Chief Award in January 2002. Throughout his career, Mr. Campau has been promoted to Fire Lieutenant on October 17, 1995 and Fire Inspector on August 31, 1998.

Mr. Speaker, I ask my colleagues to join me in recognizing these three heros, who have dedicated themselves to the community with valor, commitment and honor.

A TRIBUTE TO POLYTECHNIC UNIVERSITY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. TOWNS. Mr. Speaker, I rise today to honor Polytechnic University upon the extremely momentous occasion of its Sesquicentennial celebration. It is a privilege to represent Polytechnic University in the United States House of Representatives and I hope my colleagues will join me in recognizing its illustrious history and impressive accomplishments.

Founded in 1854 for ''the higher education of lads and young men,'' Brooklyn Collegiate and Polytechnic Institute welcomed its first class of 265 students at 99 Livingston Street on September 10, 1855. The Institute thrived, and by the close of the 19th century, it was a full-fledged school of engineering with a new name—Polytechnic Institute of Brooklyn.

By its 100th birthday in 1954, Polytechnic had outgrown its campus in varied downtown Brooklyn locations. In 1957, it moved to a centralized location at 333 Jay Street, former home to the American Safety Razor Factory. In 1973, Polytechnic merged with the New York University School of Engineering and Science and was renamed Polytechnic Institute of New York. In 1985, the Institute was granted university status by the New York State Board of Regents and officially renamed Polytechnic University.

Over the next 17 years, the University experienced the greatest transformation in its history. Polytechnic spearheaded the creation of MetroTech Center, a 16-acre, $1-billion university-corporate park in Brooklyn, NY, which was built around its existing campus. The University updated its facilities and built a new home in 1992, for its Bern Dibner Library of Science and Technology and its Center for Advanced Technology in Telecommunications.

Mr. Speaker, Polytechnic University is an extremely prestigious institution, which has dedicated itself to producing students who are prepared to change and embrace the ever-increasing technological world. Under the leadership of its new President, Jerry MacArthur Hultin, I am confident that Polytechnic University will continue to teach and challenge its students to be among our nation's brightest.

Mr. Speaker, I believe that it is incumbent upon this body to recognize the prestigious accomplishments of Polytechnic University and join the university in celebrating 150 years of dedicated service to the people of the United States.

RECOGNIZING THE HURON RIVER VFW POST 4434 ON ITS 60TH ANNIVERSARY

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. McCOTTER. Mr. Speaker, I rise today to honor and commemorate the 60th anniversary of the Huron River Veterans of Foreign Wars Post 4434, whose members have valiantly defended our Nation against all enemies and, often, all odds.

As they transitioned back to their loved ones and civilian life, the Huron River Veterans of Foreign Wars continued their distinguished service to our country through their dedicated community service projects, including the support of local veteran's services and the propagation of patriotism education for local youth. Truly, the members of the Huron River Veterans of Foreign Wars have provided a stellar example of service above self, and have championed the cause of liberty and equality within our Nation and our world. May their heroism and altruism ever be remembered as an inspiration to every generation of Americans.

In conclusion, then, Mr. Speaker, let us all extend our enduring gratitude to the Huron River Veterans of Foreign War Post 4434. It is the least we can do for those who have done so much for us.

IN HONOR OF ELLIE MAPSON, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Ellie Mapson, Jr., community leader, activist, artist, dedicated family man and friend and mentor to many, as he is being honored by the West Park Community Coalition, Inc., for his grace, focus and tireless efforts in raising our Westside community into the light of possibility for everyone.

Mr. Mapson's steadfast commitment to his community mirrors his unwavering focus on family and faith. Mr. Mapson's wife of 47 years, Maggie, their children, Daryl, Kimberly and Dana; the loving memory of David; and their four grandchildren remain central to his life. Mr. Mapson and his family are long-time members of the Second Calvary Baptist Church and the West Park Community Coalition, where he also serves on the Board of Directors. Mr. Mapson has devoted countless hours at his church as layman, program vice-president, past chairman of the board and Sunday school teacher. He also led the effort to develop a college scholarship program for member families.

Mr. Mapson is known as a local historian and ironically, his own life became part of Cleveland history. In 1972, Ellie Mapson Jr. became the first African American to run for Cleveland City Council in a seat located west of the Cuyahoga River. He finished second out of five candidates. He went on to serve as president of the predominantly white West Park Community Council, and he was also the first African American member of the West Park Kiwanis Club and eventually served as its president.

Mr. Speaker and colleagues, please join me in honor and recognition of Ellie Mapson, Jr., whose integrity, warmth, faith and concern for others continues to pave the way for strength and renewal throughout our Westside community. Mr. Mapson's professional talents and spirit of volunteerism have fortified all aspects of the West Park Community Coalition, Inc. and the Second Calvary Baptist Church. His activism on behalf of our entire community offers light, hope and the promise of a better day for people of the Westside, and for our entire Cleveland community.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. WELLER. Mr. Speaker, I rise today to enter into the RECORD votes I would have cast had I been present on the legislative days of September 21, September 22 and September 28 of 2005 for Roll Call votes 478 through 493. On Wednesday, September 21, I underwent surgery for a detached retina and this was the reason for my absence.

If I were present I would have voted ''Aye'' on Roll Call vote 478, ''Aye'' on Roll Call vote 479, ''Aye'' on Roll Call vote 480, ''Aye'' on Roll Call vote 481, ''No'' on Roll Call vote 482, ''No'' on Roll Call vote 483, ''No'' on Roll Call vote 484, ''Aye'' on Roll Call vote 485, ''Aye'' on Roll Call vote 486, ''Aye'' on Roll Call vote 487, ''No'' on Roll Call vote 488, ''Aye'' on Roll Call vote 489, ''Aye'' on Roll Call vote 490, ''No'' on Roll Call vote 491, ''Aye'' on Roll Call vote 492, ''Aye'' on Roll Call vote 493. ''Aye'' on Roll Call vote 494, ''No'' on Roll Call vote 495, and ''Aye'' on Roll Call vote 496.

TRIBUTE TO PROJECT BACKPACK

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. VAN HOLLEN. Mr. Speaker it is with great pleasure that I rise to commend the founders of Project Backpack for their inventive and inspiring efforts to help the children affected by Hurricane Katrina.

Project Backpack was begun by Jacqueline, Melissa, and Jenna Kantor, three young sisters from Bethesda, Maryland. These sisters came up with an idea to collect donations of backpacks, toys and school supplies to be sent out to the thousands of children who were left homeless in the wake of Hurricane Katrina. Inspired by the concept of ''kids helping kids,'' Project Backpack has been tremendously successful.

Joined by Sodexho USA and other charitable organizations, Project Backpack has set a local goal of 10,000 backpacks and a national goal of 100,000. I encourage people throughout the United States to participate in this worthy project.

I applaud Jacqueline, Melissa, and Jenna in their continued efforts to help the children affected by Hurricane Katrina.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. MCDERMOTT. Mr. Speaker, I missed votes on September 27, 2005. Had I been able to, I would have voted ''yea'' on H.J. Res. 66 (Rollcall vote 494); ''yea'' on H.R. 438 (Rollcall vote 495) and ''yea'' on H. Con. Res. 209 (Rollcall vote 496).

COMMEMORATING THE 25TH ANNIVERSARY OF THE LAKE HIGHLANDS REPUBLICAN WOMEN

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to commemorate the 25th anniversary of the Lake Highlands Republican Women. In December of 1980, the Lake Highlands Republican Women were formed, based on the guiding principle of the National Federation of Republican Women, ''to foster and encourage loyalty to the Republican Party and the ideals for which it stands.''

For the past 30 years, the Lake Highlands Republican Women have worked hard to promote the principles of the Grand Old Party and to elect Republican leaders from the Courthouse to the White House.

The Lake Highlands Republican Women are truly helping make our community and our country a better place to live. The Lake Highlands Republican Women continue to strengthen the Republican Party through candidate recruitment, training and election activities as well as advocating the GOP common sense conservative philosophy of faith, family, free enterprise, and freedom.

Today, I would like to honor the Lake Highlands Republican Women and their leaders, including: Patti Clapp (1981–1982), Jan Patterson (1983–1984, 1993), Lee Dewbre (1985–1986), Fredda Horton (1987–1988), Libby Swaim (1989–1990), Linda Russell (1991–1992), Annabelle Ward (1994–1995), Jill Mellinger (1996–2001), Suzy Pollok (1997), Deborah Brown (1998–1999), Kathi Drew (2000), Elaine Travis, (2002), Glee Huebner (2003–2004), and Gloria Gibeau (2005). These strong Republican women embody the energy, vision and values of our party.

INTRODUCTION OF THE WOOD STOVE REPLACEMENT ACT OF 2005

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. MURPHY. Mr. Speaker, I am pleased to introduce the Wood Stove Replacement Act of 2005. I am joined in the introduction by Representative MELISSA HART.

Quite simply, our bill would provide a tax credit of $500 for individuals and families who replace their old, dirty, uncertified wood stoves with new, EPA-compliant, clean-burning wood stoves or fireplace inserts.

As America's cities and counties struggle to come into compliance with the National Ambient Air Quality Standards set by the U.S. Environmental Protection Agency, smaller and more diverse sources of pollution are regulated. The primary air pollution problem in many areas of the country, including Pittsburgh, is particulate matter. Particulate matter, or soot, is caused by burning fuels such as coal, as well as wood.

On December 17, 2004, the EPA designated nearly two hundred and fifty counties in the U.S. as out of compliance with federal air quality standards for ''fine particulates'' (particles under 2.5 microns in diameter). EPA has concluded that wood smoke from residential wood combustion appliances, fireplaces and wood stoves, is a significant contributor to fine particulate pollution in many of the designated counties.

In 1986, EPA established a New Source Performance Standard, or NSPS, that imposed strict limits on the wood smoke that can be emitted from wood burning stoves, and it implemented a program for certifying the performance of wood stoves that comply with the standard. EPA-certified wood stoves reduce wood smoke emissions by as much as 90 percent. According to the EPA, ''certified wood stoves burn more cleanly and efficiently, save [. . . .] money, reduce the risk of fire, and improve air quality inside and outside [the] home.''

It is estimated that there are as many as 10 million old, uncertified, pre-NSPS wood stoves still in use in American homes. Fourteen thousand of them are in my area in Pittsburgh. Many of the uncertified wood stoves still in use today were purchased at the height of the fossil-fuel crisis in the 1970s. Many were installed in lower income, rural residences with ample access to free or low-cost wood fuel. The installed cost of new, certified stoves can be as high as $2,000 to $3,000, which is out of reach for many users of the old, uncertified units. To encourage users of old, dirty-burning units to trade up to new certified stoves, strong incentives must be provided. Local regulations prohibiting the use of uncertified woodstoves are politically unpalatable unless financial assistance is provided to enable homeowners to abide by such prohibitions and keep their families warm in the winter with low-cost, renewable wood fuel.

According to the EPA, ''Helping areas of the country reduce pollution and meet national air quality standards for fine particles is our top priority . . . By combining local programs like clean wood stove installation with tough new federal regulations on power plants, cars, trucks and diesel equipment, we can dramatically reduce fine particle pollution and improve public health across the country.''

Our legislation to provide a federal tax credit for the replacement of uncertified wood stoves is an important way to reach consumers who otherwise may never replace their old stoves. This credit would only be available to consumers who live in areas designated as out of compliance with the fine particle and total particulate standards. A $500 tax credit would give consumers living in poor air quality areas an immediate incentive and necessary financial assistance to remove their old stove now. By using the cleaner stoves, consumers will save on fuel costs by burning one-third less wood and reduce fine particle pollution in their area thereby improving their health and the health of their families and neighbors.

The need to encourage consumers to burn cleaner, more efficient woodstoves is an urgent matter. The record-high costs predicted for home heating this winter will likely push many consumers to choose more affordable wood heating. With nearly 10 million old, conventional, dirty wood stoves still in use today, it is imperative that consumers have an incentive to change out their old appliances for clean, more efficient, and EPA-certified wood stoves.

Representative HART and I are introducing this bill to coincide with an EPA event in Pittsburgh on September 29. That will be National Wood Stove Change-Out Day, where EPA encourages owners of old stoves to trade them in for new, certified units. The incentives in this bill should help accomplish this goal.

SUPPORTING THE GOALS AND IDEALS OF DOMESTIC VIOLENCE AWARENESS MONTH

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of this resolution to recognize the goals and ideals of Domestic Violence Awareness Month.

This week we will also be considering legislation that will reauthorize the Violence Against Women Act. It is my hope that we will strengthen and improve measures to ensure safe homes and communities for children and families.

Congress must continue to raise awareness of domestic violence in the United States and the devastating effects violence has on too many of our American families. We must also ensure that the organizations working to end domestic violence in our communities have the resources they need to provide services to the survivors of family violence, sexual assault, and stalking. These families and organizations deserve our commitment.

In my own State of Minnesota, VAWA funding went to programs and services for battered women and their children. Some of those projects in my own District include:

The St. Paul based Southern Minnesota Regional Legal Services, which provides legal

advocacy services to young Native American women in collaboration with the Ain Dah Yung Center.

Breaking Free in St. Paul: A transitional housing program for women of color escaping prostitution.

St. Paul-based Minnesota Coalition of Battered Women, which links battered women's programs across the state to help fulfill the goals of VAWA, including legal assistance; training for police, prosecutors, and court officers; and protection for battered women and their children.

Other projects in Minnesota include:

The Domestic Abuse Intervention Project in Duluth—a comprehensive review of the criminal justice and civil court response to battered women.

The Women's Rural Advocacy Program in Southwest Minnesota, which purchases and implementation of digital cameras and printers for improved prosecution of domestic violence cases.

Migrant Health Services in Crookston, which provides domestic violence and sexual assault services to Hispanic migrant farm workers in the Red River Valley.

In addition to the lives saved by improved responses to violence against women, VAWA has saved our country nearly $15 billion in social costs, such as savings in the judicial and health care systems.

The month of October also marks the anniversary of a great loss to the domestic violence community—the untimely deaths of Paul and Sheila Wellstone. Not only were Paul and Sheila tireless advocates for abused women and children, they were also instrumental framers of VAWA. The Wellstones are greatly missed by Minnesotans and people throughout our Nation.

It is in recognition of those who continue the legacy of a commitment to ending domestic violence in homes and communities across our Nation, and in honor of survivors of domestic violence, that I stand today in support of Domestic Violence Awareness Month.

PROVIDING FOR CONSIDERATION OF H.R. 2123, SCHOOL READINESS ACT OF 2005

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, today I rise to oppose the Boustany amendment and all the explicit discrimination it represents.

Mr. BOUSTANY's proposal fundamentally changes Head Start hiring and firing protections provided for Head Start teachers and staff by Federal Equal Employment Opportunity laws. If this amendment passes, this would be the first time Congress has acted on the House Floor to specifically repeal civil rights protections established to combat discrimination.

The amendment is a blatant attack on civil rights. And, it is offensive to Americans who value equal rights and justice, and to the many of us who are strong people of faith.

This amendment would allow faith-based organizations that receive Federal Head Start dollars to discriminate in the hiring and firing of Head Start employees simply based on religion. These changes could also affect Head Start parents who might serve as volunteers or advisory board members for their children's Head Start program.

And these acts of discrimination would be paid for with U.S. taxpayer dollars!

In addition, this amendment changes Federal Equal Employment Opportunity laws in the Head Start Act. The effects of these changes on the rights of women and people with disabilities are unclear. Certainly the questions surrounding this possible reduction in rights should be answered before we undo hard-fought civil rights protections.

Let us be clear. Faith-based organizations currently are providing Head Start services. I support faith-based organizations. Their missions and their work are valued by all of us. This amendment provides no additionl opportunities to faith-based Head Start providers. It simply provides them the explicit right to discriminate based on religion using taxpayer dollars.

Mr. Speaker, Head Start is a program intended to reduce barriers and to provide increased opportunities and equality for low-income children and their families. It is shameful that some of my colleagues are acting today to reduce opportunities and increase barriers for Head Start families.

I urge my colleagues—don't give discrimination a Head Start. Oppose this dangerous amendment.

MAUDELLE SHIREK POST OFFICE BUILDING

SPEECH OF

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2005

Mr. HOLDEN. Mr. Speaker, I rise today to recognize that on September 27, 2005, I voted ''yea'' on H.R. 438 (rollcall No. 495), which designates the United States Postal Service facility located at 2000 Allston Way in Berkeley, California, as the ''Maudelle Shirek Post Office Building.''

Ms. Maudelle Shirek was the former vice-mayor of the City of Berkeley and Member of Berkeley City Council from 1984 to 2004, between the ages of 73 and 93. She was one of California's longest serving elected officials.

For 60 years, Ms. Shirek has been campaigning for fair housing and civil rights for all Americans, especially the poor. Ms. Shirek helped found two Berkeley seniors centers. Until her health started slowing her down, Ms. Shirek helped deliver meals to shut-in seniors and did all the grocery shopping for lunches at the New Light Senior Center. In addition, Ms. Shirek received a Special Recognition Award in 1997 from the Cooperative Center Federal Credit Union for 55 years of tireless work in the credit union movement.

Before voting on H.R. 438, I was fully aware of the aforementioned efforts and achievements during Ms. Shirek's life. I found them reason to name a Post Office after her.

However, after I voted ''yea'' on H.R. 438, I was informed of Ms. Shirek's active support for the release of Mumia Abu-Jamal, a man convicted of killing a Philadelphia police officer. Upon learning this, I could not, in good faith, support H.R. 438. Had I known this prior to voting on H.R. 438, I would have voted ''nay.''

CINDY SHEEHAN: PEACE MOM AND PATRIOT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. RANGEL. Mr. Speaker, I rise today to honor Cindy Sheehan the ''Peace Mom'' from Vacaville, California, whose 24 year-old son Casey was killed in Sadr City, Iraq on April 4, 2004. Referred to by some as, the ''Rosa Parks'' of the peace and justice movement, she was arrested today in front of the White House while calling on President Bush to end the War in Iraq.

Cindy had traveled to Washington from Crawford, Texas where, intent on a face-to-face meeting with President Bush, she gained national attention by camping outside the Texas White House during the President's summer vacation. The site was called Camp Casey in honor of her son.

Cindy Sheehan wanted to ask President Bush: What is the ''noble cause'' that my son Casey died for?

Like millions of people in this country, Cindy Sheehan knew there were no weapons of mass destruction in Iraq, the citizens in the United States had never been in ''imminent danger'' from Saddam Hussein and Iraq had no connection to 9/11 as the President had claimed. As a mother she felt she had the right to ask the President to meet with her to explain why her son had been sent on a fraudulent mission. After all, he had the time for a bicycle ride with Lance Armstrong. She felt he should make the time to meet with her.

The President refused to meet with Cindy, but sent two high level White House officials in his place. Explaining this substitution, President Bush stated that he had to go on with his ''normal life'' and that the American people wanted him to do that. Cindy announced she would not leave Crawford until Mr. Bush met with her or left for Washington DC.

As Cindy Sheehan waited in the broiling Texas sun, people began to come to Crawford to be with her. They wanted to support her and to send a message to the President that they, too, wanted an explanation for the war. Thousands came from across the country; some stayed a few hours, others, a few days.

When authorities ordered her to move Camp Casey, a local landowner gave her space on his ranch for an even larger encampment. White crosses with the names of the soldiers killed were planted in the ground. The boots Casey was wearing when he died were placed with his cross as were the boots of other soldiers whose crosses were at Camp Casey.

After President Bush finally left his ranch a few days short of his planned five week vacation, four groups of Cindy's supporters—Gold Star Families for Peace, Military Families Speak Out, Iraq Vets Against the War and Veterans for Peace—left Camp Casey on a ''Bring Them Home Tour'' from Crawford, TX to Washington, DC.

The Veterans for Peace sent a bus to Covington, KY, to deliver supplies to victims of

Hurricane Katrina. Three other buses filled with representatives of each group toured the central, southern and northern States and met in Washington on September 22nd to prepare for the peace march on September 24, 2005.

An estimated 300,000 people participated in the demonstration. Cindy spoke to the crowd who welcomed her as a hero. I called Cindy the ''Rosa Parks'' of this peace movement. Like the woman who sparked the civil rights movement, Cindy is the one person who has come forth to inspire others to do more than they believed themselves capable of doing. On that day when our grandchildren ask what we were doing during the Iraq War, we will be able to say: We spoke out and stood up in support of Cindy Sheehan.

HIGHER EDUCATION EXTENSION ACT OF 2005

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 20, 2005

Ms. MCCOLLUM of Minnesota. Madame Speaker, I rise today in support of the temporary 3-month extension of the Higher Education Act.

I would prefer to rise today to express my support for a bill that expands access for students to college and fulfills the Federal government's promises to make college more affordable for the millions of students attending our nation's colleges and universities.

Unfortunately, that is not the bill before us today. It is my hope, however, that the Republican leadership will use this time provided by the extension to improve their plan to reauthorize the Higher Education Act—H.R. 609.

The Republican bill that passed out of the House Education and the Workforce Committee on a strictly partisan vote balances the massive deficit created by enormous tax breaks to America's most fortunate and the war in Iraq on the backs of students—who continue to face increased tuition costs across the nation. H.R. 609 cuts nearly $9 billion from the Federal student loan program, with Republican plans to cut an additional $2 billion in order to balance their misguided budget. This cut is the largest cut to student financial aid in the history of Federal student financial aid.

The Reauthorization of the Higher Education Act should be an opportunity to enhance access for our nation's low and moderate income students and first generation students to a higher education. Instead of finding ways to increase college affordability and fund student financial aid during this reauthorization, Republicans have been focused on finding ways to open up more Federal dollars for for-profit education institutions, while finding ways to usurp college campus autonomy. Instead of increasing access, millions of students will see the cost of a college education increase significantly because of provisions found in H.R. 609.

In committee, I voted to support the Democratic amendment to reauthorize the Higher Education Act, which would have increased access and enhance affordability for all students—all without raising taxes. The Democratic plan would have increased Pell Grants and would have maintained the promise Congress made in 2002 to cap the interest rate on student loans at 6.8 percent.

The tax cuts proposed by President George W. Bush and the House Republican budget, forces college students to bear the weight of irresponsible fiscal policies.

Today, this temporary extension is necessary, but I will continue to work to ensure that students will not be forced to pay for this enormous deficit now through financial aid cuts and in the future as taxpayers.

PERSONAL EXPLANATION

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I rise today to recognize that on September 27, 2005, I voted ''yea'' on H.R. 438 (rollcall 495), which designates the United States Postal Service facility located at 2000 Allston Way in Berkeley, California, as the ''Maudelle Shirek Post Office Building.''

Before voting on H.R. 438, many of my colleagues discussed Ms. Shirek's efforts on behalf of her community. At the time, I found them reason to support H.R. 438. However, after I voted ''yea'' on H.R. 438, I was informed of Ms. Shirek's active support for the release of Mumia Abu-Jamal—the same man who killed Daniel Faulkner, a Philadelphia police officer.

Had I known of Ms. Shirek's statements regarding Mumia Abu-Jamal prior to voting on H.R. 438, please let the RECORD reflect that I would not only have voted ''nay'' on passage of this bill, but I also would have urged my colleagues to join me in opposition.

SUPPORTING THE GOALS AND IDEALS OF ''LIGHTS ON AFTERSCHOOL!''

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 27, 2005

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of Resolution 66, supporting the goals and ideals of 'Lights On Afterschool!', a national celebration of after-school programs. Passage of this bill will not only recognize this celebration, but also reaffirm the United States Congress' continuing commitment to providing our children after-school programs.

The ''Lights On Afterschool!'' celebration was started in October of 2000 and was hosted in over 1,000 communities across the nation. The goal of the program at its inception was to call attention to the importance of after-school programs for America's communities. Last year, 7,500 communities celebrated Lights On Afterschool! events. This October, the Afterschool Alliance, the founding organization, expects 1 million Americans to participate in ''Lights On Afterschool!''

In this time of political pressure for budget cuts, ''Lights On Afterschool!'' seeks to celebrate the importance of after-school programs to American Society, and assert the need for even more programs. The worth of after-school programming is not lost on the American public. Nine in ten Americans think children need organized activities or a program to go to after school where they have learning opportunities. Nine in ten also support funding for after-school programs in low-income neighborhoods.

The ''Lights On Afterschool!'' program calls for expanding after-school opportunities so that every child who needs a program has access to one. This is not only a good idea on paper, but a good idea in practice. Teens who participate in after-school programs are three times less likely to try drugs, and less likely to smoke or drink. Teens who do not attend after-school programs are three times more likely to skip class. Students who participate in after-school programs have better grades, are more likely to attend college, and reach higher levels of achievement. The benefit of these programs also extends to the tens of millions of parents of school aged children, who, with the help of these programs, were better able to balance family and work life.

It seems like a simple decision to support the ''Lights On'' program, but budget-tightening is forcing many programs to cut back or even close. There is a tremendous unmet demand for after-school programs. Today, millions of children have no adult supervision after school. Mayors surveyed in 86 cities reported that only one-third of the children needing after school care were receiving it. Over two-thirds of principals whose children lack after-school programs claim a lack of funding as the reason for not having sufficient programming.

The ''Lights On Afterschool!'' program is scheduled next month on the 20th of October. Supporting this program—and after-school programs in general—should be a high priority for this country and this congress.

I support H.J. Res. 66 for the foregoing reasons, and I urge my colleagues to follow suit.

PROVIDING FOR CONSIDERATION OF H.R. 2123, SCHOOL READINESS ACT OF 2005

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 22, 2005

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise today to express my sincere disappointment in the Committee on Rules decision to report a restrictive rule for consideration of the bill before us today, the reauthorization of Head Start, the future of our children.

Several common-sense amendments that were offered to strengthen this bill were not ruled in order. Not surprising, most of them were Democratic amendments. Instead, several amendments that were ruled in order will weaken Head Start and the opportunity for our children to succeed.

In committee, there was bipartisan support for adding ''faith-based'' language into the Head Start Act, even though faith-based institutions currently participate in providing Head Start programs. We were happy to do this in committee; I was happy to do so, along with my colleagues, because the Federal Equal

Opportunity Employment laws are spelled out clearly in the bill, which do not allow for discrimination in hiring.

But there was another amendment that was not ruled in order—my amendment. My amendment would have protected the privacy of our faith-based organizations and the integrity of our tax dollars. The amendment that I offered in the Committee on Rules would have simply required faith-based organizations to create a separate bank account, a separate bank account in which to receive Federal dollars for the Head Start program—distinct and from the private dollars that a religious organization collects to advance their religious mission.

Why do we need to do that? Well, first, we need to protect Federal tax dollars from being used improperly; and, secondly, we need to protect the privacy of faith-based organizations' accounting books for their religious mission. With the commingling of funds, if fraud is suspected, a faith-based organization would have to open up all of their books for inspection. My amendment would have required separate accounts, therefore, protecting the church's mission and the Federal education mission of Head Start.

Mr. Chairman, let me quote from the Covenant Companion, a Christian publication, which I submit for the RECORD, as well as one other publication that speaks to this issue.

From the Covenant: ''Churches are particularly vulnerable to embezzlement because of the high-level of trust given to employees and volunteers that lack the sophistication, fiscal controls, and oversight.''

My amendment simply would have been a preemptive strike against financial abuse that we know will happen because it has already occurred. For example, this past summer, $800,000 was stolen from a Federal Head Start program run by a church.

Mr. Chairman, I urge my colleagues to reject this rule. We need a new rule, one that will protect the taxpayers, one that will protect faith-based organizations, and one that will prevent discrimination.

ADDICTION, TREATMENT AND RECOVERY

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2005

Mr. BOREN. Mr. Speaker, I rise today to express my support of the 16th annual celebration of recovery month. All people are affected by addiction in some way, and it is important to celebrate those who beat addictive diseases and are now in recovery. Most people who know very little about the dangers of addiction suppose they could identify an addict if they saw one. Surprisingly, addiction can confront any person in any family, and this makes the joys of recovery all the more important. One mother whose daughter received treatment at Narcanon Arrowhead in my district said:

''I am the mother of five beautiful, intelligent and talented children. I gave up a lucrative and rewarding profession so that I could spend my life raising my children. I wanted to be part of every moment of their lives. As every mother does, I made plans. Those plans were for my spouse and myself and of course, our children. We want them to be healthy, educated and successful.

Six months ago, my days, hours, weeks were consumed with finding a solution to my daughter's drug addiction, which seemed an impossible task. My daughter fought her addiction and lost since she was 13 years old. It all began by harmless experimentation with marijuana and alcohol but she then fell into the drug trap battling an addiction to every drug available today.

As her addiction grew worse and worse my husband and I feared the day when we would get the call that she had landed in jail, or worse—she had died. Thankfully that call never came. In July of 2001 we gave her an ultimatum—either she seek treatment or we could no longer have anything to do with her. For 2 months after she was ''out there'' doing whatever she could to get high. I have never been that scared in my life. In August she finally agreed to go into treatment.

Thanks to the Narconon Program my daughter has been clean for over six months. She is happy and functioning and for the first time in a long time, she is stable. I never want any parent to go through the nightmare that I went through with my child and there are millions of us going through it right now. I am writing this to tell you that there is hope. Today I can honestly say that I have my daughter back.''

Stories like the one from this mother give me hope. I have hope for the treatment and recovery of the growing number of citizens in Oklahoma addicted to methamphetamines. Although the problem is daunting, with enough support and understanding addiction can be beaten! I appreciate what this month celebrates, and I am proud to share a success story from my home state.

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, September 29, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 30

9:30 a.m.
Foreign Relations
To hold hearings to examine the nominations of John Hillen, of Virginia, to be Assistant Secretary for Political-Military Affairs, Barry F. Lowenkron, of Virginia, to be Assistant Secretary for Democracy, Human Rights, and Labor, both of the Department of State, and Kent R. Hill, of Virginia, and Jacqueline Ellen Schafer, of the District of Columbia, both to be Assistant Administrator, United States Agency for International Development.
SD–419

OCTOBER 5

9:30 a.m.
Indian Affairs
Business meeting to consider S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act.
SR–485

10:30 a.m.
Aging
To hold hearings to examine preparing for and meeting the needs of older Americans during a disaster.
SH–216

2:30 p.m.
Environment and Public Works
To hold hearings to examine the status of efforts to reduce greenhouse gases relating to the Kyoto Protocol.
SD–406

Intelligence
To receive a closed briefing regarding certain intelligence matters.
SH–219

OCTOBER 6

9:30 a.m.
Armed Services
To hold hearings to examine U.S. military strategy and operations in Iraq.
SD–106

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the implementation of the Exon-Florio provision by the Committee on Foreign Investment in the United States (CFIUS), Department of the Treasury, which seeks to serve U.S. investment policy through reviews that protect national security while maintaining the credibility of open investment policy.
SD–538

Energy and Natural Resources
To hold hearings to examine Hurricanes Katrina and Rita's effects on energy infrastructure and that status of recovery efforts in the Gulf Coast region.
SD–366

2:30 p.m.
Judiciary
To hold hearings to examine pending judicial nominations.
SD–226

Intelligence
To receive a closed briefing regarding certain intelligence matters.
SH–219

3 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 1025, to amend the Act entitled ''An Act to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas'' to authorize the Equus Beds Division of the Wichita Project, S. 1498, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District, S. 1529, to provide for the conveyance of certain Federal land in the city of Yuma, Arizona, S. 1578, to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs, and S. 1760, to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District.
SD–366

OCTOBER 20

10 a.m.
Indian Affairs
To hold hearings to examine Indian water rights settlement policy effects on the Duck Valley Reservation proposed settlement agreement.
SR–485

Daily Digest

HIGHLIGHTS

Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009.

Senate

Chamber Action

Routine Proceedings, pages S10529–S10630

Measures Introduced: Ten bills and eight resolutions were introduced, as follows: S. 1779–1788, S.J. Res. 27, S. Res. 254–259, and S. Con. Res. 54. **Page S10594**

Measures Reported:

H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute. **Page S10594**

Measures Passed:

NASA Authorization: Senate passed S. 1281, to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, for fiscal years 2006, 2007, 2008, 2009, and 2010, after agreeing to the committee amendments, and the following amendment proposed thereto: **Pages S10610–20**

Graham (for Hutchison/Nelson (FL)) Amendment No. 1875, of a perfecting nature. **Page S10614**

Veterans' Benefits Improvement Act: Senate passed S. 1235, to amend title 38, United States Code, to extend the availability of $400,000 in life insurance coverage to servicemembers and veterans, to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program, to make technical corrections to the Veterans Benefits Improvement Act of 2004, to make permanent a pilot program for direct housing loans for Native American veterans, and to require an annual plan on outreach activities of the Department of Veterans Affairs, after agreeing to the committee amendment in the nature of a substitute and an amendment to the title. **Pages S10620–22**

Assistance for Individuals with Disabilities Affected by Hurricanes Katrina and Rita Act: Senate passed H.R. 3864, to assist individuals with disabilities affected by Hurricanes Katrina or Rita through vocational rehabilitation services, clearing the measure for the President. **Page S10622**

Honoring Sandra Feldman: Senate agreed to S. Res. 256, honoring the life of Sandra Feldman. **Pages S10622–23**

Recognizing Jacob Mock Doub: Senate agreed to S. Res. 257, recognizing the spirit of Jacob Mock Doub and many young people who have contributed to encouraging youth to be physically active and fit, and expressing support for "National Take a Kid Mountain Biking Day". **Page S10623**

Commending Timothy S. Wineman: Senate agreed to S. Res. 258, to commend Timothy Scott Wineman. **Page S10623**

Airport Improvement Project Grants: Senate passed S. 1786, to authorize the Secretary of Transportation to make emergency airport improvement project grants-in-aid under title 49, United States Code, for repairs and costs related to damage from Hurricanes Katrina and Rita. **Page S10624**

Montana Indian Water Rights—Referral Agreement: A unanimous-consent agreement was reached providing that the Committee on Energy and Natural Resources be discharged from further consideration of S. 1219, to authorize certain tribes in the State of Montana to enter into a lease or other temporary conveyance of water rights to meet the water needs of the Dry Prairie Rural Water Association, Inc., and the bill was then referred to the Committee on Indian Affairs. **Page S10624**

Roberts Nomination: Senate continued consideration of the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States. **Pages S10529–78**

A unanimous-consent-time agreement was reached providing for further consideration of the nomination

at 9:30 a.m., on Thursday, September 28, 2005, provided further, that the time until 10:30 a.m., be equally divided between the two leaders or their designees, and at 11:30 a.m., vote on confirmation of the nomination. Page S10624

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Protocol Amending the Tax Convention with France (Treaty Doc. No. 109–4).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. Page S10624

Nominations Received: Senate received the following nominations:

Jendayi Elizabeth Frazer, Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 27, 2009.

Horace A. Thompson, of Mississippi, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2011.

Kent D. Talbert, of Virginia, to be General Counsel, Department of Education.

Carol E. Dinkins, of Texas, to be Chairman of the Privacy and Civil Liberties Oversight Board.

Alan Charles Raul, of the District of Columbia, to be Vice Chairman of the Privacy and Civil Liberties Oversight Board.

Timothy C. Batten, Sr., of Georgia, to be United States District Judge for the Northern District of Georgia.

Kristi Dubose, of Alabama, to be United States District Judge for the Southern District of Alabama.

Thomas E. Johnston, of West Virginia, to be United States District Judge for the Southern District of West Virginia.

Virginia Mary Kendall, of Illinois, to be United States District Judge for the Northern District of Illinois.

W. Keith Watkins, of Alabama, to be United States District Judge for the Middle District of Alabama.

Routine lists in the National Oceanic and Atmospheric Administration, and Public Health Service. Pages S10629–30

Messages From the House: Pages S10592–93

Measures Referred: Page S10593

Measures Placed on Calendar: Page S10593

Executive Communications: Pages S10593–94

Additional Cosponsors: Pages S10594–96

Statements on Introduced Bills/Resolutions: Pages S10596–S10604

Additional Statements: Pages S10590–92

Amendments Submitted: Pages S10604–08

Notices of Hearings/Meetings: Pages S10608–09

Authority for Committees to Meet: Pages S10609–10

Privilege of the Floor: Page S10610

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:37 p.m., until 9:30 a.m., on Thursday, September 29, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10624.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEFENSE

Committee on Appropriations: Committee ordered favorably reported H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, with an amendment in the nature of a substitute.

PROFESSIONAL SPORTS INTEGRITY

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine S. 1114, to establish minimum drug testing standards for major professional sports leagues, and S. 1334, to provide for integrity and accountability in professional sports, after receiving testimony from Senator Bunning; Allan H. Selig, Major League Baseball, Milwaukee, Wisconsin; Donald M. Fehr, Major League Baseball Players Association, Paul Tagliabue, National Football League, David J. Stern, National Basketball Association, Antonio Davis, National Basketball Players Association, and Gary Bettman, National Hockey League, all of New York, New York; Eugene Upshaw, National Football League Players Association, and Ted Saskin, National Hockey League Players' Association, both of Washington, D.C.; Ryne Sandberg, Phoenix, Arizona; Robin Roberts, Tampa, Florida; Lou Brock, St. Louis, Missouri; and Paul Niekro, and Hank Aaron, both of Atlanta, Georgia.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following bills:

S. 166, to amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation in the Deschutes River Conservancy;

S. 206, to designate the Ice Age Floods National Geologic Trail, with an amendment in the nature of a substitute;

S. 213, to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico, with an amendment in the nature of a substitute;

S. 242, to establish 4 memorials to the Space Shuttle Columbia in the State of Texas, with an amendment in the nature of a substitute;

S. 251, to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Subbasins in Oregon, with amendments;

S. 592, to extend the contract for the Glendo Unit of the Missouri River Basin Project in the State of Wyoming, with an amendment;

S. 652, to provide financial assistance for the rehabilitation of the Benjamin Franklin National Memorial in Philadelphia, Pennsylvania, and the development of an exhibit to commemorate the 300th anniversary of the birth of Benjamin Franklin;

S. 761, to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area;

S. 777, to designate Catoctin Mountain Park in the State of Maryland as the ''Catoctin Mountain National Recreation Area'', with amendments;

S. 819, to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes;

S. 891, to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska;

S. 895, to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents, with an amendment in the nature of a substitute;

S. 955, to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the National Park System certain sites in Williamson County, Tennessee, relating to the Battle of Franklin, with an amendment;

S. 958, to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail, with an amendment;

S. 1154, to extend the Acadia National Park Advisory Commission, to provide improved visitor services at the park, with amendments;

S. 1170, to establish the Fort Stanton-Snowy River National Cave Conservation Area, with an amendment in the nature of a substitute;

S. 1238, to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, with amendments;

S. 1338, to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, with an amendment;

S. 1627, to authorize the Secretary of the Interior to conduct a special resources study to evaluate resources along the coastal region of the State of Delaware and to determine the suitability and feasibility of establishing a unit of the National Park System in Delaware;

H.R. 126, to amend Public Law 89–366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore;

S. 584, to require the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park, with an amendment in the nature of a substitute;

H.R. 539, to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System;

H.R. 584, to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior;

H.R. 606, to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California;

H.R. 1101, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California; and

S. 485, to reauthorize and amend the National Geologic Mapping Act of 1992.

GRAZING PROGRAMS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded an oversight hearing to examine the grazing programs of the Bureau of Land Management and the Forest Service, including proposed changes to grazing regulations, and the status of grazing permit renewals, monitoring programs and allotment restocking plans, after receiving testimony from Jim Hughes, Deputy Director, Bureau of Land Management, Department of the Interior; Fred Norbury, Associate

Deputy Chief, National Forest System, Forest Service, Department of Agriculture; Michael Byrne, Public Lands Council, Tule Lake, California, on behalf of the National Cattlemen's Beef Association; William S. Whelan, The Nature Conservancy, Arlington, Virginia; and Richard L. Knight, Colorado State University, College of Natural Resources, Fort Collins.

ENVIRONMENTAL POLICY MAKING

Committee on Environment and Public Works: Committee concluded a hearing to examine the role of science in environmental policy making, focusing on independent verification to science, after receiving testimony from Donald R. Roberts, Division of Tropical Public Health, Department of Preventive Medicine and Biometrics, Uniformed Services University of the Health Sciences, Department of Defense; Richard E. Benedick, National Council for Science and the Environment, and David B. Sandalow, The Brookings Institution, both of Washington, D.C.; William M. Gray, Colorado State University Department of Atmospheric Science, Fort Collins; and Michael Crichton, Los Angeles, California.

HURRICANE KATRINA: COMMUNITY ASSISTANCE

Committee on Finance: Committee held hearings to examine the economic recovery of certain Gulf Coast States, focusing on community rebuilding needs, including housing, transportation and educational assistance; and to examine the effectiveness of prior tax legislative proposals to address recent disasters affecting the United States, receiving testimony from George K. Yin, Chief of Staff, Joint Committee on Taxation; Louisiana Governor Kathleen Babineaux Blanco, Baton Rouge; Mississippi Governor Haley Barbour, Jackson; Alabama Governor Bob Riley, Montgomery; Diana Aviv, Independent Sector, and Jean-Mari Peltier, National Council of Farmer Cooperatives, both of Washington, D.C.; Deputy Mayor Daniel L. Doctoroff, New York, New York; and Gary P. LaGrange, New Orleans, Louisiana, on behalf of the Port of New Orleans and the American Association of Port Authorities.

Hearing recessed subject to the call.

SUDAN

Committee on Foreign Relations: Committee concluded a hearing to examine the international response to the Darfur region of Sudan, focusing on the goals of the United States toward the region, the Naivasha (North-South) Comprehensive Peace Agreement (CPA), and North Atlantic Treaty Organization (NATO) assistance to the African Union Mission for Sudan, after receiving testimony from Robert B. Zoellick, Deputy Secretary of State; and General James L. Jones, Jr., USMC, Commander, United States European Command, Department of Defense.

HURRICANE KATRINA RECOVERY

Committee on Homeland Security and Governmental Affairs: Committee continued a hearing to examine the emergency response and local efforts to meet the immediate needs of victims recovering from Hurricane Katrina, receiving testimony from County Judge Robert A. Eckels, Harris County, Texas; Mayor-President Melvin L. Holden, Baton Rouge, Louisiana; Mayor Robert V. Massengill, Brookhaven, Mississippi; and Mayor Dan Coody, Fayetteville, Arkansas.

Hearing recessed subject to the call.

COPYRIGHT PROTECTION AND INNOVATION

Committee on the Judiciary: Committee concluded a hearing to examine copyright and innovation issues relative to the Supreme Court's recent ruling in *Metro-Goldwyn-Mayer Studios* v. *Grokster*, focusing on protection of intellectual property and the prosecution of those who steal or illegally distribute intellectual resources, after receiving testimony from Mary Beth Peters, Register of Copyrights, Copyright Office, Library of Congress; Debra Wong Yang, U.S. Attorney, Central District of California, Department of Justice; Cary Sherman, Recording Industry Association of America, Washington, D.C.; Gary J. Shapiro, Consumer Electronics Association, Arlington, Virginia, on behalf of the Home Recording Rights Coalition; Mark A. Lemley, Stanford University Law School, Stanford, California; Ali Aydar, SNOCAP, Inc., San Francisco, California; Sam Yagan, MetaMachine, Inc., New York, New York; and Marty Roe, Nashville, Tennessee.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 10 public bills, H.R. 3928–3937; and 2 resolutions, H. Con. Res. 255; and H. Res. 471 were introduced.

Pages H8512–13

Additional Cosponsors: **Pages H8513–14**

Reports Filed: Reports were filed today as follows:

H. Res. 468, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 109–238); H. Res. 469, providing for consideration of the joint resolution (H.J. Res. 68) making continuing appropriations for the fiscal year 2006, and for other purposes; for consideration of motions to suspend the rules; and addressing a motion to proceed under section 2908 of the Defense Base Closure and Realignment Act of 1990 (Rept. 109–239); and H. Res. 470, providing for consideration of the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes (Rept. 109–240). **Page H8512**

Speaker: Read a letter from the Speaker wherein he appointed Representative Shaw to act as Speaker pro tempore for today. **Page H8391**

Chaplain: The prayer was offered today by Rev. Thomas Johns, Pastor, St. John Vianney Parish, Mentor, Ohio. **Page H8391**

Department of Homeland Security Appropriations Act, 2006—Motion to go to Conference: The House disagreed to the Senate amendment and agreed to a conference on H.R. 2360, to make appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006. **Pages H8395–H8405**

Rejected the Sabo motion to instruct conferees by a yea-and-nay vote of 196 yeas to 227 nays, Roll No. 497. **Pages H8395–H8401, H8405**

Appointed as conferees: Representatives Messrs. Rogers of Kentucky, Wamp, Latham, Mrs. Emerson, Messrs. Sweeney, Kolbe, Istook, LaHood, Crenshaw, Carter, Lewis of California, Sabo, Price of North Carolina, Serrano, Ms. Roybal-Allard, Messrs. Bishop of Georgia, Berry, Edwards, and Obey. **Page H8406**

SUSPENSIONS: The House agreed to suspend the rules and pass the following measures:

Assistance for Individuals with Disabilities Affected by Hurricanes Katrina and Rita Act of 2005: H.R. 3864, amended, to provide vocational rehabilitation services to individuals with disabilities affected by Hurricane Katrina or Hurricane Rita; **Pages H8406–08**

Agreed to amend the title so as to read: "A bill to assist individuals with disabilities affected by Hurricane Katrina or Rita through vocational rehabilitation services." **Page H8408**

Servicemembers' Group Life Insurance Enhancement Act of 2005: Agree to the Senate amendment to H.R. 3200, to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program; **Pages H8413–16**

A bill to amend the United States Grain Standards Act to reauthorize that Act: S. 1752, to amend the United States Grain Standards Act to reauthorize that Act;—clearing the measure for the President; **Pages H8416–18**

Recess: The House recessed at 3:10 p.m. and reconvened at 4:01 p.m. **Page H8432**

Department of Justice Appropriations Authorization Act, Fiscal Years 2006 through 2009: The House passed H.R. 3402, to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, by a yea-and-nay vote of 415 yeas to 4 nays, Roll No. 501. **Pages H8401–06, H8422–81**

Rejected the Stupak motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 195 yeas to 226 nays, Roll No. 500. **Pages H8478–80**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. **Page H8478**

Agreed to:

Sensenbrenner Manager's amendment (No. 1 printed in H. Rept. 109–236) which makes various technical changes to the bill requested by various members and the Department of Justice, (by a recorded vote of 225 ayes to 199 noes, Roll No. 499); **Pages H8466–70**

Cuellar amendment (No. 2 printed in H. Rept. 109–236) that authorizes appropriations for the newly-structured Border Violence Task Force in Laredo, Texas. The amendment allows the Attorney General to designate the lead on the Border Violence Task Force that is currently being led by the Bureau of Alcohol, Tobacco, Firearms, and Explosives; **Page H8470**

Cuellar amendment (No. 3 printed in H. Rept. 109–236) that authorizes the FBI National Gang Intelligence Center. It adds funding in authorization for the Center for each fiscal year of the bill; **Pages H8470–71**

Capuano amendment (No. 5 printed in H. Rept. 109–236) that authorizes the Attorney General, acting through the Bureau of Justice Assistance, to make grants to State and local prosecutors and law enforcement agencies in support of juvenile (17 years of age or younger) and young adult (between 18 and 21 years of age) witness assistance programs. The amendment authorizes funding for each of fiscal years 2006 through 2009; **Page H8472**

Kennedy of Minnesota amendment (No. 6 printed in H. Rept. 109–236) which provides a requirement that treatment under the Residential Substance Abuse Treatment (RSAT) program be available to those individuals who have passed a regularly administered drug-screening test for three months and that aftercare be provided to prisoners enrolled in the RSAT program as a component of comprehensive substance abuse treatment; **Pages H8472–73**

Brown-Waite of Florida amendment (No. 7 printed in H. Rept. 109–236) that requires the Secretary of Health and Human Services to report to Congress on the correlation between a perpetrators drug and alcohol abuse and the reported incidence of violence at domestic violence shelters; **Pages H8473–74**

Kolbe amendment (No. 9 printed in H. Rept. 109–236) which reauthorizes the State Criminal Alien Assistance Program (SCAAP) through FY2011 and would increase authorized funding also specifies that funds ''may be used only for correctional purposes.'' The amendment also requires the Department of Justice Inspector General submit a report on the State and local governments that receive SCAAP funding and whether they are cooperating with efforts to deport criminal aliens; **Pages H8474–76**

King of Iowa amendment (No. 10 printed in H. Rept. 109–236) that prohibits a person convicted of domestic violence from sponsoring a visa applicant in the future; **Pages H8476–77**

Ryan of Ohio amendment (No. 11 printed in H. Rept. 109–236) which provides additional Federal funding for programs that have received grants by the Department of Justice (Office of Violence Against Women) for providing counseling and shelter for women and children in crisis pregnancies; and **Page H8477**

Slaughter amendment (No. 12 printed in H. Rept. 109–236) which expands the current Federal criminal ban on fake police badges and the misuse of authentic badges to include the uniforms, identification, and all other insignia of all public officials. The use of such badges, uniforms, and insignia would be permitted for dramatic, decorative, display, and recreational purposes. **Pages H8477–78**

Withdrawn:

Poe amendment (No. 4 printed in H. Rept 109–236) that was offered and subsequently withdrawn that sought to establish a fixed annual allocation for State victim assistance grants and OVC discretionary grants equal to the average amount allocated over the previous three years plus 5 percent; and **Pages H8471–72**

Slaughter amendment (No. 8 printed in H. Rept 109–236) that was offered and subsequently withdrawn that sought to require the Office of Victims of Crime working with national, State, and local authorities and in collaboration with other Federal agencies to develop and implement a plan that allows law enforcement officials to gather evidence of a crime during times of emergency even if the crime occurred outside of their jurisdiction. Furthermore, it requires OVC to coordinate, inform, and educate victims, service providers, and law enforcement officials of the process and mechanisms available for reporting violent crimes and gathering evidence during emergencies. **Page H8474**

The amendment in the nature of a substitute, as amended, was adopted. **Page H8478**

Agreed that the Clerk be authorized to make technical and conforming changes in the engrossment of the bill to reflect the actions of the House. **Page H8481**

H. Res. 462, the rule providing for consideration of the bill was agreed to by a yea-and-nay vote of 330 yeas to 89 nays, Roll No. 498, after agreeing to order the previous question by voice vote. **Page H8406**

SUSPENSIONS—Proceedings Postponed: The House completed debate on the following measure under suspension of the rules. Further consideration will continue at a later date:

Expressing the sense of the House of Representatives regarding the July, 2005, measures of extreme repression on the part of the Cuban Government: H. Res. 388, to express the sense of the House of Representatives regarding the July, 2005, measures of extreme repression on the part of the Cuban Government against members of Cuba's prodemocracy movement, calling for the immediate release of all political prisoners, the legalization of political parties and free elections in Cuba, urging the European Union to reexamine its policy toward Cuba, and calling on the representative of the United States to the 62d session of the United Nations Commission on Human Rights to ensure a resolution calling upon the Cuban regime to end its human rights violations; **Pages H8408–13**

Expressing the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States: H. Con. Res. 245, to express the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States; and **Pages H8418–22**

Recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week: H. Con. Res. 178, as amended, to recognize the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week. **Pages H8481–85**

Congressional-Executive Commission on the People's Republic of China: The Chair announced the Speaker's appointment of the following members to the Congressional-Executive Commission on the People's Republic of China: Representatives Levin, Kaptur, Brown of Ohio, and Honda. **Page H8485**

Selection of Majority Leader: The Chairman of the Republican Conference, Representative Pryce of Ohio, announced the selection of Representative Blunt as the Majority Leader. **Page H8481**

Senate Message: Message received from the Senate today appears on pages H8401 and H8485.

Senate Referrals: S. 37 was referred to the Committees on Government Reform, Energy and Commerce and Armed Services and S. 1281 was held at the desk. **Page H8510**

Quorum Calls—Votes: 4 yea-and-nay votes and 1 recorded votes developed during the proceedings of today and appear on pages H8405, H8406, H8479–80, and H8480–81. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:53 p.m.

Committee Meetings

REVIEW NATIONAL ANIMAL IDENTIFICATION SYSTEM

Committee on Agriculture: Subcommittee on Livestock and Horticulture held a hearing to review the development of a private sector-based National Animal Identification System (NAIS). Testimony was heard from public witnesses.

HURRICANE KATRINA

Committee on Appropriations: Subcommittee on Defense held a hearing on Department of Defense (Hurricane Katrina). Testimony was heard from the following officials of the Department of Defense: LTG H. Steven Blum, USAF, Chief, National Guard Bureau; and Paul McHale, Assistant Secretary, Homeland Defense.

CORPS OF ENGINEERS—HURRICANE KATRINA

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies held a hearing on Corps of Engineers (Hurricane Katrina). Testimony was heard from the following officials of the Department of the Army: LTG. Carl Strock, USA. Chief Engineers, U.S. Corps of Engineers; and John Paul Woodley, Jr., Office of the Assistant Secretary, Civil Works; and Anu Mittal, Director, Natural Resources and Environment, GAO.

THREATS IN MIDDLE EAST AND AFRICA

Committee on Armed Services: Committee Defense Review Threat Panel held a hearing on threats in Middle East and Africa. Testimony was heard from public witnesses.

GASOLINE FOR AMERICA'S SECURITY ACT

Committee on Energy and Commerce: Ordered reported, as amended, H.R. 3893, Gasoline for America's Security Act of 2005.

POST-KATRINA RELIEF AND RECOVERY—GUARD AGAINST WASTE, FRAUD, AND ABUSE

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "Guarding Against Waste, Fraud, and Abuse in Post-Katrina Relief and Recovery: The Plans of Inspectors General." Testimony was heard from Norman J. Rabkin, Managing Director, Homeland Security and Justice Issues, GAO; Gregory H. Friedman, Inspector General, Department of Energy; Richard L. Skinner, Inspector General, Department of Homeland Security; Thomas F. Gimble, Acting Inspector General, Department of Defense; the following officials of the Department of Health and Human Services: Joseph Vengren, Deputy Inspector General, Audits; and Michael Little, Deputy Inspector General, Investigations; Nikki L. Tinsley, Inspector General, EPA; Johnnie E. Frazier, Inspector General, Department of Commerce; and H. Walker Feaster, III, Inspector General, FCC.

PRIVATE SECTOR/BASEL

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a

hearing entitled "Private Sector Priorities for Basel Reform." Testimony was heard from public witnesses.

IMPACT OF REGULATION ON U.S. MANUFACTURING SPOTLIGHT ON EPA

Committee on Government Reform: Subcommittee on Regulatory Affairs held a hearing entitled "The Impact of Regulation on U.S. Manufacturing: Spotlight on the Environmental Protection Agency." Testimony was heard from Brian Mannix, Associate Administrator, Policy, Economics, and Innovation, EPA; Tom Sullivan, Chief Counsel, Office of Advocacy, SBA; and public witnesses.

SOLVING THE OTM UNDOCUMENTED ALIEN PROBLEM

Committee on Homeland Security: Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity held a hearing entitled "Solving the OTM Undocumented Alien Problem: Expedited Removal for Apprehensions along the U.S. Border." Testimony was heard from the following officials of the Department of Homeland Security: Chief David V. Aguilar, Border Patrol, U.S. Customs and Border Protection; and John Torres, Acting Director, Office of Detention and Removal Operations, Immigration and Customs Enforcement; and Daniel W. Fisk, Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs, Department of State.

HOMELAND SECURITY—USE OF DOGS

Committee on Homeland Security: Subcommittee on Management, Integration, and Oversight held a hearing entitled "Sniffing Out Terrorism: The Use of Dogs in Homeland Security." Testimony was heard from the following officials of the Department of Homeland Security: Lee Titus, Director, Canine Programs, U.S. Customs and Border Protection; and David Kontny, Director, National Explosives Detection Canine Team Program, Transportation Security Administration; Special Agent Terry Bohan, Chief, National Canine Training and Operations Support Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice; and public witnesses.

U.N. RHETORIC OR REFORM

Committee on International Relations: Held a hearing on United Nations Rhetoric or Reform: Outcome of the High-Level Event. Testimony was heard from John R. Bolton, U.S. Permanent Representative to the United Nations, Department of State.

The Committee also held a briefing on this subject. The Committee was briefed by Mark Malloch Brown, Chief of Staff to the Secretary-General, United Nations.

RESOLUTION—SUPPORTING DEMOCRATIC POLITICAL AND SOCIAL FORCES IN NICARAGUA; HOT SPOTS IN LATIN AMERICA

Committee on International Relations: Subcommittee on Western Hemisphere approved for full Committee action H. Con. Res. 252, Expressing the sense of Congress that the Government of the United States should actively support the aspirations of the democratic political and social forces in the Republic of Nicaragua toward an immediate and full restoration of functioning democracy in that country.

The Subcommittee also held a hearing on Keeping Democracy on Track: Hotspots in Latin America. Testimony was heard from Senator Coleman; the following officials of the Department of State: Charles A. Shapiro, Principal Deputy Assistant Secretary, Bureau of Western Hemisphere Affairs; and Adolfo A. Franco, Assistant Administrator, Bureau for Latin America and the Caribbean, U.S. Agency for International Development; and public witnesses.

NATIONAL ENERGY SUPPLY DIVERSIFICATION AND DISRUPTION PREVENTION ACT

Committee on Resources: Ordered reported, as amended, the National Energy Supply Diversification and Disruption Prevention Act.

MAKING CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2006, AND FOR OTHER PURPOSES

Committee on Rules: Granted, by voice vote, a closed rule providing one hour of debate in the House on H.J. Res. 68, joint resolution making continuing appropriations for the fiscal year 2006, and for other purposes, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution. The rule provides one motion to recommit the joint resolution. The rule provides that suspensions will be in order at any time on the legislative day of Thursday, October 6, 2005. The rule provides that the Speaker or his designee shall consult with the Minority leader or her designee on any suspension considered under the rule. The rule provides that a motion to proceed pursuant to section 2908 of the Defense Base Closure and Realignment Act of 1990 shall be in order only if offered by the Majority Leader or his designee. Testimony was heard from Chairman Lewis of California.

THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

Committee on Rules: Granted, by voice vote, a structured rule providing 90 minutes of general debate

on H.R. 3824, to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes, equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The rule waives all points of order against consideration of the bill. The rule provides that in lieu of the amendment recommended by the Committee on Resources now printed in the bill, the amendment in the nature of a substitute consisting of the text of the Resources Committee Print dated September 26, 2005 shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against that committee amendment in the nature of a substitute. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Pombo and Representatives Saxton, Gilchrest, Calvert, Flake, Boehlert, Kirk and George Miller of California.

WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO THE SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any resolution reported on the legislative day of September 29, 2005, providing for consideration or disposition of a conference report to accompany the bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

OVERSIGHT—COMMERCIAL AIRLINE INDUSTRY

Committee on Transportation and Infrastructure: Subcommittee on Aviation held an oversight hearing on Current Situation and Future Outlook of the U.S. Commercial Airline Industry. Testimony was heard from public witnesses.

OVERSIGHT—STATUS OF TRANSITION BETWEEN DEFENSE AND VETERANS AFFAIRS DEPARTMENTS

Committee on Veterans' Affairs: Held an oversight hearing regarding the status of seamless transition between the Department of Defense and the Department of Veterans Affairs. Testimony was heard from the following officials of the GAO: Cynthia Bascetta, Director, Veterans Health and Benefits Issues; and Linda Koontz, Director, Information Management Issues; Gordon H. Mansfield, Deputy Secretary, Department of Veterans Affairs; the following officials of the Department of Defense: Stephen L. Jones, Principal Deputy Assistant, Office of Health Affairs, Office of Personnel and Readiness; MG Ronald G. Young, Director, National Guard Bureau Joint Staff, National Guard Bureau; and COL Sheila Hobbs, USA, Senior Patient Administrator, Office of the Surgeon General, U.S. Army; Susan McAndrew, Senior Health Information Privacy Policy Specialist, Office of Civil Rights, Department of Health and Human Services; and public witnesses.

U.S.-JAPAN ECONOMIC AND TRADE RELATIONS

Committee on Ways and Means: Held a hearing on United States-Japan Economic and Trade Relations. Testimony was heard from Representative Moran of Kansas; Wendy Cutler, Assistant U.S. Trade Representative, Japan, Korea and Asia-Pacific Economic Cooperation Affairs; David Loevinger, Deputy Assistant Secretary, Africa, Middle East, and Asia, Department of the Treasury; A. Ellen Terpstra, Administrator, Foreign Agricultural Service, USDA; A. G. Kawamura, Secretary of Agriculture, Department of Food and Agriculture, State of California; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 29, 2005

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine U.S. military strategy and operations in Iraq, 9:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: business meeting to consider the nominations of Emil W. Henry, Jr., of New York, to be Assistant Secretary for Financial Institutions, and Patrick M. O'Brien, of Minnesota, to be Assistant Secretary for Terrorist Financing, both of the Department of the Treasury, Keith E.

Gottfried, of California, to be General Counsel, and Kim Kendrick, of the District of Columbia, to be Assistant Secretary, Keith A. Nelson, of Texas, to be Assistant Secretary, and Darlene F. Williams, of Texas, to be Assistant Secretary, all of the Department of Housing and Urban Development, and Israel Hernandez, of Texas, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, Darryl W. Jackson, of the District of Columbia, to be Assistant Secretary, Franklin L. Lavin, of Ohio, to be Under Secretary for International Trade, and David H. McCormick, of Pennsylvania, to be Under Secretary for Export Administration, all of the Department of Commerce, Time to be announced, S–216, Capitol.

Committee on Commerce, Science, and Transportation: to hold hearings to examine communications for first responders in disaster, 10 a.m., SD–562.

Full Committee, to hold hearings to examine communications for first responders in disaster, 2:30 p.m., SD–562.

Committee on Foreign Relations: to hold hearings to examine the Protocol of 1997 Amending MARPOL Convention (Treaty Doc. 108–7), Agreement with Canada on Pacific Hake/Whiting (Treaty Doc. 108–24), Convention Concerning Migratory Fish Stock in the Pacific Ocean (Treaty Doc. 109–1), Convention Strengthening Inter-American Tuna Commission (Treaty Doc. 109–2), and the Convention on Supplementary Compensation on Nuclear Damage (Treaty Doc. 107–21), 9:30 a.m., SD–419.

Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine U.S.-Japan relations, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations, to hold hearings to examine the effectiveness and cost of the Defense Travel System (DTS) of the Department of Defense, focusing on whether DTS can deliver on the increased efficiency and cost savings that were anticipated when the program was established, 10 a.m., SD–342.

Subcommittee on Federal Financial Management, Government Information, and International Security, to hold hearings to examine certain activities of the General Services Administration, 3 p.m., SD–342.

Committee on the Judiciary: business meeting to consider pending calendar business, 9:30 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of Margaret Mary Sweeney, of Virginia, and Thomas Craig Wheeler, of Maryland, each to be a Judge of the United States Court of Federal Claims, John Richard Smoak, to be United States District Judge for the Northern District of Florida, Brian Edward Sandoval, to be United States District Judge for the District of Nevada, and Harry Sandlin Mattice, Jr., to be United States District Judge for the Eastern District of Tennessee, 1:30 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine the nominations of William F. Tuerk, of Virginia, to be Under Secretary for Memorial Affairs, Robert Joseph Henke, of Virginia, to be Assistant Secretary for Management, John M. Molino, of Virginia, to be Assistant Secretary for Policy and Planning, Lisette M. Mondello, of Texas, to be Assistant Secretary for Public and Intergovernmental Affairs, and George J. Opfer, of Virginia, to be Inspector General, all of Department of Veterans Affairs, 10 a.m., SR–418.

Select Committee on Intelligence: to receive a closed briefing regarding certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine the impact of direct-to-consumer drug advertising on seniors' health and health care costs, 10 a.m., SH–216.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to review the current state of the farm economy and the economic impact of Federal policy on agriculture, 10 a.m., 1300 Longworth.

Committee on Armed Services, hearing on operations in Iraq, 2 p.m., 2118 Rayburn.

Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on understanding the Iran threat, 9 a.m., 2118 Rayburn.

Committee on Education and the Workforce, hearing entitled "Closing the Achievement Gap in America's Schools: the No Child Left Behind Act," 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment and Hazardous Materials, hearing entitled "Hurricane Katrina: Assessing the Present Environmental Status, 1:30 p.m., 2123 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing entitled "Public Safety Communications from 9/11 to Katrina: Critical Public Policy Lessons," 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Housing and Community Opportunity, hearing entitled "Licensing and Registration in the Mortgage Industry," 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing entitled "The Last Frontier: Bringing the IT Revolution in Healthcare," 10 a.m., and to consider the following measures: H.R. 1317, Federal Employee Protection of Disclosures Act; H.R. 3134, Federal Real Property Disposal Pilot Program and Management Improvement Act of 2005; H.R. 3699, Federal and District of Columbia Government Real Property Act of 2005; H. Res. 15, Supporting the goals and ideals of National Campus Safety Awareness Month; H. Res. 276, Supporting the goals and ideals of Pancreatic Cancer Awareness Month; H.R. 3549, To designate the facility of the United States Postal Service located at 210 West 3rd Avenue in Warren, Pennsylvania, as the "William F. Clinger, Jr. Post Office Building;" H.R. 3830, To designate the facility of the United States Postal Service located at 130 Marion Avenue in Punta Gorda, Florida, as the "U.S. Cleveland Post Office Building;" H.R. 3853, To designate the facility of the United States Postal Service located at 208 South Main Street in Parkdale, Arkansas, as the "Willie Vaughn Post Office;" H.R. 923, Mailing Support to Troops Act of 2005; and H. Res. 389, Supporting the goals of The Year of the Museum, 1 p.m., 2154 Rayburn.

Committee on Homeland Security, Subcommittee on Emergency Preparedness, Science, and Technology, hearing entitled "Incident Command, Control, and Communications during Catastrophic Events," 1 p.m., 311 Cannon.

Committee on International Relations, Subcommittee on International Terrorism and Nonproliferation, hearing on Evolving Counterterrorism Strategy, 1 p.m., 2200 Rayburn.

Committee on the Judiciary, to mark up the following bills: H.R. 3648, To impose additional fees with respect to immigration services for intracompany transferees; H.R. 1751, Secure Access to Justice and Court Protection Act of 2005; H.R. 1065, United States Boxing Commission Act; H.R. 3647, To render nationals of Denmark eligible to enter the United States as nonimmigrant traders and investors; and H.R. 1400, Securing Aircraft Cockpits Against Lasers Act of 2005, 10 a.m., 2141 Rayburn.

Subcommittee on the Constitution, to mark up H. Res. 97, Expressing the sense of the House of Representatives that judicial determinations regarding the meaning of the Constitution of the United States should not be based on judgments, laws, of pronouncements of foreign institutions unless such foreign judgments, laws or pronouncements inform an understanding of the original meaning of the Constitution of the United States, following full Committee mark up, 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, oversight hearing entitled "Dual Citizenship, Birthright Citizenship, and the Meaning of Sovereignty," 2 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries and Oceans and the Subcommittee on Coast Guard and Maritime Transportation of the Committee on Transportation and Infrastructure, joint hearing on S. 362, Marine Debris Research, Prevention, and Reduction Act, 10 a.m., 1334 Longworth.

Subcommittee on National Parks, hearing on the following bills: H.R. 326, To amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and to extend the authority of the Secretary of the Interior to provide assistance under that Act; H.R. 1436, To remove certain use restrictions on property located in Navajo County, Arizona; and H.R. 1972, Franklin National Battlefield Study Act, 10 a.m., 1324 Longworth.

Committee on Small Business, Subcommittee on Regulatory Reform and Oversight, hearing to discuss the Entrepreneur Soldiers Empowerment Act (ESEA), 10:30 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on H.R. 1749, Pest Management and Fire Suppression Flexibility Act, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, hearing on the Implementation of the United States-Bahrain Free Trade Agreement, 10:30 a.m., 1100 Longworth.

Subcommittee on Health, hearing on H.R. 3617, Medicare Value-Based Purchasing for Physicians' Services Act of 2005, 3 p.m., 1100 Longworth.

Joint Meetings

Conference: meeting of conferees on H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, 10 a.m., S–128, Capitol.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, September 29

Senate Chamber

Program for Thursday: Senate will continue consideration of the nomination of John G. Roberts, Jr., of Maryland, to be Chief Justice of the United States, with a vote on confirmation of the nomination to occur at 11:30 a.m.; following which, Senate expects to begin consideration of H.R. 2863, Defense Appropriations.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, September 29

House Chamber

Program for Thursday: To be announced.

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